

REFERENCE: P/16/379/FUL

APPLICANT: Bridgend Storewithus Ltd North Road, Bridgend Industrial Estate, Bridgend, CF31 3TP

LOCATION: Land off Parc Crescent, Waterton Industrial Estate, Bridgend

PROPOSAL: Change use to caravan storage compound inc security fencing, stone surfacing, lighting, access road & office building

RECEIVED: 12 May 2016

SITE INSPECTED: 13 June 2016

APPLICATION/SITE DESCRIPTION

Planning permission is sought to develop this vacant site on Waterton Industrial Estate into a compound to be used for the storage of caravans. The site which is located to the south of the junction of Parc Crescent and Brocastle Avenue, measures approximately 2 hectares and comprises two fields divided by a central hedgerow running between the northern and southern boundaries of the site. It is bounded by the SAS factory development to the west, a farm access and open countryside to the south. To the east lies an open paddock which provides a buffer to the rear gardens of properties in the village of Treoes.

The applicant company, Storewithus Ltd, currently occupies a site on North Road, Bridgend Industrial Estate which provides secure storage for approximately 450 caravans but the company is seeking to re-locate to this vacant site.

The proposed compound will be formed by removing the existing topsoil across the site and the importation of a layer of compacted crush stone to create a permeable surface on which the caravans will be stored. An existing hedgerow that runs through the centre of the site will be removed to accommodate the development and a section of hedgerow and roadside vegetation will be cleared to allow the new site access and turning area to be constructed off the southern side of the existing roundabout. A two way junction with splitter-island will be formed to serve the proposed storage area. The position of the access is off-set from the site frontage to achieve the required level of vision at the new junction. All access works will be constructed under licence over land that is to be retained by Welsh Government as a corridor to accommodate a future highway scheme.

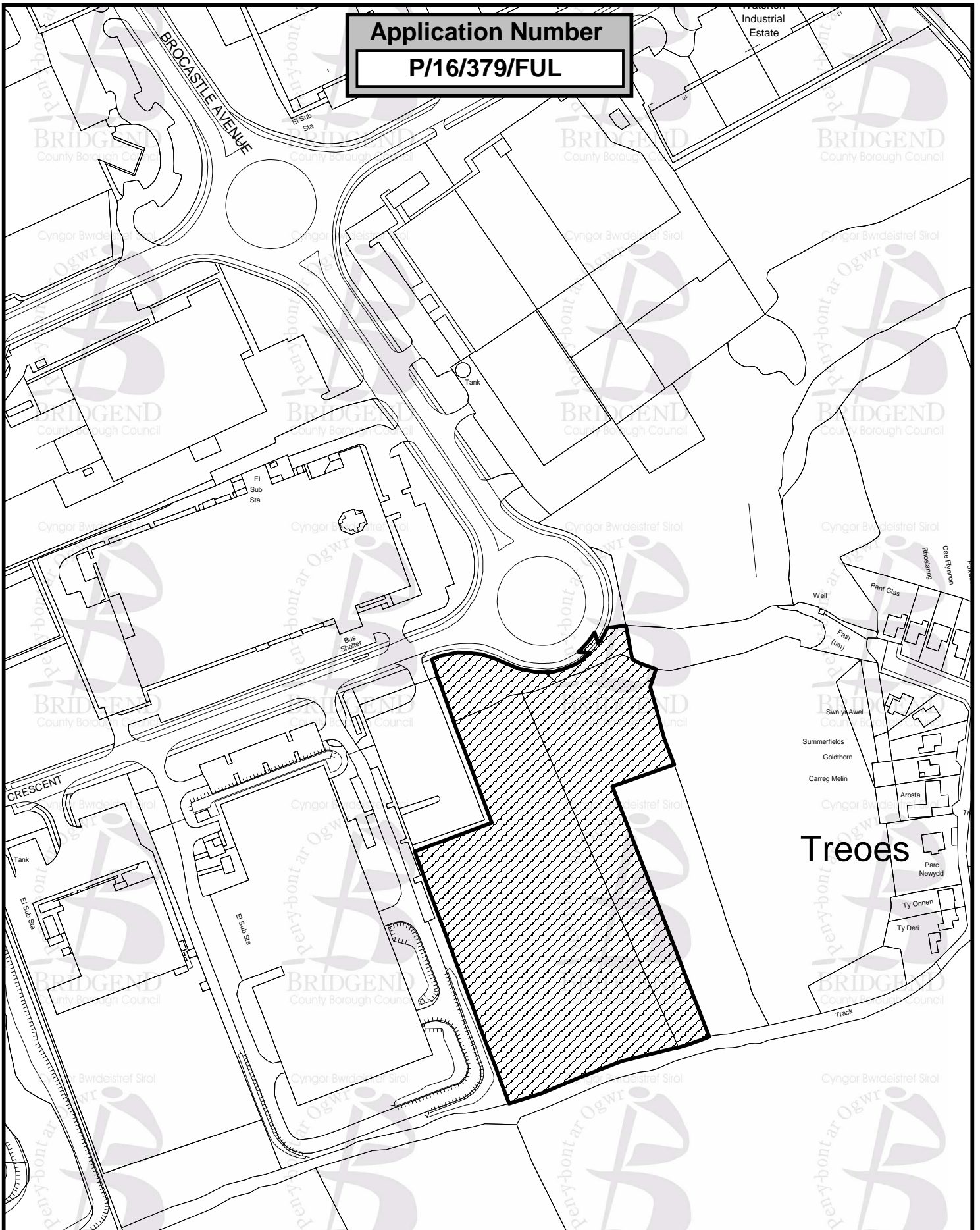
The submitted site layout plan identifies a total of 400 spaces to accommodate caravans of various sizes laid out in a series of bays with internal access roads designed to allow cars and caravans to pass. The compound will be enclosed by a 2.2m high galvanised steel fence with security lighting provided across the site in the form of single and double floodlights on 4.5m high columns. The supporting planning statement confirms that the lighting will be controlled by motion sensors and, therefore, the site will not be permanently illuminated.

The layout plan also includes a 'Fire and Flood Emergency Exit' gate (with emergency release lock) in the security fencing on the southern boundary of the site which the applicant confirms will only be used in such circumstances and by pedestrians. It will not be used by vehicles at any time.

A small timber clad office building will be sited within the compound and will measure 4.5m x 6.9m with a flat roof reaching a height of 2.4m.

Application Number

P/16/379/FUL



Trees



Scale 1:2,500

**Date Issued:
27/07/2016**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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The application has been accompanied by the following additional documents:

Transport Statement - Nike Design Ltd

Preliminary Ecological Appraisal - Wildwood Ecology Ltd - April 2016

RELEVANT HISTORY

P/07/719/FUL: Planning permission was granted for a new factory unit including service yard and parking on 13 August 2007.

PUBLICITY

The application has been advertised on site.

Residents of the village of Treoes (Vale of Glamorgan) have been notified of the receipt of the application.

The period allowed for responses to consultations/ publicity has expired.

NEGOTIATIONS

Commenced on 7 June 2016 in response to observations offered by the Group Manager Public Protection in relation to hours of operation and whether users would be permitted to undertake 'maintenance works' on the caravans.

CONSULTATION RESPONSES

Head of Street Scene (Highways): No observations received to date. It is expected that no objections will be offered to the proposed development. Any observations received will be brought to Members consideration on the amendment sheet.

Destination & Countryside Management: I note and welcome the accompanying preliminary ecological appraisal. If you are minded to approve this application, I would recommend that the recommendations included within the appraisal form part of the conditions of approval.

Head of Street Scene (Drainage): No objection subject to conditions

Natural Resources Wales: We have significant concerns with the proposed development but these can be addressed by the imposition of planning conditions.

Vale of Glamorgan Council : The Vale of Glamorgan Council has concerns regarding the emergency access to the rear onto the restricted by way and the potential impact upon traffic and highway safety through the settlement of Treoes. It is requested that the application is amended to remove the access or the consent is conditioned to indicate the emergency access is not approved as part of the consent.

Group Manager Public Protection : No objection subject to the proposed lighting not causing a nuisance to the residents of Treoes.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the following properties:

Llangan Community Council, Ty Onnen, Trelaun, Foxwood, Great House, 14, 19 & 21 Brookside, 11 Nant Canna, Bodafon, Copperfield, Rhoslanog, 36 Parc Newydd, Swn yr Awel, Carreg Melin, 16 Yr Efail, Clifton House, Gwyndy, Goldthorn, Parc Newydd Farmhouse, Stoneybrook, The Malthouse, Summerfield, Pant Glas, 10 Glan y Nant,

Ffawr Llewod, Bronhaul, The Old Barn, Molchenydd House, 1 & 2 Llys Ty Mawr, The Croft, Ty Gwyn, The Poplars and Awelon

The following is a summary of the objections received:

1. Site should be retained as a buffer between existing industrial uses and nearby residents
2. Development will create noise and disturbance particularly through the summer months - this will be exacerbated by the use operating for 24 hours - conflict with Human Rights Act.
3. The emergency access connects to the village of Treoes - any additional traffic would be detrimental to the amenity of residents - the applicant does not control all the required land.
4. The floodlighting would be intrusive as the lighting would be visible from properties in the village of Treoes - lighting may also impact species/habitats
5. Devaluation of property
6. Loss of greenspace and hedgerows will result in a loss of habitat with consequential impact on protected species
7. Application should have been accompanied by an Environmental Impact Assessment
8. Development could generate additional traffic through the village - people travelling from the A48 rather than using the M4. The Transport Statement under estimates the level of traffic that will be generated along the estate roads.
9. Problems with on-street parking along Parc Crescent could restrict cars and caravans entering the proposed site
10. The applicant's existing site is a preferable location for the proposed use.
11. The land reserved for the road corridor needs to be secured as it may be illegally occupied.
12. Insufficient information has been provided with regard to site drainage - the introduction of an impermeable surface may cause problem of flooding on adjoining land, Site is also located on a flood zone.
13. Fire risk from the storage of caravans

Alun Cairns MP (Vale of Glamorgan), Andrew RT Davies (AM) and Jane Hutt (AM) have also written on behalf of their constituents and have objected based on a number of the reasons set out above.

COMMENTS ON REPRESENTATIONS RECEIVED

Whilst the principal objections listed above will be considered in the 'Appraisal' section, the following comments are provided in response to the other objections that have been received:

Site should be retained as a buffer between existing industrial uses and nearby residents

This undeveloped land is allocated and protected for employment development falling within uses B1, B2 and B8 (as defined by the schedule to the Town and Country Use Classes 1987) under Policy REG1 98) of the Bridgend Local Development Plan (2013 refers). The supporting text in the Development Plan indicates that a variety of sites suitable for all types of employment uses of varying size and type have been identified. Whilst any development proposal must be assessed against all policies of the Development Plan there is no specific requirement to retain the land as a buffer.

Development will create noise and disturbance particularly through the summer months - this will be exacerbated by the use operating for 24 hours - conflict with Human Rights Act.

(SEE APPRAISAL)

The emergency access connects to the village of Treoes - any additional traffic would be detrimental to the amenity of residents - the applicant does not control all the required land.

The applicant's agent has provided additional information confirming that the site will be enclosed by a 2.2m high steel palisade type security fence to protect the caravans. There is therefore a minor risk that should a fire or flood prevent occupants accessing the entrance gate, those persons in the compound would be unable to escape. In accordance with the Flood Management Plan for the site, an emergency access will be required. The gate will be for personnel use only and not vehicles. It will be locked and only opened when the alarm system is activated. Escape would then be for pedestrians only onto the adjoining farm track. There is no intention for the access to be used by vehicles and a planning condition could be imposed controlling its use.

The floodlighting would be intrusive as the lighting would be visible from properties in the village of Treoes - lighting may also impact species/habitats

(SEE APPRAISAL)

Devaluation of property

This is not material to the determination of this application.

Loss of greenspace and hedgerows will result in a loss of habitat with consequential impact on protected species

(SEE APPRAISAL)

Application should have been accompanied by an Environmental Impact Assessment (EIA)

The application has been 'screened' and whilst the project is within the scope of the EIA regulations, it is unlikely to have significant environmental effects. Therefore, it is considered that an Environmental Statement is not required in this instance.

Development could generate additional traffic through the village - people travelling from the A48 rather than using the M4. The Transport Statement underestimates the level of traffic that will be generated along the estate roads.

Problems with on-street parking along Parc Crescent could restrict cars and caravans entering the proposed site

(SEE APPRAISAL FOR BOTH)

The land reserved for the road corridor needs to be secured as it may be illegally occupied.

It is for Welsh Government (land owners) to secure the proposed road corridor.

Insufficient information has been provided with regard to site drainage - the introduction of an impermeable surface may cause problem of flooding on adjoining land, Site is also located on a flood zone.

(SEE APPRAISAL FOR BOTH)

Fire risk from the storage of caravans

Fire risk is not a planning consideration and is considered under other legislation (The Regulatory Reform (Fire Safety) Order 2005 refers).

The applicant's existing site is a preferable location for the proposed use.

Storewithus Ltd has operated from their site on Bridgend Industrial Estate for a number of years without any reported problems. The reason to locate to this new site is unknown but is not material to the determination of this application.

APPRAISAL

The application site is located on Waterton Industrial Estate which is allocated and protected for employment development falling within uses B1, B2 and B8 (as defined by the schedule to the Town and Country Use Classes 1987), Policy REG1 (8) of the Bridgend Local Development Plan (2013) refers. Whilst the Use Class status of the storage of caravans is not defined in the schedule, there would seem to be no impediment to its classification as B8 Storage or Distribution and, as such, the proposed use of land would accord with the allocating policy. The supporting text in the Development Plan indicates that a variety of sites suitable for all types of employment uses of varying size and type have been identified. National policy requires Local Authorities to place a greater emphasis on the likely economic benefits of a development with the numbers and types of jobs expected to be created or retained on a site, in the determination of any planning application for economic development.

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications. Having good road connections within and outside the site, to ensure efficient use; avoiding or minimising noise, soil and water pollution, safeguarding and enhancing biodiversity and green infrastructure, safeguarding the amenity of neighbouring uses/occupiers and incorporating appropriate arrangements for the disposal of foul sewage and surface water are the relevant criteria for the purposes of this application. Policies SP3 (Transport), PLA11, (Car Parking), ENV6 (Nature Conservation) and ENV7 (Natural Resource Protection and Public Health) are also part of the policy framework against which this application must be assessed.

There has been a longstanding commitment to develop Waterton Industrial Estate for a range of commercial and industrial uses in various iterations of the development plan over a number of years. As the planning history confirms, this site has previously been consented for a new factory, service yard and parking in association with an existing manufacturer operating from the adjacent site (SAS International). Whilst that permission has expired, Welsh Government (landowner) has been seeking to sell the

land for development, with the details of sale suggesting that the land could be used 'for a range of potential uses subject to planning, as per the Bridgend County Borough Council Local Development Plan (2013)'.

Given the policy framework set out above, the principal of developing the land for the proposed use is acceptable. The proposed development must however accord with all other relevant policies and that is considered as follows:

SAFEGUARDING THE AMENITY OF NEIGHBOURING USES/OCCUPIERS (POLICIES SP2/ENV7)

The principal consideration is the relationship of the development site to properties in the village of Treoes which lies approximately 105m due east of the site. Amenity in planning terms covers a range of issues but in this case, based on the objections received, it relates to the development affecting the living conditions of residents in terms of noise and light pollution.

The Design and Access Statement confirms that the use of land will produce some vehicle noise when users park and remove their caravans. It has been indicated that this would mainly take place in the summer months and usually on Fridays and Sundays. Although a noise assessment has not accompanied the application, the applicant's agent contends that the vehicle noise will be well below the level currently produced by HGV trucks using Park Crescent.

Whilst residents believe the use will generate unacceptable levels of noise and disturbance, no evidence has been offered in support of this claim. The Council's Public Protection Section initially offered the view that problems of noise may be experienced by occupiers of nearby residential dwellings from the development and sought additional information as to the noise generation from the site. The agent confirmed that the caravan compound will be open 24 hours per day, 365 days a year. The gated access will only be accessible by staff and customers and servicing of the caravans will not be permitted on site under the user's contract.

The Public Protection Section have considered the additional information and have not expressed any objection in terms of noise. Noise generating activities will relate to the movement of motor vehicles and caravans which will take place approximately 105m from the nearest property. Whilst some movements to and from the site could take place late at night, given this distance and that the direct line of view from the majority of the properties will be obscured by a mature hedgerow, the impact is not likely to be as great as that suggested by residents in their objections. It is unlikely that the noise generated would be significantly above existing levels associated with current activities on the estate and therefore, on the basis of the observations received and evidence before the Council, it would be difficult to refuse this application for the reason put forward by the objectors.

Residents have expressed concern that light spillage from the site will also affect their environment. It is acknowledged that limited information has been provided on the floodlighting and based on the submitted plans, light spillage could occur to the detriment of the residents and local wildlife. There are, however, a number of remedies that could be secured by planning condition which include re-angling or partial shading of the lights, fitting of a passive infra-red sensor or using a lower power lighting. The agent has confirmed that the security lighting will be limited to lights activated by infra-red movement so will only operate when required. The direction of lights will be carefully considered so that, where possible, they are directed into the site and away from residential properties. A lighting scheme could be designed to protect the amenity of residents and wildlife and this will need to be secured by planning condition.

SAFEGUARDING AND ENHANCING BIODIVERSITY AND GREEN INFRASTRUCTURE (POLICIES SP2/ENV6)

The Preliminary Ecological Appraisal that accompanies the application indicates that an area of 'neutral grassland', a section of broad-leaved woodland and a hedge with native species will be compromised to enable the site to be developed. Further survey work will also be necessary with regard to bats (tree inspection), nesting birds (site clearance) and reptiles. The ecological appraisal does, however, recommend that, where possible, woodland and trees should be retained and this aligns with the comments of Natural Resources Wales (NRW) and the Council's own policy (Policy ENV6 of the LDP (2013) refers).

An existing semi-mature hedgerow runs through the centre of the site and represents a significant constraint to development. If retained in its current position it would compromise not only the proposed development but also the development of this allocated land. Translocation is recommended by the applicant's ecological consultant and NRW but at a length of some 190m, alternative locations will be difficult to find, particularly as the applicant does not control land beyond the application site boundaries. To compensate for the loss of this feature, the applicant does propose to plant a new hedgerow inside the existing hedge along the southern boundary.

NRW indicate that whilst the proposed development should not result in detriment to the maintenance of 'Favourable Conservation Status' of an European Protected Species, this will be dependent on the developer undertaking further survey works to trees to establish the potential for roosting bats (prior to development commencing) and the translocation of the hedgerow (opposed to re-planting). An acceptable compromise and one that would address Policy ENV6 would require the partial translocation of the hedgerow from its central position to a new location along the southern boundary of the site. Whilst this may result in the loss/re-configuration of the parking bays on the southern boundary, it would ensure that the development would accord with national and local planning policy. A condition will be imposed requiring the agreement of such a scheme prior to any development commencing. Any removal would need to be carried out under a method statement and direct ecological supervision which, again, could be secured by planning condition

HAVING GOOD ROAD CONNECTIONS WITHIN AND OUTSIDE THE SITE, TO ENSURE EFFICIENT USE (POLICIES SP2/SP3/PLA11)

The Traffic Statement which has accompanied the application has been considered by the Head of Street Scene (Highways) and, although no formal observations have been received to date, it is understood that the existing highway network is able to accommodate the traffic that will be generated by the development. Some concern has been expressed that caravan owners returning their caravans to the site may use the village of Treoes as a 'short-cut' particularly if the journey is being made from the east on the A48. Whilst there can be no guarantees that the route to the village will not be used, more commodious and appropriate routes are available and are more likely to be used.

On-street parking associated with an existing operator on Waterton Industrial Estate does, on occasions, result in parking around the roundabout at the end of Parc Crescent and across the location of the proposed access to the site. This is, however, an existing problem which this development is unlikely to exacerbate or indeed improve. If the new access were obstructed by parked vehicles in the future this would be a matter for the Police.

INCORPORATING APPROPRIATE ARRANGEMENTS FOR THE DISPOSAL OF FOUL SEWAGE AND SURFACE WATER (POLICIES SP2/ENV7)

Although the level of information submitted concerning site drainage is limited, the Council's Land Drainage Engineers have not opposed the development but have recommended the imposition of a pre-commencement planning condition requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. It is, however, noted from the submitted plans that a permeable rather than an impermeable surface is proposed on site, contrary to the view expressed by a number of objectors. Any drainage scheme agreed for this site should ensure no adverse effect on third party land.

The northern boundary of the site (points of access/egress to site) is located in Zone C2 of the Development Advice Map as defined under Technical Advice Note (TAN) 15. Whilst there is no requirement to provide a Flood Consequence Assessment, it is for the Council to consider the acceptability of the proposed emergency escape/evacuation routes from the site. This will form part of a Flood Emergency Plan which will be required by planning condition.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: 1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment," 2. That there is "no satisfactory alternative," and 3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Subject to compliance with the recommended conditions, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on

public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are: * a prosperous Wales, * a resilient Wales, * a healthier Wales, * a more equal Wales, * a Wales of cohesive communities, * a Wales of vibrant culture and thriving Welsh language and * a globally responsible Wales.

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

The Council acknowledges that the substance of local views must be considered in the determination of an application and, in this case, significant amount of opposition has been received from neighbouring occupiers, the community council and local politicians. It is, however, considered that the proposed development accords with Council policy which seeks to deliver a range of sites for the whole spectrum of B Classes, sui generis uses and other uses that require an industrial location. The development will also accord with all the other relevant policies in the Development Plan but, to ensure that the living conditions of residents are safeguarded, any loss in biodiversity interest is compensated for and that appropriate drainage arrangements are provided on site, a number of planning conditions will need to be imposed on any permission that is granted.

CONCLUSION

This application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The premises shall be used as a Caravan Storage Compound with ancillary office accommodation only and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To ensure the affective control over the future use of the site in the interests of highway safety.

2. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 1:001, 002, 003, 004 and 006.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

3. Notwithstanding the submitted plans, no external lighting shall be installed on site until details of such lighting, including the intensity of illumination and predicted lighting contours have been submitted to and approved in writing by, the Local Planning Authority. The external lighting scheme shall demonstrate that the areas to be lit will not disturb the occupiers of the nearest residential properties or prevent bats using their territory or having access to their breeding sites and resting, places. Any external lighting that is installed shall accord with the details

so approved.

Reason: In the interests of residential amenities and to maintain the favourable conservation status of any protected species on site.

4. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected.

5. No development shall commence until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, road and roof/yardwater will be disposed of, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the use commencing.

Reason: To ensure safe drainage of the site.

6. The Emergency Access shall only be used by pedestrians in an emergency situation and not as a vehicular access at any time.

Reason: In the interests of highway safety.

7. No use hereby permitted shall commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information: (i) command & control (decision making process and communications to ensure activation of FEP); (ii) training and exercising of personnel on site; (iii) flood warning procedures; (iv) site evacuation procedures and routes; and (v) provision for identified safe refuge.

The FEP shall be reviewed at intervals not exceeding 3 years, and will form part of the Health & Safety at Work Register maintained by the applicant.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site

8. No development shall commence on site until a reptile presence/absence survey undertaken by a competent ecologist has been submitted to and agreed in writing by the Local Planning Authority. If reptiles are present on site, a mitigation/translocation strategy shall be submitted to and agreed in writing by the Local Planning Authority, prior to any works commencing on site. The agreed strategy shall be implemented prior to the site being brought into beneficial use or in accordance with a programme agreed by the Local Planning Authority.

Reason: To promote nature conservation on site.

9. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for bat roosts and active birds' nests immediately before the vegetation is cleared and provided written confirmation that no bats or birds will be harmed and/or that there are appropriate measures in place to protect bats and nesting birds in site. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting nature conservation.

10. No development shall take place until an Ecological Design Strategy (EDS) addressing the translocation of the central hedgerow on site has been submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential, constraints and alternative locations for the translocated hedgerow;
 - c) Detailed designs and/or working methods to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation of works;
 - g) Persons responsible for implementing works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the agreed details and all features shall be retained in that manner thereafter.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

11. Prior to the commencement of development, an invasive non-native species protocol shall be submitted and approved in writing by the Local Planning Authority detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

12. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance

biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: 1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment," 2. That there is "no satisfactory alternative," and 3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Subject to compliance with the recommended conditions, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are: * a prosperous Wales, * a resilient Wales, * a healthier Wales, * a more equal Wales, * a Wales of cohesive communities, * a Wales of vibrant culture and thriving Welsh language and * a globally responsible Wales.

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

The developer is advised that if dormice, or signs of their presence, and any bat roosts are discovered on site before or during the development, all works must cease until a Natural Resource Wales European Protected Licence has been issued.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers

None