

47/2024/1557

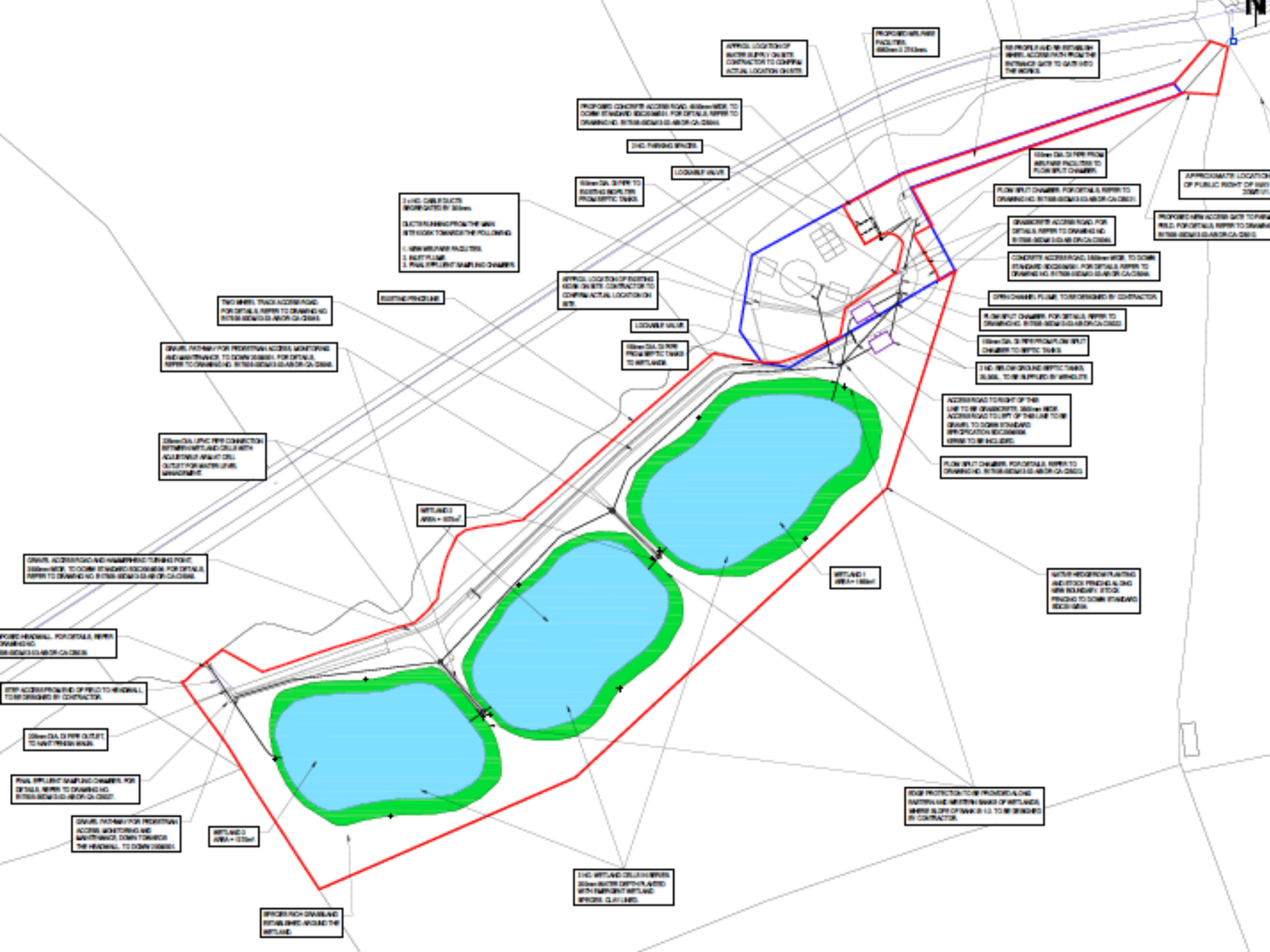


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APPROXIMATE LOCATION OF PUBLIC RIGHT OF WAY

PROPOSED NEW FACILITIES

NO PEOPLE AND NO EQUIPMENT SHALL BE ALLOWED TO ENTER FROM THE ENTRANCE GATE TO GET INTO THE WETLAND

PROPOSED CONCRETE ACCESS ROAD 18.0m WIDE TO DOWN STAIRCASE RECESSED FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

2.0m Ø 150mm PVC WATER MAIN

1.0m Ø 150mm PVC SEWER

3.0m Ø 150mm PVC WATER MAIN
3.0m Ø 150mm PVC SEWER
1. NEW WETLAND FACILITIES
2. PUMP PLANT
3. PUMP EFFLUENT SAMPLING CHAMBER

1.0m Ø 150mm PVC SEWER FROM WETLAND FACILITIES TO FLOW SPLIT CHAMBER

FLOW SPLIT CHAMBER FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

CONCRETE ACCESS ROAD FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

CONCRETE ACCESS ROAD 18.0m WIDE TO DOWN STAIRCASE RECESSED FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

SPRINKLER FLUME TO BE DESIGNED BY CONTRACTOR

FLOW SPLIT CHAMBER FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

1.0m Ø 150mm PVC FROM FLOW SPLIT CHAMBER TO EFFLUENT TANKS

1.0m Ø 150mm PVC EFFLUENT TANKS SHALL TO BE SUPPLIED BY CONTRACTOR

ACCESS ROAD TO RIGHT OF THE LINE TO BE DESIGNED BY CONTRACTOR
ACCESS ROAD TO LEFT OF THE LINE TO BE GRAVEL TO DOWN STAIRCASE RECESSED FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

FLOW SPLIT CHAMBER FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

WETLAND PROTECTION TO BE PROVIDED ALONG EASTERN AND WESTERN BORDERS OF WETLANDS WHERE SLOPE OF BANK IS 1:1 TO BE DESIGNED BY CONTRACTOR

2.0m Ø 150mm PVC WATER MAIN FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

GRAVEL PATHWAY FOR PROVISIONAL ACCESS MONITORING AND MAINTENANCE TO DOWN STAIRCASE REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

1.0m Ø 150mm PVC CONNECTION BETWEEN WETLAND CELLS WITH ADJUSTABLE HEIGHT CELL GATES FOR WATER LEVEL MANAGEMENT

GRAVEL ACCESS ROAD AND HANDRAIL TENDING POINT 18.0m WIDE TO DOWN STAIRCASE RECESSED FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

FOUR HANDRAIL FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

STEP ACCESS FROM END OF FIELD TO HANDRAIL TO BE DESIGNED BY CONTRACTOR

1.0m Ø 150mm PVC OUTLET TO WETLAND

PUMP EFFLUENT SAMPLING CHAMBER FOR DETAILS REFER TO DRAWING NO. B170A-B001-GA-B01-CA-001

GRAVEL PATHWAY FOR PROVISIONAL ACCESS MONITORING AND MAINTENANCE DOWN TOWARDS THE HANDRAIL TO DOWN STAIRCASE

SPRINKLER FLUME SHALL BE PROVIDED AROUND THE WETLAND

1.0m WETLAND CELL SURROUND SHALL BE DESIGNED WITH EQUIPMENT WETLAND PROTECTION TO BE PROVIDED

Tremeirchion Constructed Treatment Wetland Scheme - Landscaping & Biodiversity Enhancements Plan (V2.0 18/10/24)



Indicative bird box locations

- o Bird boxes to be positioned at least 2m from the ground (except for open-fronted boxes which require lower positions).
- o Final placement of boxes to be determined on site with ecologist

Two-wheel gravel track access road with hammerhead turning point

Gravel pathway for pedestrian access, monitoring and maintenance

Existing Tremeirchion WwTW

Proposed access track extension (Grasscrete)

CELL 1
(1850m²)

CELL 2
(1575m²)

CELL 3
(1370m²)

3 x wetland cells
200mm water depth planted with emergent wetland species. Clay lined. Cells connected by 225mm UPVC pipework

Native hedgerow planting and stock facing along new boundary

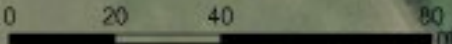
Species-rich grassland established around the wetland

Low gradient wetland banks sown with species-rich grass seed mix

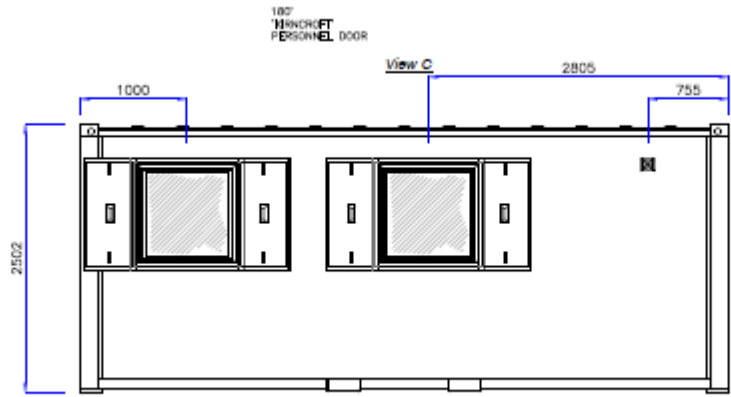
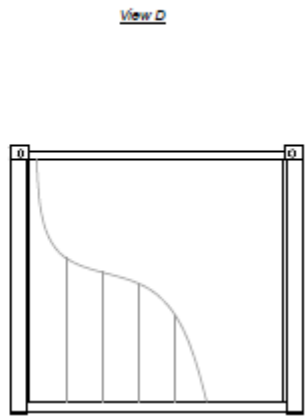
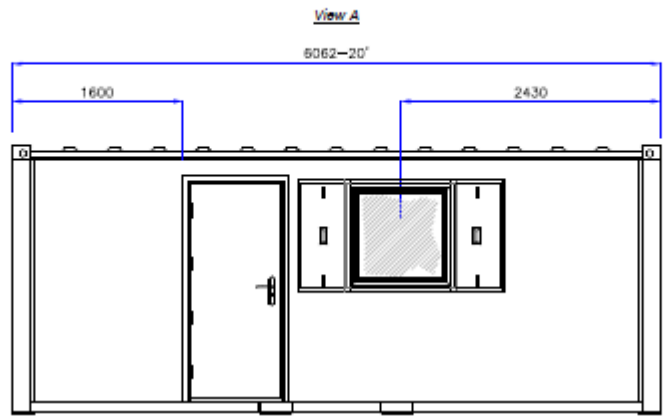
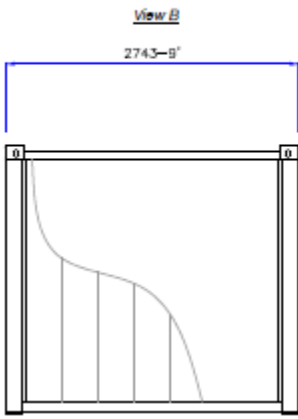


Similar Constructed Treatment Wetland examples (2 years after planting)

Scale: 1:900



FLAT SIDED CONSTRUCTION



180'
MINORIT
PERSONNEL DOOR

1130
Forktunnel Centres

PROFILED		
FLATSIDED	<input checked="" type="checkbox"/>	
Rev.	A	Date 00/00/00 Amended
Amendment		





5.5m car pulling in to open gate, off highway (average car 4m, transit van 5.5m)











Officer - Georgia Crawley

Ward - Tremeirchion

Ward Member - Councillor Robert Chris Evans (C)

Application Number - 47/2024/1557/MD

Proposal - Change of use of land and construction of an Integrated Constructed Treatment Wetland (ICTW) including the installation of 2 no. underground septic tanks, creation of 3 no. wetland cells with planting, welfare facility, new internal access roads, fencing, landscaping and associated works

Location - Sewage Disposal Works, Tremeirchion, St Asaph, Denbighshire,

Applicant - . Dwr Cymru Welsh Water

Constraints

Denbighshire Electoral Divisions	Tremeirchion
City Town and Community Councils	Tremeirchion Community
Historic Landscapes	Landscape of Outstanding Historic Interest
Ancient and Semi Natural Woodland - ASNW	Ancient Semi Natural Woodland
Planning Applications 1974 to 1999	2/TRE/0363/88/P
Source Protection Zone 50k	2
Source Protection Zone 50k	3
Historical Land Use - ContF	Sewage
Groundwater Vulnerability 100k	MAJOR
Groundwater Vulnerability Drift 100k	1
Public Rights of Way 10m Buffer	209/51
Airport Consultation Zone	Within 30km of Hawarden Airport Safeguarding Zone
Applications	47/2024/1201/EIA-SCR

PUBLICITY UNDERTAKEN:

Site Notice - t - 13-01-2025

Press Notice - f

Neighbour letters - 47

REASON FOR DELEGATED DECISION

Scheme of Delegation Part 1, Section 1.1

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

TREMERCHION COMMUNITY COUNCIL

No objection subject to an improved access onto the site being provided.

NATURAL RESOURCES WALES

Not responded at time of writing.

DWR CYMRU / WELSH WATER

Note that DCWW assets cross the site (the Waste Water Treatment Works' pipes leading into it and currently discharging directly to the Nant Penisa Waun Stream). The standard 3 meter protection zones are required on either side of the infrastructure to protect DCWW own access to the infrastructure.

CLWYD POWYS ARCHAEOLOGICAL TRUST (HENEb)

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the proposed work.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

It is not considered that the proposal would result in an increase in traffic once complete. Therefore an improvement to the access in terms of visibility plays is not required. However, the gate should be conditioned to open into the site and not into the highway. A Construction Method Statement should be conditioned to ensure acceptable measures are employed during development.

- Footpaths Officer

The initial plans were considered unclear and the Footpath Officer requested that they be updated to provide clarity that Footpath 51 and its associated stile are outside of the proposed development area and unaffected. The plans were amended to clarify this and the Footpath Officer had no further comments.

Public Protection Officer

No objection.

Ecology Officer

No objections subject to conditions relating to Biosecurity measures, implementation of Reasonable Avoidance Measures, no new external lighting, implementation and management of the landscape scheme in accordance with the details provided and that the trees and hedges are protected during development.

Tree Inspector

Recommended conditions to minimise any negative impacts on trees and woodlands adjacent to the site:

- Improvements to the track to follow a no-dig methodology as set out in the Construction Environmental Management Plan.
- Installation of the headwall to use low-impact methods.
- Arboricultural Clerk of works to supervise the installation of the headwall.
- Construction method of base/foundation of welfare facility to be submitted and approved in writing before those works commence.

Flood Risk Officer

No response at time of writing.

Land Quality Advisory Service

Advised that they do not hold any specific information or survey data for the application site. According to the Predictive Agricultural Land Classification Map for Wales, the site is considered subgrade 3a which would be Best and Most Versatile Land. The service advised in this instance that given the small size of the site (approximately 1ha and its irregular shape that an Agricultural Land Classification field survey would not be practical and is not recommended. Therefore the predictive grade can be taken as the best available information for the site, therefore the tests in Planning Policy Wales 12 paragraphs 3.58 and 3.59 will apply to this application and the Local Planning Authority will need to be satisfied that the proposal has given considerable weight to protecting Best and Most versatile agricultural land and the application of the sequential test approach.

RE-CONSULTATION RESPONSES (IF RELEVANT)

RESPONSE TO PUBLICITY:

Christopher WYNNE (C.Wynne & Sons Ltd)

Summary of planning based representations in objection:

- Disruption to Adjacent Habitats. The area supports a diverse range of wildlife, including great crested newts and toads. As a protected species, great crested newts require careful consideration and safeguards under UK legislation. The disturbance caused by construction and operational activities could have a severe and lasting impact on these species and their ecosystem.
- Concerns about odour pollution particularly during warm weather and impact upon the residential amenity of nearby properties. Could cause an impact on local living standards and potential devaluation of property.
- Questionable Effectiveness of Wetland Cells: There appears to be little robust evidence supporting the success of wetland cells in achieving their intended objectives. This raises questions about the practicality and cost-effectiveness of the proposed solution, particularly given the significant investment required for such a scheme.
- Inadequate Community Consultation.
- Potential for pollution to affect the adjacent watercourse, which could have far-reaching environmental consequences. These risks have not been sufficiently mitigated in the planning application.

EXPIRY DATE OF APPLICATION: 04-02-2025

EXTENSION OF TIME AGREED 12-02-2025

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL: Change of use of land and construction of an Integrated Constructed Treatment Wetland (ICTW) including the installation of 2 no. underground septic tanks, creation of 3 no. wetland cells with planting, welfare facility, new internal access roads, fencing, landscaping and associated works

1.1 Summary of proposals

1.1.1 The proposed development relates to the change of use of land from agricultural use to form an extended Waste Water Treatment Works for the construction of an Integrated Constructed Treatment Wetland (ICTW). The works would include the installation of two underground septic tanks that the waste would first pass through, which would then lead into three wetland cells in a line (each cell is clay lined, has a 200mm water depth and is planted with emergent wetland species) and then the final treated effluent would leave the site via a 225mm diameter pipe, through a sampling chamber and discharge into the Nant Penisa Waun watercourse. A welfare facility would also be constructed within the car parking area and the new internal access roads, fencing and landscaping would also be constructed to support the site.

The proposed ICTW is an engineered wetland and nature-based waste-water treatment system, as an extension to the existing Wastewater Treatment Works. The intention is that the wetland system will significantly improve the local environment and the water quality within the Afon Clwyd Catchment by treating the effluent from the treatment works to reduce phosphate levels. The Regulator, Natural Resources Wales have set a Total Phosphate target of 2mg/l for Tremeirchion Wastewater Treatment Works which needs to be achieved by 2029, and the proposed scheme has been designed to achieve this.

The ICTW will be planted with emergent wetland species which have a high nutrient uptake efficiency. Large shallow wetland ponds allow high exposure to UV light which helps breakdown pollutants and remove pathogens. The water moves slowly through the wetland system, and in combination with the plants, this allows suspended solids and attached pollutants such as metals and non-soluble phosphorus, to settle on the wetland bed. The scheme is designed to implement greener and more carbon-efficient methods of disposal which will also deliver large net benefit for biodiversity.

The existing Wastewater Treatment Works will be retained as a standby facility throughout the commissioning three-year operating technique agreement period and thereafter, provided that the Integrated Constructer Treatment Wetland has proven to be successful, then the existing Wastewater Treatment Works will be decommissioned and once all structures and buildings were removed, the area would be seeded with meadow land plants.

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a comprehensive set of reports and documents including:

Arboricultural Impact Assessment,

Tree Protection Plan,

Preliminary Ecological Appraisal,

Pre-Application Consultation Report,

Green Infrastructure Statement,

Landscape and Visual Statement,

Landscaping Plan,

Tremeirchion Wetland Planting Methodology,

Construction Environmental Management Plan,

Construction Traffic Management Plan,

Groundwater Risk Assessment,

Tremeirchion Quantitative Groundwater Risk Assessment,

Groundwater Risk Assessment - Appendices - Final Analytical Test Report,

Groundwater Risk Assessment - Appendices - Test Report and an Archaeological Desk Based Assessment.

1.3 Description of site and surroundings

1.3.1 The application site consists of an existing Wastewater Treatment Works and associated infrastructure. The site is situated along the edge of open farmland. It is located directly behind an existing strip of woodland that lines the highway and the field. Within the woodland is the Nant Penisa Waun watercourse which the effluent from the existing Wastewater Treatment Works currently discharges to. The site is accessed via an agricultural field gate into the field, and then by a second field gate that serves DCWW's track to the works.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located in the Open Countryside. The woodland to the north of the application site is Ancient and Semi Natural Woodland. The site forms part of the Vale of Clwyd Landscape of Outstanding Historic Interest. The Nant Penisa Waun Watercourse runs through the woodland. The site is within the Groundwater Vulnerability area/ Source Protection Zone. Public Right of Way 51 runs directly to the east of the site with a stile adjacent to the field gate off the highway.

1.5 Relevant planning history

1.5.1 There is one previous application on the site for the installation of an additional humus tank to improve effluent treatment on the existing Wastewater Treatment Works, and this was granted in 1998.

1.6 Developments/changes since the original submission

1.6.1 The site layout plans have been updated to clarify the route of the adjacent Public Right of Way in relation to the site.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 2/TRE/0363/88/P Additional Humus Tank to improve effluent treatment. GRANTED 27/09/1998.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy VOE 5 - Conservation of natural resources

Policy ASA 3 - Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Access for all

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Planning for Community Safety

Supplementary Planning Guidance Trees and Landscaping

Government Policy / Guidance

Planning Policy Wales Edition 12, 2024

Future Wales: The National Plan 2040

Development Management Manual 2017

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Impact on best and most versatile Agricultural land

4.1.3 Visual amenity and Landscape

4.1.4 Residential amenity

4.1.5 Ecology

4.1.6 Drainage (including flooding)

4.1.7 Highways (including access and parking)

4.1.8 Archaeology

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (Edition 12, 2024) paragraph 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.38 of PPW 12 states that *'The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources'*.

National policy therefore restricts development outside of development boundaries unless it is justified as an exception to the policy of restraint.

Planning Policy Wales (Ed. 12) paragraph 3.61 and 6.69 emphasise that it is crucial for economic, social and environmental sustainability that adequate and efficient infrastructure including sewers and sustainable waste management are supported. This encourages Local Planning Authorities, in conjunction with the key providers to take a strategic and long-term approach towards the provision of infrastructure to ensure infrastructure provision is sustainable, fit for purpose, and can be co-ordinated and timed to support placemaking aspirations.

Paragraph 3.63 goes on to guide that *'Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources'*.

It is considered that the proposed creation of a nature-based wetland as a sustainable management of waste to improve water quality and reduce the levels and the impacts of phosphate and other nutrients (and eventually replacing the existing Waste Water Treatment Works), broadly aligns with the aims of PPW and general sustainable development objectives.

Chapter 6 of Planning Policy Wales (Ed. 12) also supports the principle of development which seeks to improve the environment. It emphasises the need for pollution reduction, as far as possible, by identifying green infrastructure/nature-based solutions which form part of, or complement, wider activity at a catchment scale to address pollution and improve the restoration of riverine and other habitats.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, subject to an assessment of its impacts.

4.2.2 Impact on best and most versatile Agricultural land

Planning Policy Wales (Edition 12, 2024) paras 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 12 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The application site is identified within the Agricultural Land Classification Predictive Map Guidance as being Grade 3a Good Quality Agricultural Land and therefore is considered to be best and most versatile which justifies conservation as a finite resource for the future. Planning Policy Wales (Edition 12, 2024) paras 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC).

No soil survey was submitted with the application following the applicant's pre-application discussions with the Land Quality Advisory Service. The LPA also consulted the Land Quality Advisory Service and they advised that they do not hold any specific information or survey data for the application site. According to the Predictive Agricultural Land Classification Map for Wales, the site is considered subgrade 3a which would be Best and Most Versatile Land. The service advised in this instance that given the small size of the site (approximately 1ha and its irregular shape that an Agricultural Land Classification field survey would not be practical and is not recommended. Therefore the predictive grade can be taken as the best available information for the site, therefore the tests in Planning Policy Wales 12 paragraphs 3.58 and 3.59 will apply to this application and the Local Planning Authority will need to be satisfied that the proposal has given considerable weight to protecting Best and Most versatile agricultural land and the application of the sequential test approach.

Planning Policy Wales does allow for the development of Best and Most Versatile Land where there is an overriding need for the development and either previously developed land or land in a lower agricultural grade is unavailable. The submission sets out that there is a clear overriding need for the proposed development and that this is required to be located on this particular site. The Integrated Constructed Treatment Wetland is critical to DCWW to fulfil the obligations by their regulator Natural Resources Wales to meet the National Environment Programme and to achieve the total phosphate target of 2mg/litre, which has been set for the Tremerechion Wastewater Treatment Works specifically. As this is the site of the existing works, some form of treatment to achieve this is necessary in this location. This in effect means that no other site would be practical. As the site is surrounded by agricultural land, there is also no available previously developed land or lower-grade land available. Given the national policy support and wider environmental targets that could be impacted by this, it is considered that, in this instance, the loss of the agricultural land is outweighed by the overriding need for the site to be developed for this purpose.

4.2.2 Visual amenity and Landscape

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

The application is supported by a Landscape and Visual Impact Statement. This considered the landscape character and potential impacts on receptors such as the adjacent Area of Outstanding Natural Beauty/ National Landscape. The report

describes the development as quite limited in terms of its impact as it will appear as three ponds with the existing Wastewater Treatment Works and the proposed welfare facility. Much of the other infrastructure will be underground. The welfare facility will be timber clad and the statement considers that the welfare facility and other existing works are, and would be, well screened by existing trees. The timber finish will mitigate any possible glimpses of the site in winter. The statement concludes that the site will not generate any adverse landscape or visual impact.

A Landscape plan has been submitted as part of this application and these details that the site will be enclosed by stock-proof fencing with native hedgerow planting to be planted along this. This will be in keeping with the character of the area and will further soften views towards the site and as can be seen from the wetland planting scheme, the wetlands will not really be visible due to the plants growing above them. The visual change will be very minimal.

Measures have been proposed to protect all of the existing trees as part of the proposed development and conditions can be used to ensure that the measures are implemented as proposed by the Tree Inspector who raises no objections to the proposed development.

Based on the foregoing, it is considered that the proposed development would not lead to a detrimental impact on visual amenity or on the wider landscape.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

A representation was received from a nearby property that raised objections to the scheme relating to residential amenity impacts. The neighbour was concerned that there would be issues of odour associated with the proposed wetland. Public Protection were consulted on the proposed development. The Public Protection Officer confirmed that they do not consider an odour impact assessment is necessary for this type of proposal and raise no objection to the proposed development.

Having regard to the nature of the proposal and its location in relation to surrounding properties, it is not considered that the proposed development would result in an unacceptable impact on residential amenity.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (Edition 12, 2024) sets out that *planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

• *Green Infrastructure*

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- *Net Benefit for Biodiversity and the Step-wise Approach*

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- *Protection for Sites of Special Scientific Interest (SSSI)*

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'.

- *Trees and Woodlands*

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The proposal is supported by a Preliminary Ecological Appraisal (Ref: EE.4346.24.RC v3, Enfys Ecology Dated 10/10/24) and Green Infrastructure Statement (Ref: EE.4346b.24.RC v3, Enfys Ecology Dated 10/10/24). A Construction Environmental Management Plan has also been submitted to set out protection measures. These have all set out Reasonable Avoidance Measures (RAMs) are recommended within the report and concludes that provided the recommended mitigation and enhancement measures are undertaken, there should be a net gain in biodiversity, no net loss of roosting or nesting sites nor any danger of harm to any species.

The County Ecologist raises no objections to the proposed development subject to conditions relating to the submission of a Biosecurity Risk Assessment, implementation of Reasonable Avoidance Measures, no new external lighting, implementation and management of the landscape scheme in accordance with the details provided and that the trees and hedges are protected during development.

Measures have been proposed to protect all of the existing trees as part of the proposed development and conditions can be used to ensure that the measures are implemented as proposed by the Tree Inspector who raises no objections to the proposed development.

Subject to the imposition of an appropriately worded condition or conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 Drainage (including flooding)

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (Edition 12, 2024) at para 6.6.9 states *'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'*.

DCWW responded to the application highlighting the presence of the existing infrastructure on site. The purpose of this is to

ensure that DCWW always have a right of access to their infrastructure. Given that the site is managed by DCWW, Officers will highlight this as a note to the applicant, but raise no objections to the scheme where this is not achieved given their role.

Groundwater Risk Assessments form part of the submission that have sought to address pre-application advice from Natural Resources Wales, but their response is awaited at time of writing.

4.2.6 Highways (including access and parking)

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

The Community Council advised that they raised no objections to the scheme provided there were improvements to the access. Highway officers have considered the proposal and consider that as there would not be an increase in traffic once in operation therefore, there is not a requirement to improve the visibility etc by widening the existing access. However, Highway officers commented that ideally the gate could be moved back to improve the pull-in area and that this could be hard surfaced back to the setback position. It was also requested that a planning condition be imposed to ensure the gate opens into the site and not into the highway. It is also requested that the Construction Method Statement be conditioned to ensure acceptable measures are employed during development.

This request to amend the access was made to the agent/applicant. However, unfortunately, the landowner is not willing for the gate to be moved back as they have had ongoing issues with people parking on their land and flytipping. They advised that a car can already comfortably pull off the highway to park and open the gate, and that the gate opens into the site. Officers have visited the site and can confirm this is accurate - a long 5.5metre estate car (equivalent to the length of a transit van) can park off the highway with room to open the gate. Given that this is already the case and that there is no increase in traffic, other than during construction, it is considered reasonable that the development should proceed without the gate being moved any further into the site.

The Construction Traffic Management Plan sets out how traffic will be managed in coming to the site and the internal site arrangements. A condition is proposed to require the implementation of the Construction Traffic Management Plan, and requires that the gate onto the highway shall be opened prior to the arrival of construction traffic to prevent any delay in it leaving the highway, as has been agreed with the applicants.

4.2.7 Archaeology

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (Edition 12, 2024) in Chapter 6 'Distinctive and Natural Places' (updated October 2023) recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a Local Planning Authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

An Archaeological Desk Based Assessment has been submitted which confirms that no archaeological remains should be impacted by the proposed development. Heneb were consulted on this and advised that there are no archaeological implications for the proposed work.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

RECOMMENDATION: Grant subject to the following conditions: -

1 The development shall begin not later than 5 years from the date of this decision.

2 The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

Tree Protection Plan (Drawing No. EE_TICW_AIA) Received 05-12-2024

LONG SECTION (Drawing No. B17505-00DM13-03-AB-DR-CA-CI5051 Rev 1.0) Received 05-12-2024

Tremeirchion CTW cross section (v3.1) Received 05-12-2024

Proposed Fence Detail (Drawing No. SDC2010/004 Rev I02) Received 05-12-2024

DRAINAGE PLAN (Drawing No. B17505-00DM13-03-AB-DR-CA-CI5046 Rev 2.0) Received 05-12-2024

Portable Offieces (2 Drawings No. PRT_2009CXN01A) Received 05-12-2024

SITE LOCATION (Drawing No. B17505-00DM13-03-AB-DR-CA-CI5000 Rev 1.1) Received 16-01-2025

PROPOSED SITE LAYOUT PLANNING BOUNDARY (Drawing No. B17505-00DM13-03-AB-DR-CA-CI5042 Rev 1.3) Received 16-01-2025

PROPOSED ACCESS GATE TO FARMERS FIELD LAYOUT. (Drawing No. B17505-00DM13-03-AB-DR-CA-CI5012 Rev 3.0) Received 16-01-2025

PLANNING APPLICATION BOUNDARY (Drawing No. B17505-00DM13-03-AB-DR-CA-PN1009 Rev 2.1) Received 16-01-2025

PAC Report (Ref: 5924.CAU.XX.XX.RP.T.9100.A0.C1) Received 05-12-2024

Arboricultural Impact Assessment (Ref: EE_TICW_AIA v1, Enfys Ecology Dated 5/10/24) Received 05-12-2024

Preliminary Ecological Appraisal (Ref: EE.4346.24.RC v3, Enfys Ecology Dated 10/10/24) Received 05-12-2024

Design and Access Statement (Ref: 5924-CAU-XX-XX-RP-T-0302.A0.C3 Gaulmert Dated Dec 2024).pdf Received 05-12-2024

Green Infrastructure Statement (Ref: EE.4346b.24.RC v3, Enfys Ecology Dated 10/10/24) Received 05-12-2024

Landscaping Plan (Ref: V2, The Wye and Usk Foundation Dated 18/10/2024) Received 05-12-2024

Landscape and Visual Statement (Ref: v4, Tirlun Barr Associates Dated 16/10/24) Received 05-12-2024

Tremeirchion Wetland Planting Methodology Ref: v2, The Wye and Usk Foundation Dated 5/12/24) Received 05-12-2024

Construction Environmental Management Plan (Ref: v2, Wye and Usk Foundation Dated 14/10/24) Received 05-12-2024

Construction Traffic Management Plan (Rev P02, Eric Wright Water Dated 15/10/24) Received 05-12-2024

Groundwater Risk Assessment (Ref: v2, The Wye and Usk Foundation Dated 22/10/24) Received 05-12-2024

Groundwater Risk Assessment - Appendices - Final Analytical Test Report Received 18-12-2024

Groundwater Risk Assessment - Appendices - Test Report Received 18-12-2024

Archaeological Desk Based Assessment (Heneb: Clwyd-Powys Archaeology Project PD24-123, Report 2075, dated 10 January 2025) Received 13-01-2025

Tremeirchion Quantitative Groundwater Risk Assessment (v3, The Wye and Usk Foundation Dated 17/12/24) Received 18-12-2024

3 The improvements to the existing access track will follow the no-dig methodology as set out within the Construction Environmental Management Plan (Ref: v2, Wye and Usk Foundation Dated 14/10/24).

4 The headwall installation shall be carried out strictly in accordance with the low impact methods detailed within the Construction Environmental Management Plan (Ref: v2, Wye and Usk Foundation Dated 14/10/24) paragraph 4.3.1.i and a Arboricultural Clerk of Works shall be present at all times during the installation of the headwall to supervise and manage the works.

5 No development works or site clearance relating to the welfare facility shall be commenced until a Construction Method Statement for the base/foundation of the welfare facility has been submitted to and agreed in writing by the Local Planning Authority. The development should be implemented strictly in accordance with the details thereby approved.

6 All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance in accordance with the approved Arboricultural Statement (Enfys Ecology Ltd, 5/10/24) or in accordance with an alternative scheme as agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

7 The development hereby approved shall be managed and maintained in strict accordance with the approved Landscaping Plan (Wye and Usk Foundation, 18/10/24).

All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

8 The development shall be carried out strictly in accordance with the Reasonable Avoidance Measures (RAMS) set out in Section 6 of the approved Preliminary Protected Species Assessment (Enfys Ecology Ltd, 10/10/24).

9 Prior to the commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with those details as approved. The Biosecurity Risk Assessment shall include: (i) appropriate measures to control any invasive non-native species on site; and (ii) measures or actions that aim to prevent invasive non-native species being introduced to the site for the duration of construction and operational phases of the scheme.

10 No new external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid negative impacts on nocturnal wildlife in accordance with the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment Series.

The lighting shall be implemented as approved and maintained thereafter.

11 The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan (Rev P02, Eric Wright Water Dated 15/10/24) throughout the construction period.

The gate onto the highway shall be opened prior to the arrival of construction traffic to prevent any delay in it leaving the highway.

12 The gate in connection with the vehicular access shall be hung to open into the site and shall not be permitted to overhang the highway at any time.

13 The welfare facility unit shall be finished in timber and maintained with this at all times. The timber cladding shall be naturally weathered and not be painted or stained without prior written consent of the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the approved details.

14 Should the use of the existing Wastewater Treatment Works permanently cease then the structures shall be removed from the land within 6 months of the date of the permanent cessation of the use and the land shall be restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

15 The development shall proceed in strict accordance with the recommendations set out within the Groundwater Risk Assessment (Ref: v2, The Wye and Usk Foundation Dated 22/10/24).

Reasons

1 To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 For the avoidance of doubt and to ensure a satisfactory standard of development.

3 In the interest of protecting and retaining trees, visual amenity and enhancing the biodiversity of the area.

4 In the interest of protecting and retaining trees, visual amenity and enhancing the biodiversity of the area.

5 In the interest of protecting and retaining trees, visual amenity and enhancing the biodiversity of the area.

6 In the interest of visual amenity and enhancing the biodiversity of the area.

7 In the interests of visual amenity, nature conservation and to ensure ecological mitigation and enhancement measures are provided.

8 To maintain the favourable conservation status of protected species.

9 To protect native species from invasive non-native species and associated diseases.

10 To maintain the favourable conservation status of protected bat species.

11 In the interests of protecting public and residential amenity, pollution prevention and control, and of the safety and the free flow of traffic on the adjoining highway.

12 In the interests of highway safety.

13 In the interest of the visual amenity.

14 In the interest of landscape and visual amenity.

15 To prevent groundwater pollution.