

Application number: DM/2019/02051

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

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

Applicant: Mr. Tim Crooks

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

RECOMMENDATION: APPROVE subject to Section 106 agreement

Case Officer: Kate Bingham Date

Valid: 06.01.2020

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

1.0 APPLICATION DETAILS

This application was re-presented to Planning Committee on 5th November 2025 where Members considered the report of the application and late correspondence which was recommended for approval subject to the conditions and subject to a Section 106 Agreement.

In noting the detail of the application and the views expressed, Committee were minded to defer consideration of application to verify with Dwr Cymru Welsh Water (DCWW) that foul sewerage arrangements for the proposed development would not exacerbate existing issues in the locality.

It should be noted that the application is subject to a Call-in Request which is still being considered by Welsh Ministers. In terms of procedure, they have advised the following:

We have no issue in you presenting the application to the Planning Committee, prior to us issuing a decision on the call-in request. The Committee would be perfectly entitled to resolve to approve the application. But the 'Holding Direction' in place would prevent the Council from issuing its decision until the call-in process is concluded.

On the basis of the above, the application is therefore re-presented to Committee for a resolution to approve subject to the outcome of the call-in process.

2.0 FURTHER REPRESENTATIONS

2.1 Consultees Responses

DCWW dated 25/11/25 - I write to summarise and provide our updated position following the recent committee meeting which was postponed to allow time to speak to ourselves.

We have met up with our Network Manager and Engineer who are responsible for overseeing the operations of the sewer network in this area. They have confirmed that the sewer is designated to receive foul only flows, however, it becomes overwhelmed in significant storm events when the nearby culverted watercourse and open watercourse result in overland flows finding their way into the sewer network. Without the impact of this additional flow finding its way into the network, it would

have adequate capacity to accommodate the foul flows from the proposed development.

We suggest that your colleagues in the Lead Local Flood Authority would need to investigate this and consider any impact or change in the natural drainage characteristics of the land as a result of the proposed development.

From our perspective, we take our role in the planning and new development process very seriously, and engage both at Local Development Plan stage and planning application stages. Our positive relationship with Local Authorities, such as yourself is also key to this as we seek to collectively manage new development and associated new arrangements for potable water, foul water discharges and surface water flows.

As a statutory consultee, we provide comments through the planning process to the Council on the ability of our assets to accommodate proposed new developments, including whether there is anything else that would potentially impact the services we provide to customers. These are provided on an impartial basis and are informed by an assessment of capacity of our assets that would serve the development proposed.

Crucorney Community Council Response to DCWW's Communication to MCC Planning dated 25/11/25 (see above) - In response to the information sent in by DCWW to MCC Planning (dated 25 November 2025 (in which they say that they have updated their position following their recent Teams Meeting), Crucorney Community Council would like to make the following comments.

With reference to paragraph 2 of the DCWW communication, Crucorney Community Council would like to point out that their report studiously avoids any mention of the fact that they know that surface water from a number of dwellings in both Llanvihangel Crucorney and Pandy enters STRAIGHT INTO/DIRECTLY the one main sewage pipe which serves both Llanvihangel Crucorney and Pandy and not just because of "overland flows from the nearby culverted water course and open water course finding their way into the sewer network". CCC has been informed that during days of 'normal' heavy rain and when the water courses are running fine, water is still coming through toilets and showers. One resident has even added a macerator on the ground floor of their property to alleviate such a problem.

Furthermore, the sewage problem does not just occur in "significant storm events" as state by DCWW but also happens in normal heavy rain conditions. No in-depth investigation seems to have been made by DCWW as to how many properties in Llanvihangel Crucorney and Pandy feed both surface water and sewage into the one main sewage pipe which serves both villages although Crucorney Community Council with its very limited resources has conducted a dye test which proves that both surface water and sewage enters the same pipe directly from said dwellings. As evidence of this, please find attached a photo taken on a normal wet day.

DCWW also seems to be trying to offload their problem onto the 'Lead Local Flood Authority' as opposed to taking their fair share of improving the present inadequate sewage infrastructure which has existed in the locality for many years now. CCC is still of the opinion that no planning decisions for Llanvihangel Crucorney and Pandy should be granted before evidence has been provided by DCWW that its statement that the sewer is designated to receive foul-only flows under normal weather conditions and has adequate capacity to accommodate the foul flows from existing dwellings, let alone from any new development, has been fully explored.

As a matter of interest, Crucorney Community Council is aware of at least 2 locations within the area that have monitoring equipment within the DCWW foul manholes. Crucorney Community Council would like to see evidence of the water levels at these locations for the last 5 years as they could give insight into the number of events that have occurred and impacted residents.

Under the provisions of Environmental Information Regulations (EIR), CCC is intending to request information from DCWW re various aspects of our concerns and will also request permission for representatives to speak at any future MCC Planning Committee Meetings regarding the proposed Wern Gifford Development. Crucorney Community Council requests that this present communication be placed on the planning website as soon as possible.

Further comments (30/3/26) - Following further (sometimes confusing) communications from Dwr

Cymru/Welsh Water to Crucorney Community Council, Senedd Member Peter Fox, Monmouthshire County Councillor David Jones and Residents (including a Professional Civil Engineer), Crucorney Community Council feels obliged to point out once again that Dwr Cymru/Welsh Water has consistently refused to acknowledge that the hydraulic overload in the-unfit-for-purpose foul water system serving both Pandy and Llanvihangel Crucorney, is caused by the DIRECT INPUT of BOTH SEWAGE and SURFACE WATER into the main foul water line from residences in the area. In a recent telephone call to a local resident who has suffered enormously from flooding and toilet back-up, Mr E. Davies (Dwr Cymru/Welsh Water) mentioned that 'the issue was with MCC, NRW, Landowners and SWTRA for run-off water getting into the sewage system'. There was no mention of 'combination flows' from residences in the area into the foul water pipe at all, showing once again that DC/WW is trying to offload blame for the situation onto every organisation other than itself. As mentioned above and at the risk of over repetition, despite DC/WW's various responses to concerns expressed by local residents, Crucorney Community Council, the County Councillor for Crucorney David Jones, Peter Fox MS and a professional Civil Engineer who is a local resident, Dwr Cymru/Welsh Water evidently prefers to blame hydraulic overload on anything other than the main cause which is direct input into drains from local residences of both sewage and surface water. Several employees of Dwr Cymru/Welsh Water have recently told residents that the surface water entering the foul water sewage line is somehow only percolating through cracks and flaws in the pipe itself. If this really is the case, and DC/WW are aware of cracks/flaws/damage in their system, surely the system should be repaired/replaced and monitored consistently? Moreover, if surface water/ 'run-off water' is getting into these supposed cracks /flaws then surely foul water would also be escaping out of the sewage line and impacting local water sources? Have DC/WW investigated this in any way?

Once again, it needs to be emphasised that Crucorney Community Council has supplied DC/WW with evidence that surface water is entering the foul system (see photo provided) but DC/WW refuses to acknowledge that the COMBINED SEWAGE/DRAINAGE SYSTEM (no longer permitted for new developments) which historically serves many residences in the villages of both Pandy and Llanvihangel Crucorney, is the main cause.

In order to properly analyse what combination flows of water are actually entering the foul water system, DC/WW need to do an exhaustive survey of the exact number of residences which are inputting directly into the one main foul water line serving both villages (a dye test for both villages would show the extent of this dual/combined input- as per the dye test carried out by Crucorney Community Council with its limited resources – a photo is provided Until such a survey is completed by Dwr Cymru /Welsh Water and presented in a proper professional report to all concerned (something which has sadly been missing from DC/WW correspondence all along), Crucorney Community Council would urge the planning authorities to withhold any planning decision which would potentially add a further 20 dwellings onto a demonstrably inadequate sewage system.

As a matter of interest, on the 29 January 2026, Crucorney Community Council made an EIR request to Dwr Cymru /Welsh Water (EIR 2608/2026) asking the specific question *"Can you please advise, therefore, as to the total number of residential and business properties that have surface water drainage connections which run into the foul sewer? These connections impact the capacity of the existing sewer so the information requested is vitally important."* Crucorney Community Council has still not had a reply to that specific question as at the 30 March 2026, well outside the 20 working days legally allowed for Dwr Cymru/Welsh Water to answer with the information requested. In the light of this, at its next monthly meeting, Crucorney Community Councillors will discuss whether to make an official complaint re Dwr Cymru's/Welsh Water's failure to respond to EIR 2608/2026 to the Information Commissioner's Office.

As a further matter of interest, the acknowledgement by DC/WW that the foul water sewage pipe was 'hydraulically overloaded' was first made in writing in a letter to Crucorney Community Council on the 13/9/2013. The next recorded admission of hydraulic overload by a DC/WW engineer was made at the end of December 2025, this time in a conversation between the engineer and a local resident. *It seems that the cogs turn very slowly at Dwr Cymru/Welsh Water even when an issue is staring them in the face.*

Crucorney Community Council believes, too, that Monmouthshire County Councillor David Jones has also asked a Dwr Cymru /Welsh Water employee Mr E Davies for an update on DC/WW's thinking re this issue and is still awaiting a reply.

It would seem evident to most commonsense thinking that the underlying combined sewage / drainage system serving both villages should be absolutely and thoroughly investigated before any further substantial newbuild planning applications are passed for these two villages which have been under siege for many years now. Government percentages for new house building should not override potential future misery for the existing residents of Pandy and Llanvihangel Crucorney.

2.2 Neighbour Comments (Objections)

- The National Park approved social/affordable housing in Llanvihangel Crucorney near Wern Gifford for 2x2 bed houses and 2x 1 bed flats in 2013. If there is such a desperate need for social housing in this area why have the social housing approved in 2013 not been built? This must raise the question of is there a need for them in this locality?
- I would suggest that until these have been built and occupied then this application for a further 20 social houses on Wern Gifford is turned down.
- Perhaps this is MCC just being able to add these houses to their statistics to show they are doing their share of building social housing.
- Our home is the second property lying north of the proposed development on the A465. In November 2025 our house, garden and garage were flooded, we have been informed due to the local sewerage system being overwhelmed and is insufficient for the properties it already serves.
- Our garden and garage further flooded on the 27 January 2026, we have become anecdotally aware that Welsh Water have accepted that the sewerage system was overwhelmed due to the amount of rain.
- We would respectfully suggest that it is therefore clear that the sewerage system cannot cope with the current level of development let alone an additional housing estate of some 20 dwellings.
- Further, we have a recent ongoing intermittent problem with rising water levels in our downstairs toilet.
- The situation regarding flooding appears to be getting worse in recent times and we would suggest that the additional development will add to local Residents' problems

3.0 EVALUATION

The application was deferred in order for MCC to establish with Dwr Cymru Welsh Water (DCWW) that foul sewerage arrangements for the proposed development would not exacerbate existing issues in the locality.

To help provide DCWW with some meaningful data regarding foul drainage incidents in the locality, the Community Council carried out a survey with local residents to seek to understand the scale and nature of the problem. The anonymised results were shared with DCWW.

In response, DCWW have subsequently undertaken a historic search of their records relating to any call received or action to investigate/remedy anything in the area dating back to 2015. They have advised that:

"...the vast majority of the reports were for localised blockages and the associated flooding during storm events. We have completed a cross-connection survey of the estate to identify if there are any miss connections of surface water to the foul system. Secondly a full camera survey of the main sewer has been planned. Where any remedial works are required they will be actioned and pipe through/line sewers removing the risk of water ingress at manhole access chambers near the Brook".

At the time of writing this report, the work is partially complete, but MCC have been advised by DCWW that is just further proactive works that they are undertaking but they do not envisage this changing their position (no objection).

On balance, it is considered that there are no reasonable grounds on which to withhold the granting of planning permission having regard to the relevant statutory consultee's (DCWW) advice that the

proposed new development would not exacerbate the existing reported problems regarding the public sewerage system within the vicinity of the site.

The previous reports are provided below.

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RECOMMENDATION: APPROVE subject to Section 106 agreement

Case Officer: Kate Bingham Date

Valid: 06.01.2020

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

1.0 APPLICATION DETAILS

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

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

2.0 SUMMARY OF AMENDMENTS

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

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

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

landscaping design.

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

3.0 FURTHER REPRESENTATIONS

3.1 Consultation Responses

Crucorney Community Council – In response to the information sent in by DCWW to MCC Planning (dated 25 November 2025 (in which they say that they have updated their position following their recent Teams Meeting), Crucorney Community Council would like to make the following comments.

With reference to paragraph 2 of the DCWW communication, Crucorney Community Council would like to point out that their report studiously avoids any mention of the fact that they know that surface water from a number of dwellings in both Llanvihangel Crucorney and Pandy enters STRAIGHT INTO/DIRECTLY the one main sewage pipe which serves both Llanvihangel Crucorney and Pandy and not just because of “overland flows from the nearby culverted water course and open water course finding their way into the sewer network”. CCC has been informed that during days of ‘normal’ heavy rain and when the water courses are running fine, water is still coming through toilets and showers. One resident has even added a macerator on the ground floor of their property to alleviate such a problem.

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DCWW also seems to be trying to offload their problem onto the ‘Lead Local Flood Authority’ as opposed to taking their fair share of improving the present inadequate sewage infrastructure which has existed in the locality for many years now.

CCC is still of the opinion that no planning decisions for Llanvihangel Crucorney and Pandy should be granted before evidence has been provided by DCWW that its statement that the sewer is designated to receive foul-only flows under normal weather conditions and has adequate capacity to accommodate the foul flows from existing dwellings, let alone from any new development, has been fully explored.

As a matter of interest, Crucorney Community Council is aware of at least 2 locations within the area that have monitoring equipment within the DCWW foul manholes. Crucorney Community Council would like to see evidence of the water levels at these locations for the last 5 years as they could give insight into the number of events that have occurred and impacted residents.

Under the provisions of Environmental Information Regulations (EIR), CCC is intending to request information from DCWW re various aspects of our concerns and will also request permission for representatives to speak at any future MCC Planning Committee Meetings regarding the proposed Wern Gifford Development.

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

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

Further details below:

1. Flood Risk

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

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in

Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

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

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

The residential area of the proposed development site is predicted to be flood free during the 1 in 100 year (1%) plus an allowance for climate change (CC) (25%) flood event.

We note that the northern edge of the proposed swale lies partially within the flood outlines (1% CC and 0.1%) of the ordinary watercourse. The swale feature is for discharging the attenuated surface water from the site and therefore we consider it is unlikely to have any impact on flooding as a result.

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

Flood Depths/Velocities

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

Rate of Rise, and Speed of Inundation

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

Flood risk elsewhere (A1.12 criteria)

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

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

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

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

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

2. Landscape

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

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

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

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

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

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

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

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

Landscape Conditions

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

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

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

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

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

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

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

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

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

4. European Protected Species Dormice and Bats

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

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

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

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

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

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

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

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

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

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

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

DCWW Reconsultation response – No additional comments.

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

that propose a large meandering swale to manage surface water effectively.

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

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

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

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

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

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

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

Note: An addendum GI Statement along with amended landscape details have also been provided submitted on 6th June 2025 addressing the concerns.

MCC Biodiversity – Objection.

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

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

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

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

adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for" (PPW12, paragraph 6.4.11).

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

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

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

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

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

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

Previous comments 17/3/25: Updated plans have been submitted which demonstrates that the small turning area as referenced in the comments below under General Site Layout has been removed, therefore the Highway Authority are satisfied that this issue has been resolved. However, with reference to the road narrowing and raised table within the development site it is noted that this has been removed. Additionally, a bridge is being proposed to span the existing watercourse in accordance with NRW requirements. The Highway Authority do not object to the principle of the proposed bridge however this will be subject to further consideration at the detailed design stage for the prospective adoption of the estate roads as public highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.2 Neighbour Comments (objections)

- The building of these houses would have a negative impact on the local community.
- The increase in traffic would cause major disruption to the local residences and to the primary school.
- Increase in air pollution which is detrimental to local people who suffer from lung difficulties such as asthma.
- Not enough amenities as it is for the area. The increase in people leaving in the area would mean a further demand for places at the local primary school and there is already a high demand and limited places.
- Higher demand on our sewage system which is already overwhelmed and can cause flooding in people's houses as it backs up.
- Concern about flooding as there is going to be more run-off but little to no extra drainage, we have already had houses and bungalows flooded on Wern Gifford.
- The area is an area of natural outstanding beauty and building more houses is going to

change this dramatically. We are in the countryside not a town.

- Previous objections remain.
- Our home is the second property lying north of the proposed development on the A465. In November 2025 our house, garden and garage were flooded, we have been informed due to the local sewerage system being overwhelmed and is insufficient for the properties it already services.
- Our garden and garage further flooded on the 27th January 2026, we have become anecdotally aware that Welsh Water have accepted that the sewerage system was overwhelmed due to the amount of rain.
We would respectfully suggest that it is therefore clear that the sewerage system cannot cope with the current level of development let alone an additional housing estate of some 20 dwellings.
Further, we have a recent ongoing intermittent problem with rising water levels in our downstairs toilet.
The situation regarding flooding appears to be getting worse in recent times and we would suggest that the additional development will add to local Residents' problems.
Would you please acknowledge this letter and upload it to the relevant planning portal.

4.0 EVALUATION OF AMENDMENTS

4.1 Biodiversity

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

4.1.2 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.

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

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

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

4.1.6 The proposed mitigation includes securing management of the remaining 2.8ha of grassland habitat to enhance its condition and secure the biodiversity value. To compensate for degradation to other habitats management must also include protecting and enhancing other

features of the SINC site (woodland and hedgerows). In accordance with PPW12, management should be secured for the 'long term' and in this case, a minimum period of 40 years will need to be secured with a Section 106 legal agreement.

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

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

4.2 Landscaping

In response to the comments from the Landscape Officer, the boundary feature behind plots 16, 17 & 20 has been changed from a 'hard' to a 'softer' earth bank design, as noted on the revised engineering and planning layout attached. Further planting requested and Landscape Specification & management Plan can be secured via condition should Members be minded to approve the application.

4.3 Green Infrastructure

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

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

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

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

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

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

4.4 Flood Risk

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

The amended FCA (September 2024) concludes that there will be no increase in flooding elsewhere

due to the provision of compensatory flood storage within off-line storage areas. However, these storage areas have now been removed. Instead, the FCA Addendum states that the removal of the twin culverts and installing a clear span bridge over the ordinary watercourse negates the requirement for a storage area to the south of the development as the soffit of the proposed bridge will have a clearance of 600mm above the 1% CC design event flood level.

NRW have agreed with the conclusions of the FCA and Addendum and therefore there are no reasonable grounds to refuse the application on the grounds of flood risk.

5.0 RECOMMENDATION: APPROVED SUBJECT TO SECTION 106

Heads of Terms:

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

Additional or updated conditions:

1. A Management plan for Werngifford SINC shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development (including demolition, ground works, vegetation clearance). The content of the management plan shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the management plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard priority habitats and protected species and ensure the development delivers a net benefit for biodiversity in accordance with Environment (Wales) Act 2016, Planning Policy Wales and LDP policy NE1

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

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

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

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

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

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

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

4. An appropriately scaled Green Infrastructure Management Plan for management of the development site shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan as a standalone document shall include the following;

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

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

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

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures other than approved under this permission shall be installed within the curtilage of the development without prior written approval of the Local Planning Authority

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

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

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

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

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

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Previous Committee Report below.

Application Number: DM/2019/02051

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

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

Applicant: Mr. Tim Crooks

Plans: General 455 01A - , Site Plan LT1917 0402 - , All Proposed Plans LT 1917 04111 - , All Proposed Plans LT 1917 04112 - , Site Plan LT 1917 04 03 - , All Proposed Plans LT1917 04 04 - , Street Elevation LT1917 04 10 - , Site Layout LT1917

RECOMMENDATION: APPROVE subject to a Unilateral Undertaking agreement

Case Officer: Ms. Kate Bingham
Date Valid: 06.01.2020

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

1.0 APPLICATION DETAILS

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

2.0 RELEVANT PLANNING HISTORY (if any)

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

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 NATIONAL PLANNING POLICY Planning

Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanvihangel Crucorney Community Council - object:

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

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

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

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

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

Dwr Cymru-Welsh Water - No objections:

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

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

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

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

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

Glamorgan Gwent Archaeological Trust - The area is adjacent to the Scheduled Monument MM199 Tramway Embankment of Grosmont Railway. The supporting documentation includes an Archaeology and Heritage Assessment from EDP (reference edp5440_r001b, December 2019). This document does not meet current professional standards and the report cannot be deposited in the Historic Environment Record by the archaeologist. The assessment is missing information on which the consideration of the impact of the proposal is based. These include:

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

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

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

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

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

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

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

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

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

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Seven representations received objecting on the following grounds:

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

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

5.3 Other Representations

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

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

5.4 Local Member Representations

Supports the comments of the Community Council.

6.0 EVALUATION

6.0 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

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

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

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

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or

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

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

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

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

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

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

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

6.1.3 Good Design/ Place making

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

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

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

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

of LDP Policy DES1.

6.1.4 Impact on Amenity/ Promoting Healthier Places

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

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

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

6.1.5 The Welsh Language

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

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

6.2 Active and Social Places

6.2.1 Sustainable transport issues

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

6.2.2 Access / Highway Safety

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

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

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

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

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

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

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

6.3 Distinctive & Natural Places

6.3.1 Landscape/ Visual Impact

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

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

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

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

6.3.2 Historic Environment

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

The railway embankment can be viewed from both north and westward views and is currently overgrown by mature trees and scrub on both embankments. The top of the embankment hosts the remains of the Grosmont Railway line and is considered an important monument in the progression and understanding of transportation of the 18 / 19th Century. In light of this, the siting of plots 1-8 take into consideration the topography of the embankment, the need for maintenance (of both the bank and the trees), the need for a continued view of the monument and the need to control unwanted tipping from the proposed dwellings. To this end a green buffer zone has therefore been

allowed for to the rear of plots 1-8, with no development being undertaken with the tree canopy and maintaining a 4m ecological green buffer zone between the rear fences and the embankment. This is considered acceptable in this respect and Cadw's comment offering no objection is noted.

6.3.3 Green Infrastructure

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

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

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

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

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

6.3.4 Biodiversity

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

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

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

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

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

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

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

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

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

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

6.3.5 Flooding

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

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

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

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

Following implementation of Schedule 3 of the Flood and Water Management Act which came into full effect on 7th January 2019, all construction works with drainage implications with a construction area greater than 100 m² must be drained using sustainable drainage systems (SuDS) designed in accordance with the Statutory Standards for Sustainable Drainage in Wales. In addition to planning approval such works will require a separate SuDS approval from the SuDS Approving Body (SAB)

which is also administered by Monmouthshire County Council.

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

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

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

6.3.7 Contaminated Land

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

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

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

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

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

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

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

miles away. Given the surplus places available (and the relatively close proximity of the nearest school should the school year be full at the time of occupation of the development) it is considered that over time, the Llanvihangel Crucorney Primary school will be able to cope with the additional pupils generated by the proposed new houses.

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

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

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

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

7.0 RECOMMENDATION: APPROVE

Subject to a Unilateral Undertaking agreement requiring the

following:

Heads of Terms

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

The affordable homes to be retained as such in perpetuity.

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

Conditions:

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

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

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

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

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

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

landscape.

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

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

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

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

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

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

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

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

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

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

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

- e) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- f) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

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

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

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

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

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

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

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

INFORMATIVES

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

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

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

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

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

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