

Penderfyniad ar yr Apêl

Ymweliadau â safle a wnaed ar 05/05/21 & 01/06/21

gan Paul Selby, BEng (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 4/6/21

Appeal Decision

Site visits made on 05/05/21 & 01/06/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 4/6/21

Appeal Ref: APP/E6840/A/21/3267848

Site address: Land adjacent St. Teilo's Church, Llantilio Pertholey (Grid Ref Easting: 331094; Northing: 216404)

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Bryan Nicholls against Monmouthshire County Council.
- The application Ref: DM/2018/01858 dated 7 November 2018, was refused by notice dated 28 January 2021.
- The development proposed is a residential development of 11 units.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the appeal was lodged against non-determination of the planning application, during the dual jurisdiction period the Council has subsequently refused planning permission. I have therefore made my decision as one against a refusal of planning permission.
3. The original application was described as a 'residential development of 14 units'. During the course of the application, amendments were proposed to the scheme reducing the number of units to 11. Whilst I note that a parallel planning application was originally made for a larger scheme incorporating land within the Brecon Beacons National Park Authority immediately to the north, I am informed that it was later withdrawn. For the avoidance of doubt, this appeal relates to the amended scheme for 11 units for which Monmouthshire County Council has refused planning permission.
4. The appellant has submitted a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act (TCPA) 1990. A copy of the final executed version of this document was submitted on 14 April 2021. In coming to my decision, I have had regard to it.

5. On 26 May 2021 Natural Resources Wales (NRW) updated its guidance¹ relating to the impact of developments on phosphorous levels within the catchment areas of riverine Special Areas of Conservation (SACs). As those parts of the guidance relevant to this appeal remain essentially unchanged, I am satisfied that no party would be prejudiced by my determining the appeal with regard to the updated guidance. Consequently, I have proceeded to determine the appeal without further recourse to the parties on this matter.
6. I am informed that the Council has resolved to grant permission for a housing development similar in scale to the appeal proposal, to the site's south, which is currently subject to a Ministerial holding direction ('the Glebe site'). Whilst not all details of that proposal are before me, in my determination I have taken account of the potential implications of the development of that site on the appeal scheme.

Application for costs

7. An application for costs was made by Mr Bryan Nicholls against Monmouthshire County Council. This application is the subject of a separate Decision.

Main Issues

8. The Council refused the planning application for three reasons. Since the appeal was lodged, NRW has raised concerns about the potential for the proposal to increase the volume or concentration of wastewater and associated phosphate levels discharged within the catchment of the River Usk Special Area of Conservation (SAC). I have considered this matter in my assessment of the proposal's impacts on ecological interests.
9. The Development Advice Map (DAM) which accompanies Technical Advice Note (TAN) 15 'Development and Flood Risk' (TAN 15) indicates that the appeal site lies partly within the undefended floodplain ('zone C2'). Whilst neither the Council nor NRW have objected to the proposal on the basis of potential flood risks and consequences, as the proposal is for a form of 'highly vulnerable development' on a site lying partially within the zone C2 floodplain I have considered this matter as a main issue.
10. Consequently, the main issues in this case are:
 - whether the proposal complies with local and national policies to direct housing towards settlements and to protect the countryside;
 - the effect of the proposal on the area's character and appearance, including the Brecon Beacons National Park;
 - the effect of the proposal on the setting of the Grade I listed Church of St. Teilo²;
 - the effect of the proposal on ecological interests, including the River Usk SAC;
 - whether the proposal would comply with planning policy which seeks to steer housing development away from areas at the highest risk of flooding; and
 - whether the benefits of the proposal would outweigh any identified harm.

¹ 'Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation'

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving buildings or their settings or any features of special architectural or historic interest which they possess. Paragraph 6.1.10 of Planning Policy Wales Edition 11 (PPW) states that there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, with the primary material consideration the statutory requirement set out in section 66(1).

Reasons

Location of development

11. The appeal relates to a greenfield site located outside the development boundary as designated by the Monmouthshire Local Development Plan (LDP). Therefore, whilst the site lies close to the settlement edge of Abergavenny, in policy terms it lies within the open countryside.
12. Policy S1 of the LDP states that the main focus for new housing development is within or adjoining the Main Towns of Abergavenny, Chepstow and Monmouth. LDP policy LC1 states, amongst other things, that there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies. Whilst pre-dating Planning Policy Wales Edition 11 (PPW), I consider these policies to accord with national policy, including PPW paragraph 3.60, which states that infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity; and with PPW paragraph 4.2.23, which states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.
13. There is no dispute that the proposal, due to its location outside the development boundary on greenfield land, departs from the LDP. It would patently conflict with policy LC1, which does not include market-led housing development in the list of potentially justified new built development within the open countryside. The appellant contends, however, that the LDP is out-of-date and the County's housing needs are not being met, and that the scheme's benefits justify the departure from the development plan.
14. The LDP covers the period 2011 to 2021. Although its exact end date is not specified, paragraph 7.4 of the Welsh Government's Development Plans Manual states that "where the period for which a plan is to have effect is not specified, the expiry of the period is to be treated as the 31st December of the calendar year specified on the plan". I also note that the Council's latest Annual Monitoring Report (AMR) for the period 2019/2020 records the phasing of housing sites up to December 2021. Consequently, I am of the view that the plan period has not yet ended.
15. In any case, whilst Section 62(9) of the Planning and Compulsory Purchase Act 2004 provides that an LDP ceases to be an LDP on the expiry of the period specified, the (then) Minister for Housing and Local Government confirmed in a letter circulated to Local Planning Authorities on 24 September 2020 that this does not apply to LDPs adopted prior to 4 January 2016, which is when that provision of the Act commenced. The Council's LDP therefore remains the adopted development plan until it is replaced, which the latest Delivery Agreement (DA) anticipates occurring in late 2023. Consequently, there is little basis, including in national policy, for concluding that its policies relating to the supply and location of housing are 'out-of-date'.
16. Notwithstanding this, the latest AMR confirms that, to date during the plan period, there have been 1,469 fewer housing completions than anticipated by the LDP. This represents a significant shortfall, around 36%, against the total housing requirement. Although the AMR points to a more recent acceleration in the delivery of units from several strategic sites, including the Deri Farm (now Willow Court) allocation a short distance west of the appeal site, given the limited plan period remaining there is little likelihood that the LDP's housing requirement will be fully met during the plan period.

There is also little evidence that the Covid-19 pandemic has materially altered this position.

17. The appellant has drawn my attention to a report from 2020, produced by the Office for National Statistics, which indicates that Monmouthshire is one of the least affordable authorities in Wales. The AMR records that there were 152 fewer affordable homes completed between 2014 and 2020 than anticipated. The appellant contends that in Abergavenny there have been 103 affordable housing completions since 2011, a figure which I have no reason to dispute. On the LDP's own terms, the supply of affordable and market housing locally, and across the County generally, is not meeting the identified need.
18. The DA indicates that work on a replacement LDP, whilst delayed by the Covid-19 pandemic, is underway, with an expectation that a replacement plan will be placed on deposit in 2022. Although the LDP will remain the statutory development plan after December 2021, the County will evidently lack an up-to-date strategy for meeting housing needs after that date, up until the replacement LDP is adopted. There is, however, little evidence to support the appellant's contention that greenfield sites outside of settlements represent the only available source of housing supply in Monmouthshire in the intervening period. In any case, PPW clearly advocates a planned approach to delivering sustainable places, securing national sustainable placemaking outcomes, and embedding the goals and ways of working set out in the Well-Being of Future Generations (Wales) Act 2015. In this regard, I note that the appellant has submitted the appeal site to be considered for inclusion within the replacement LDP.
19. Notwithstanding this, the appeal proposal would contribute 11 additional units to the housing supply. Having regard to the completed UU, 4 of these would be provided in an affordable tenure. Although these are modest figures, these units would make a material contribution to the housing supply and would meet an identified local need for affordable housing. Commensurate with its scale, I accord moderate weight to these benefits of the appeal scheme.
20. Although the appeal site lies within the open countryside, the development boundary for Abergavenny lies a short distance away. The LDP identifies Abergavenny as one of three main foci for new housing development in the County. These factors materially distinguish this proposal from one considered in decision ref: APP/E6840/V/18/3218503, where the Inspector found that the scale of that development in relation to the host settlement, and its location away from the growth centres, meant that the scheme did not align well with the LDP's strategy. I note that the (then) Minister for Housing and Local Government agreed with her Inspector's findings in this regard.
21. Whether or not the appeal site could be regarded as 'adjoining' the town of Abergavenny in the terms of LDP policy S1, or as a 'minor extension' to an existing settlement as indicated at para 3.60 of PPW, is a matter of judgement which I shall come onto next.

Character and appearance

22. The site is bisected by the Gavenny River and comprises former grazing land, tracts of woodland and scrub. The site's southern boundary lies adjacent to a rural lane ('Llantilio School Road'), the St. Teilo's church carpark, and the side and rear gardens of The Old Mitre. The eastern and western boundaries adjoin a railway and Hereford Road respectively. To the north, within the Brecon Beacons National Park (BBNP), is an area of open land of similar appearance to much of the appeal site.

23. The site, along with St. Teilo's church, occupies a depression within the landform and to the west of a railway embankment. Whilst this limits its visual connectivity to surrounding areas, dwellings associated with the nearby Willow Court housing development, which sits on higher land to the west, are visible from parts of the appeal site; as are houses on Coed Y Brenin to the northwest.
24. Despite these nearby housing developments, the experience of descending Llantilio School Road from Hereford Road is one of leaving the outskirts of a town and entering a hamlet. In addition to the bridge over the Gavenny, the presence of stone walls, hedgerows and extensive tree or scrub cover within or near to the appeal site, and the appearance and irregular siting of historic built form (namely St. Teilo's church, The Old Mitre and Mitre Cottages), instil the immediate vicinity with a rural character and appearance. In my view, this rural character is more marked east of the stone bridge, from where the grassed slope of the railway embankment appears as an established part of the landscape and largely screens the A465 to the east.
25. A Landscape and Visual Impact Assessment (LVIA) undertaken for the appellant concludes that the landscape quality of the area is of moderate visual and sensory value. Whilst the recent Willow Court development will have altered the area's landscape character since then, and the development of the Glebe site would further influence the setting of the appeal site, I consider that the 'moderate' assessment would remain an appropriate description of the wider area's landscape value.
26. The appeal scheme would comprise 8 detached dwellings or duplexes of 2.5 storeys of up to around 8 metres in height, clad in timber and stone, with curved grass roofs and single storey annexes. Viewed from Hereford Road, the units' tapered profile and green roofs would assist in lessening their visual prominence. Their narrow form would also facilitate their partial recession into the slopes to either side of the valley floor. However, although the built density of the site overall would not be high, the similar form and largely regular positioning of the units relative to the access road would appear overtly suburban in character, irrespective of the external materials. The rectilinear form of the units' front elevations would appear prominent in views from the lane, glimpsed or otherwise. The massing oriented towards the front elevation would also amplify the units' height relative to the valley floor, jarring with the landform and severing visual connections with rural features to the northwest and northeast.
27. Other features of suburban character, including the access road and junction, footways, bridge, railings, and car park near to the riparian margin, would also be visible from several public viewpoints. Whilst the proposed landscaping would assist in screening such features, people traversing Llantilio School Road, or the proposed realigned public right of way would nonetheless palpably experience the full extent of the proposal. Given the underlying topography, any profiling required to accommodate the curve of the access road northeast of the church carpark would appear particularly prominent. Whilst the belt between the two tracts of woodland would remain largely undeveloped, the awkward alignment and proximity of the proposed bridge and access road relative to Llantilio School Road and The Old Mitre would draw the eye, severing the existing visual connection between the lane and land to the north.
28. I do not dispute the veracity of much of the LVIA and appellant's landscape evidence, and I recognise that the LVIA relates to the original scheme of 31 units which extended further to the north. I concur with the conclusions of the appellant's landscape evidence that, due to the local topography, the site's location near to the edge of Abergavenny, the screening provided by existing vegetation and the scale of the appeal scheme, adverse visual impacts would not arise in long-range views from

within the BBNP, or from views into the BBNP from the south. In short-range views from the north, the visual impact of the units near to the site's eastern boundary would be mitigated by their limited number and partial recession into the slope. Landscaping, secured via condition, would further soften the abrupt termination of infrastructure at the site's northern boundary east of the river, resulting in negligible visual impacts from public viewpoints within the BBNP to the north. Whilst I have considered the substance of NRW's objections in this regard, subject to appropriate conditions I consider that the proposal would accord with the objectives of LDP policy LC3 to protect the setting of the BBNP from inappropriate development.

29. Nonetheless, even when fully established, the proposed landscaping and belt of open space east of the river would not sufficiently mitigate the adverse visual impacts of the proposal in short range views from the south, in which the proposal would be experienced as a suburban residential development of a scale and design which would not respect the rural character of the immediate vicinity. I note that residual visual effects assessed in the LVIA exclude certain viewpoints, for example 1 and 4, from which the proposal's adverse visual effects would be keenly experienced. In any case, other short-range views of the development would be possible, including kinetic views.
30. I acknowledge that the westernmost units would, to some degree, reflect the linear, suburban character of Hereford Road near to the appeal site which has been reinforced by the Willow Court development. Irrespective of any justification as a rural exception site, the development of the Glebe site would likely emphasise this linear character and would erode the existing break in built form between the settlement and the appeal site. Nonetheless, even were the Glebe site to be developed, the Gavenny's riparian margin would prevail as a defensible boundary which would differentiate the Hereford Road corridor from land of strongly rural character east of the river. As the appeal scheme would develop land east of the Gavenny, it would be perceived as a substantially harmful incursion into the open countryside in views from the south.
31. Consequently, whilst some of the proposal's residual landscape and visual effects would be of moderate adverse significance, in other respects they would be substantially adverse over the long term and would result in tangible and sustained visual harm. Whilst I recognise that such impacts would be localised in nature and that the appellant has sought to provide a high-quality scheme which embraces innovative design ideas and techniques, I conclude that the proposal would fail to harmonise with or enhance the landform and landscape, contrary to criterion (e) of LDP policy LC5 and the part of paragraph 3.60 of PPW which states that new development should be of a scale and design that respects the character of the surrounding area. Owing to the predominant rural character of the site, particularly east of the river, I also conclude that the proposal would not 'adjoin' the town of Abergavenny, thereby conflicting with LDP policy S1, and would not meet the definition of an extension to an existing settlement as specified in paragraph 3.60 of PPW.

Historic assets

32. The Church of St. Teilo, a local landmark, is listed at Grade I as an especially fine medieval church with many features of interest and quality. As indicated in Technical Advice Note 24 'The Historic Environment' (TAN 24) and Cadw's 'Setting of Historic Assets in Wales', the setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated, with an extent which is not fixed but may change over time. In this regard, although St. Teilo's church has a tangible historic and visual association with a minor settlement of rural origins, the Heritage Impact Assessment and appellant's further heritage statement describe the location as 'semi-rural'. I concur with this assessment insofar as it relates to the wider area, albeit

for reasons already given I consider that, particularly east of the bridge, the character of the immediate vicinity is markedly rural.

33. Patently the setting of the church has changed over time, with the railway and parallel A465 severing the church from the fields and hills to the east. Whilst the modest form and materials of the building south of the churchyard moderates its prominence, the Coed Y Brenin and Willow Court developments have established suburban development in visual range of the church. Despite being visually separated from the church by woodland bounding the Gavenny, the development of the Glebe site would further introduce built form in proximity to the listed building.
34. Nonetheless, as the appellant's heritage statement indicates, the church's original rural setting remains perceptible to its north, northwest and northeast. This setting embraces historic built form associated with the village, including the nearby stone bridge and walls, The Old Mitre, Mitre Cottages, and structures within the churchyard, including two Grade II listed tombs/memorials. The group value of these structures, in addition to the trees, rural boundaries, shrubs and open fields to the north, contributes positively to the significance of the church.
35. Trees and shrubs bounding the Gavenny limit intervisibility between the churchyard and land to the west, including the Grade II listed St Teilo's House and the Glebe site. Consequently, the part of the appeal site which lies to the west of the riparian margin makes a limited positive contribution to the significance of the church. East of the bridge, however, key views are obtained of the church and historic structures of group value. It is from this vicinity that the church is principally experienced, being the location of its lych gate and approach.
36. The church's car park on the northern side of the lane also exhibits an influence on the church's setting, tangibly connecting it with land of rural character which lies north of the lane and within the appeal site. Although the railway embankment is visible from the lane and churchyard, its profiled form moderates its prominence, with views of Ysgyryd Fawr discernible beyond it to the northeast. Noise from, or glimpsed views of, passing trains or vehicles on the adjacent A465 have a limited bearing in this regard, being not atypical of a rural setting. Consequently, I consider that the eastern part of the appeal site forms a key component of the surroundings in which the church is experienced and appreciated as a local landmark, with a rural character which makes a substantially positive contribution to the church's significance.
37. I have already concluded that from certain viewpoints the proposal would be perceived as a suburban residential development of a scale and design which would not respect the rural character of the lane. Irrespective of landscaping, long-term adverse visual impacts arising from the residential units and supporting infrastructure would be perceptible in views from the churchyard, the church car park and the adjacent lane. This applies in particular to the access road/bridge/railings and the two units located on raised ground within the eastern part of the site. By substantially interrupting and altering important views between the church with land of overtly rural character to the north, the proposal would materially harm the significance of the church.
38. In its representation, Cadw has objected to the scheme on the basis that it would have a detrimental impact on the character and setting of St Teilo's Church and the unaltered historic environment in which it is located. I do not agree that the location has an 'unaltered' historic character or that Llantilio Pertholey is an 'isolated' rural hamlet. Nonetheless, irrespective of the magnitude of the harm, for the reasons given above, having regard to the duty imposed by Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the

proposal would not preserve the setting of the Grade I listed building, contrary to the aims of PPW paragraph 6.1.10 and TAN 24.

Ecological interests

39. The appeal site supports semi-improved and species-poor marshy grassland, riverine habitat and hedgerows, some of which fall within the River Gavenny Site of Importance for Nature Conservation (SINC). Areas to either side of the river support ruderal species, with evidence of invasion by Himalayan Balsam. Ecological surveys and phase II protected species reports have been prepared for the appellant which evaluate the presence of, and potential impacts on, habitats and several species, including bats, dormice, Great Crested Newts (GCNs) and otters, with the most recent surveys taking place in the second half of 2020.
40. The proposal would result in the loss of around 0.12 hectares of priority grassland habitat from the western field. However, this would be satisfactorily mitigated by the appropriate management of grassland habitat within the area of proposed open space east of the river, which is evidently invaded by Himalayan balsam, and within an area of compensation land in the appellant's ownership immediately to the north. Having regard to the provision in the UU for the Open Space Land to be owned and managed by a company or transferred to the Council, and subject to a planning condition requiring the approval and implementation of a long-term Ecological Management Plan, I consider that the proposal would result in moderately beneficial impacts in this regard.
41. Past surveys indicate that otter use the River Gavenny for feeding and marking territory. The proposed bridge would necessitate the removal of woodland and riparian habitat which may support this species. However, the extent of habitat loss would be limited, and the design of the bridge would avoid fragmenting the wildlife corridor. The loss of riparian habitat within the River Gavenny SINC would be adequately mitigated by additional tree and understorey planting, secured via a condition, and via its long-term management as per the provisions of the UU.
42. NRW has raised significant concerns relating to the effect of the proposal on GCNs, a small population of which have been recorded to the north of the site. Although the appellant contends that the mitigation proposed via the Ecological Impact Assessment (EcIA), including a new pond for breeding, would sufficiently avoid adverse impacts on the low population of GCNs recorded, NRW and the Council's ecologist have raised concerns that the proposed hedgerows shown on the Proposed Site Plan would not be sufficient to perform as incidental GCN habitat, as is sought by the EcIA.
43. A condition to require the management of the proposed open space for nature conservation would ensure that appropriate habitat, including ponds and wet hollows, would be secured for GCNs within the central field. There would also be sufficient space to the rear of residential units to secure wider hedges via a condition. However, the hedgerow marking the northern boundary of the western field lies outside the appeal site and is not included within the proposed area of 'compensation land'. Little space is available within the red line boundary to secure an alternative hedgerow to mitigate the loss of foraging and connectivity for GCNs in the western field. Irrespective of whether the Council has taken a consistent approach to other development sites, given the proposed site layout I do not consider that it would be feasible to secure the network of 'incidental GCN habitat' identified in the appellant's GCN Survey. Consequently, I cannot conclude with any certainty that the proposal would not harm local populations of GCNs, a European Protected Species.

44. Shortly before the appeal was lodged, NRW issued a Planning Position Statement and Interim Planning Advice³ relating to the impact of developments on phosphate levels within the catchment areas of riverine Special Areas of Conservation (SACs). As the appeal proposal would connect to the mains sewerage system it would contribute to phosphate loads discharged within the catchment of the River Usk SAC. Whilst Dŵr Cymru Welsh Water has confirmed that foul flows from the proposal could be accommodated by existing infrastructure, no information has been provided of permitted or current phosphate levels processed by the relevant wastewater treatment works. I am therefore unable to conclude that phosphate levels attributable to the appeal scheme would not have a likely significant effect on the River Usk SAC. This is a matter to which I return in my eventual conclusions.
45. Other ecological issues have been raised by the Council and others, including in relation to bats, but I am satisfied that conditions could be used to mitigate adverse impacts in this regard. Thus, in summary, having regard to the UU and subject to appropriate conditions and proposed compensatory measures, I find that the proposal would have a neutral or moderately beneficial impact on grassland and riparian habitats and species associated with or present within the River Gavenny SINC, including otter. This would not, however, outweigh the potential harm to GCN populations. Mindful of the Section 6 duty of The Environment (Wales) Act 2016⁴, I conclude that the proposal would conflict with the objectives of LDP policy NE1 to avoid significant adverse effects on the continued viability of priority habitats and species.

Flood risks and consequences

46. The appellant has prepared a Flood Consequence Assessment (FCA). This records that hydraulic modelling indicates that the proposed properties, gardens and bridge are predicted to be flood free during the 1% (1 in 100 year) event, allowing for climate change, and the 0.1% (1 in 1000 year) fluvial flood event, with no increase in flood risk predicted elsewhere.
47. NRW has not raised objections in relation to flood risks or consequences and the Council is of the view that the proposal accords with section 6 of TAN 15. However, the DAM, which supports TAN 15, identifies that part of the appeal site lies within the zone C2 (undefended) floodplain. Paragraph 6.2 of TAN 15 states, amongst other things, that highly vulnerable development in zone C2 should not be permitted. This is reinforced by the Welsh Government's 'Dear CPO' letter of 9 January 2014. Whilst I acknowledge that the site features two distinct areas of housing located to either side of the C2 zone, with open space and an access road located within the designation itself, the proposal is nonetheless in direct conflict with national policy on flood risk.
48. Furthermore, I note that the FCA indicates that the eastern access road lies marginally within the 0.1% flood event extent. Despite seeking further information on this point, few details have been provided of flood-free access/egress arrangements for the two units in the eastern part of the site. Although the FCA indicates that the access road could offer flood protection to Mitre Cottages, those properties are not located within the C2 zone.
49. In any case, however, the conclusions of the FCA do not outweigh the direct conflict with national policy. I conclude that the proposal would site inappropriate

³ Since 26 May 2021 superseded by 'Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation'

⁴ This imposes an enhanced biodiversity and resilience of ecosystems duty. Paras 6.4.5-6.4.9 of PPW expand on what is required.

development in an area at risk of flooding, and would not prioritise the protection of the undeveloped or unobstructed floodplain from development, thereby conflicting with the objectives of LDP policy S12, paragraph 6.6.25 of PPW and paragraph 6.2 of TAN 15.

Conclusion and planning balance

50. I have found that the appeal scheme would harm the area's character and appearance and its location within the open countryside would conflict with LDP policy S1. The proposal would also harm the setting of a Grade I listed building and would conflict with national policy on flood risk. In addition, it would result in harm to habitat capable of supporting GCNs, which would not be outweighed by any ecological benefits secured via compensatory mitigation. This cumulative harm weighs significantly against the proposal.
51. In terms of benefits, I attach moderate weight to the proposal's contribution to housing supply. I also accord moderate weight to the contribution that the proposal would make towards meeting affordable housing needs. Other material factors that weigh moderately in favour of the proposal include economic and training benefits resulting from temporary construction jobs and increased spend from local residents, and the provision of dwellings featuring passive design and various energy efficiency measures, which would limit environmental impacts and fuel poverty.
52. My overall conclusion, however, is that the proposal's benefits are clearly outweighed by the identified harm.
53. Where there is a likely significant effect on a failing riverine SAC, an Inspector determining a planning appeal is required to carry out an Appropriate Assessment. In this instance, I have not sought the further views of NRW to inform a screening under the Conservation and Habitats and Species Regulations 2017 (as amended) as it is evident that there is insufficient information before me with which to do so in respect of the levels of phosphate produced from the appeal scheme and its effects on the River Usk SAC. This leads me to conclude that the proposal would conflict with the objectives of LDP policy NE1 to avoid significant adverse effects on the continued viability of priority habitats and species. However, even were the proposal to be acceptable with regard to its effect on the SAC, this would not outweigh my conclusions on other grounds.
54. Several other concerns have been raised and the proposal has attracted support from many. I also note the financial contribution included in the UU towards the provision of recreation facilities locally. However, whilst I have considered these other matters, I have found nothing to alter my overall conclusion. I shall therefore dismiss the appeal.
55. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and combatting climate change and building healthier communities and better environments.

Paul Selby

INSPECTOR