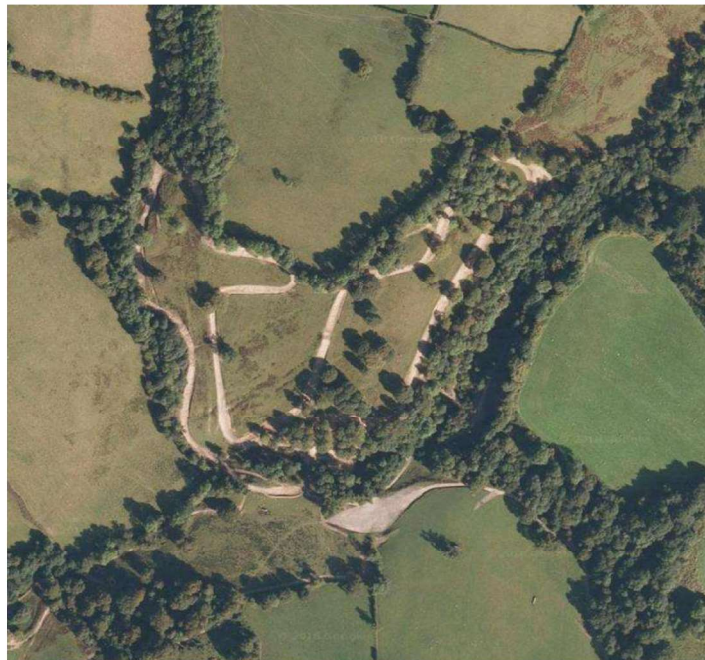


# **PLANNING STATEMENT**

**To Accompany a Full Planning Application**

**Use of site for motocross activities including use of existing scramble track and erection of buildings, highways improvements and infrastructure associated with this use**



**Land Adj Rhyd-Blawd Farm, Disserseth, Builth Wells, Powys, LD2 3TL**

**Our Ref:T046**

**February 2022 Rev C**

**Summary****Proposal**

Use of site for motocross activities including use of existing scramble track and erection of buildings, highways improvements and infrastructure associated with this use

**Location**

Land adjacent to Rhyd-Blawd Farm, Disserth, Builth Wells, Powys, LD2 3TL

**Date**

February 2022 Revision C

**Project**

T046

**Client**

Nightfly Limited  
4 Larkhill Cottages  
Larkhill Lane  
Formby  
L37 1PS

**Local Planning Authority**

Powys County Council

**Statement prepared by**

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### **Appendices**

1. Decision notice for CLEUD PR5473/00 (RAD/1998/0405) dated March 25 1999.
2. Letter from Powys CC confirming 14 days use of the land for permitted use dated April 01 2008.
3. Decision notice for approval of application RAD/2001/0238 dated December 11 2001.
4. Decision notice for refusal of application 19/0643/FUL dated February 16 2021.
5. Pre application response reference 21/0107/ PRE from Powys County Council dated November 09 2021.
6. Draft Noise Management Plan (NMP) from Hayes Mackenzie dated 14 February 2022
7. Document entitled 'Comparison between the CLEUD/ Permitted Development, historical use and the proposed use of the track with suggested controls' dated February 14 2022.

## 1.0 INTRODUCTION AND CONTEXT TO THE APPLICATION

This Planning Statement is submitted on behalf of Nightfly Limited as part of a full planning application for an application for use of site for motocross activities including use of existing scramble track and erection of buildings, highways improvements and infrastructure associated with this use

- 1.1 The site benefits from a Certificate of Lawful Existing Use or Development (CLEUD) (PR5473/00 granted on 25<sup>th</sup> March 1999). The issue of the CLEUD confirms the site has been used as a motorbike scramble track for over 30 years. Historically the typical type of vehicle that was permitted to use the track was either a petrol bike *or quad* which would be in use on the site until sunset (which in the summer months would average 22:30).

In addition to this the site enjoys Permitted Development Rights so that events can be, and have been held on the wider site throughout the year, again without any regulation as to time and type of vehicle permitted to use the site. Prior to the acquisition of the site by the applicant its use was unregulated and disorganised.

The intention behind this application is to bring forward a comprehensive suite of improvements to the site commensurate with the core principles of the applicant so that it is run in a more professional and organised way while also preparing for the future use of the site by electric bikes in lieu of petrol bikes.

**The application also brings forward considerable community benefits in terms of the control of existing operations on site. These are specifically precise hours of operation (taking the use of the site outside the key noise sensitive hours) and control measures in the form of a Noise Management Plan (NMP) which is formally offered as part of this application and will be legally binding and enforceable. The applicant is prepared to agree to conditions to provide wider regulation of the site.**

- 1.2 This application is a resubmission given that the previous planning application on the site (19/0643/FUL) was refused. This current application has been carefully reconfigured and designed to overcome the reasons for refusal of that application and further advice from the LPA in pre application submission dated November 09 2021 (Appendix 5).
- 1.3 In the absence of approval being granted for this application, the motocross course at Rhydblwd will continue to be used in accordance with the CLEUD and established and accepted Permitted Development Rights.
- 1.4 This means the use of the site will be wholly unrestricted in terms of times of day the existing motocross track can be used. It will also be wholly unrestricted in terms of the types of vehicle that can use the existing motocross track and crucially, the site will continue to host events over a number of days per year without any form of restriction.
- 1.5 This application deliberately brings forward control measures and the LPA is invited to fully consider the considerable community, economic and environmental benefits it provides namely a restriction on times of use of the motocross track, restrictions on vehicles using the motocross track and restrictions controlling the duration of events that can be held on the site per year.

1.6 The planning application comprises the following set of drawings:

<b>Drawings title</b>	<b>Drawings No.(T046)</b>	<b>Revision</b>	<b>Prepared by</b>
Land Ownership Plan	3a.0.200	E	Hughes Architects
Block Plan 1	3a.0.201	D	Hughes Architects
Block Plan 2	3a.0.202	B	Hughes Architects
GRP Enclosure	3a.1.203	A	Hughes Architects
Site Compound Location	3a.1.206	A	Hughes Architects
Proposed Floor Plan – Experience Centre	3a.1.302	A	Hughes Architects
Proposed Elevations – Experience Centre	3a.1.303	B	Hughes Architects
Log Pod Details	3a.1.401	B	Hughes Architects
Log cabin Details	3a.1.502	A	Hughes Architects
Site Map Showing Views	3a.3.010	A	Hughes Architects
View from proposed site	3a.3.011	A	Hughes Architects
Typical Mammal Run Detail	3a.4.204	A	Hughes Architects
Bridge Plans and Sections	3b.1.200	A	Hughes Architects
Landscaping and Biodiversity Plan Sheet 1	3a.1.210	/	Hughes Architects
Landscaping and Biodiversity Plan Sheet 2	3a.1.211	/	Hughes Architects
Highway Improvements Plan	SK01	D	Entran
Highway Improvements Plan	SK02	C	Entran
Site Access Arrangements Plan	SK03	D	Entran
Proposed Offsite Works 1 of 2	SK04	A	Entran
Proposed Offsite Works 2 of 2	SK05	A	Entran
Swept Path Analysis (4x4 + Trailer)	SK07	/	Entran

1.7 In addition, the application is accompanied by the following supporting documents:

<b>Document and date</b>	<b>Authors</b>
Ecological Impact Assessment and Mitigation Report (February 2022)	Turnstone Ecology
Transport Statement (February 2022)	Entran
Sound Assessment (February 2022)	Hayes McKenzie
Porosity Tests (March 2019)	Hughes Architects / J A Morgan Construction
Foul Water Drainage Strategy (February 2022)	GeoSmart
Surface Water Drainage Strategy (February 2022)	GeoSmart
Pollution Prevention Plan (not dated)	GeoSmart
PAC Report (March 2019)	Hughes Architects
Construction Environment Management Plan (February 2022 Rev A)	Hughes Architects
Noise Management Plan (February 2022)	Hayes Mackenzie

## 2.0 SITE DESCRIPTION

- 2.1 The proposed site is located in a rural landscape characterised by mature, dense wooded grounds and grassland extending to approximately 2.9067 hectares at OS Co-ordinates 52.196856,-3.382768. The site is almost equidistant between the two Powys towns of Llandrindod Wells and Builth Wells. The site itself is located some 3 miles from the River Wye.
- 2.2 The existing and permeant use of the site is authorised via a Certificate of Lawful Existing Use or Development (CLEUD).

A CLEUD reference PR5473/00 dated 25.03.1999 confirmed that:

*'The use of land at OS field No. 5433 and 7035 at Rhydblwd, Disserth, Builth Wells for motorcycle scrambling practise sessions on Sunday and Wednesday afternoons and the staging of 3 motorcycle scrambling events per annum'*

Given the intensity of use of the track in the early 2000s, further clarification of the use of the site was sought by the previous owner. This resulted in confirmation dated April 04 2008 from the Local Planning Authority that:

*'the use of the land up to 14 days per annum for motorcycle events is permitted by virtue of class B2 / part IV of the Town and Country Planning (General Permitted Development) Order 1995. This permitted development right is in addition to any permissions you may have to use this site whether through planning permission or a certificate of lawfulness.'*

Therefore, in summary the permitted permanent use of the land is as a motocross scramble track on Wednesday afternoons and all day Sundays throughout the year with times defined by sunrise and sunset (termed 'Practice Days'). To add to this, 3 'Race Events' are permitted via the CLEUD and 14 'Scrambling Events' per year are sanctioned as part of Permitted Use. A glossary of these terms is included in Appendix 7.

- 2.3 **It is important to note that the existing use of the site is unrestricted in terms of numbers of riders and mix of petrol / electric bikes and quads as well as being able to operate during any point there is daylight including the key noise sensitive times of day. The historical use of the site is by petrol motocross bikes and quads.**
- 2.4 By way of background the typical and historical annual use of the land is as follows:

Practice days currently occur on Wednesday afternoons and Sundays. The current operation on site has adopted the setting sun as the end of the afternoon as defined by the Cambridge English Dictionary. Activities on Wednesdays start at 12:00 and would run through until sunset. Sunday activities would occur from 08:00 until sunset.

Obviously, the time for sunset varies throughout the year and in the summer months this is on average 22.30 – the track could therefore be used for 14 ½ hours on Sundays in the summer. Track density during these practise sessions is up to 50 riders on the track at any one time. To add to this there are usually another 50 riders *waiting on the site* to use the course.

The CLEUD permits 3 events per annum- Race Events. Generally these take the form of 3 day events where day 1 is setting up and arrival of competitors at the track and days 2 & 3 are track race days.

Day 1 includes tuning of vehicles and track reconnaissance in preparation for the next 2 days of competition.

Days 2 & 3 would be expected to start at 08:00 and run through until the light is failing, i.e sunset. In general, during events track density of riders will be around 100 on track at any one time.

Scrambling Events (the 14 Permitted days confirmed in LPA email dated April 01 2008) follow the same pattern as the 3 CLEUD (Race) Events.

***The above use is considered as the fall-back position for the site and how it will be operated going forward if the application is unsuccessful.***

- 2.5 The intention of this application is to formally regulate the existing use of the site through enforceable control measures allowing for different usage patterns whilst offering quantified environmental improvements in terms of noise and access.
- 2.6 In the instance of an unsuccessful outcome to the application the unregulated use of the site (i.e. the fall-back position) will continue in order for the applicant to maximise the commercial gain. This will include the use of the site with the freedoms of the CLEUD and Permitted Development, the other benefits and improvements to the site as outlined in this statement not taking place and noise making activity through petrol bikes and quad bikes during the key noise sensitive hours of the day and to late in the day in the summer months.
- 2.7 This application is ambitious but fully in line with core objectives set down in the adopted LDP and the wider ambitions of Powys CC as outlined in its Vision 2025. There is an existing motocross scramble track at Rhyd Blawd Farm with lawful use which is, in the main unregulated in terms of hours of operation, types of vehicle that can use it (note that noisy quad bikes have used the track regularly in the past), duration of events that can be held on the site and potential noise nuisance. The main thrust of this application is to regularise the permanent and existing lawful use of the land as a motocross scramble track in the interests of amenity. ***This will bring forward considerable community benefits by the use of enforceable controls and strict noise management, both of which are absent within the site's current use.*** In addition to this the application also includes the erection of a number of ancillary buildings on the site in order to support and expand its existing tourism offer. This is complimented by the installation of new foul water infrastructure, to replace that existing, as well as improvements to the local highway network.

#### **Details of the Site**

- 2.8 The site currently hosts a large motocross scramble track, which is accessed by a stone and bare earth track leading from a minor road approximately 400 metres from the existing junction. Access to the site is currently shared with Rhyd Blawd Farm. The distance from the site to the A483 trunk road is just over 1.4 miles. It is also 1.1 miles from where it joins the Howey to Hundred House road in the other direction.
- 2.9 The existing motocross scramble track mainly criss-crosses open grazed grassland with some scattered trees and hedgerows and trees around the Northern and Western site boundaries. The track passed through woodlands at a present on steep slopes along the Southern and South Eastern part of the site.
- 2.10 The Dulas Brook flows North East to South West through these woodlands before continuing through more open grassland areas at the Western end of the site. The existing motocross scramble track tracks through and over the Dulas Brook in a number of places, and this benefits from previous approvals.

- 2.11 Further woodlands and a small watercourse are present to the East of the existing access track and a woodland strip borders the Western side boundary.
- 2.12 Improved grassland fields bordered by hedgerows and trees surround the site and extend away to the Northwest towards the River Wye valley and to the East and South towards the Carneddau Gilwern hills

### **Sustainability – Highways and Transportation Connectivity**

- 2.13 The existing principle planning use of the site has been previously accepted by the LPA via the CLEUD and supporting documentation from Powys CC dated December 11 2001 and April 04 2008. This application seeks to improve on site facilities and services to support an existing sustainable tourism development. This requirement is illustrated by Figure 2.1 within the Transport Statement (TS) provided by Entran. A description of the site connectivity into the existing local and regional highway network is described in Section 2 of the same document.
- 2.14 The essential difference between the existing usage of the site and what is proposed is that ***the whole site will be managed***. With an on-site full time manager as well as the proper advertising of the facility the whole idea behind this enterprise is to obviate the need for the 'bring your own bike and ride' type of operation which is currently in existence.

The applicant's business plan has been designed around creating a pre-book only opportunity and not the free-for-all practice track as the site has been in the past. All of the user groups for the site will have an instructor with them. There will be riders with 2 instructors for Experience Days (see Appendix 7). Riders will use electric bikes which will be provided by the applicant and stored on site in the new facilities, thereby reducing the need for track users to bring their own bikes. The attention of the LPA is brought to the fact that more often than not, this was on trailers and large vans. The wider benefits of this application are described in more detail in the Transport Statement.

- 2.15 The Transport Statement concludes that ***there are no residual cumulative impacts in terms of highway safety or the operational capacity of the surrounding transport network***.

The attention of the LPA is brought to the consultee response from both the Welsh Government Highways Directorate (WG) and the Local Highways Authority (LHA) that recommend approval subject to conditions of the previous planning application reference 19/0643/FUL. This is further discussed elsewhere in this statement but in summary given that the same information is presented via this application this confirms that in terms of highways and transportation the application is sustainable and viable, and therefore demands the support of the LPA on the same.

### **Planning History**

- 2.16 There are several documented planning applications and consents associated with the existing facilities at Rhyd Blawd, Disserseth.

#### **RAD/1998/0405**

Application Received: 19<sup>th</sup> October 1998

Proposed development: Formation of track – use of track as a circuit for motorbike scrambling events and practice sessions.

Note this was the CLEUD as described below:



**PR5473/00 – CLEUD**

Decision Date: 25<sup>th</sup> March 1999

Details: Permission granted- a certificate of Lawful Use or Development stating that twice weekly practices and three organised events per annum would be immune from action and hence lawful by virtue of Section 191 of the Town and Country Planning Act 1990.

**RAD/2001/0238**

Application Received: 12<sup>th</sup> July 2001

Proposed Development: Construction of a bridge and deposit of hardcore to create ramp for use by motorcycles.

Decision Date: 11<sup>th</sup> December 2001

Details: Permission granted in full

**19/0643/FUL**

Application Received: 12<sup>th</sup> April 2019

Proposed Development: Formation of motorcycle scramble track, erection of a building for use as a Motor-Cross Experience Centre with associated parking area; Use of land as overspill car parking area; Siting of 7 no. holiday lodges and associated works; Installation of 2 no. foul water drainage receptacles and soakaways; Alterations to existing roadways and improvements to 2 no. highway entrances.

Decision Date: 16<sup>th</sup> February 2021

Details: Permission Refused

Copies of decision notices relating to the above planning applications are included in the appendices.

**Summary**

- 2.17 It is concluded that the existing motocross scramble track at Rhyd Blawd Farm has lawful usage for a specific period of time throughout the week and throughout the year. This application is to amend this usage for the purpose of riding motocross bikes, with an emphasis on use of electric bikes. The existing usage for Wednesday and Sundays as well as for events over the year shall be retained with condition, with the intention to incorporate other usage throughout each week for electric bikes in the main. This application presents additional information to overcome the reasons for refusal of application 19/0643/FUL.

### **3.0 APPLICATION PROPOSAL – DESIGN AND ACCESS**

#### **Type of Application**

- 3.1 This planning application is made in full with a complimentary suite of supporting documents and drawings.

#### **Access and Movement – Highways and Access**

- 3.2 Vehicular access to the site as existing is via the C1357 which travels South East and forms a T junction with the A483 trunk road. The A483 at this junction with the unclassified road is approximately 7.3m in width and the unclassified road is approximately 3m wide with passing places available along its length within the grass verges on either side. All local roads carry a speed limit of 60mph and no pedestrian footways or street lighting are present.
- 3.3 There are 2 areas in which the existing highways network in the location of the applicant site are to be improved and these are as follows:
- a) Creating passing places along the link between the A483 and the site access on land within the ownership of Powys County Council.
  - b) Formalise / upgraded site access.

All of these proposals are included within the Transport Statement (TS) from Entran and are a re-submission of all the details that have previously been supported and agreed via 19/0643/FUL by WG Highways Directorate and the LHA.

#### **Access, Movement and Community Safety – Traffic Issues and Traffic Calming**

- 3.4 While the traffic speed of the road in the location of the access points into Rhyd Blawd farm site could be 60mph, the reality is that traffic speeds are self-governing due to the topography of the land with restricted visibility in certain locations. Essentially the C1357 is a typical Powys road which is undulating and characterised by a corridor of hedgerows which naturally slows down traffic.

With this in mind we have followed the advice from statutory consultees to 19/0643/FUL and propose the following improvements, all of which were previously supported by WG Highways Directorate and the LHA.

We cross-reference these with the clauses within the Transport Statement prepared by Entran:

- Creating Passing places along the C1357 between the A483 and the site access (Entran Transport Statement clause 6.2.1 – 6.2.2)
  - Improvements to site access (Entran Transport Statement clause 6.2.3- 6.2.4)
- 3.5 Given all of the above it is the intention to not only improve the existing highway network for the proposed development but for the wider community. The improvements to the access points to the site and incorporation of passing spaces to the C1357 will considerably improve highway safety for the area.

### **Design, layout and materials**

- 3.6 Several ancillary buildings are intended to be built on this site. The design driver behind all of these buildings is based on the site's rural context and to locate buildings within the landscape comfortably and discreetly. There are 4 different types of building proposed here. All of which have been designed around the site's rural context using materials typically seen in this area.
- 3.7 The reception building has been designed to be single storey and of very simple massing commensurate with an agricultural building set within this landscape. It accommodates a range of customer welfare rooms in the form of changing rooms, toilets and showers. Within one end of the building there is a bike store and small demonstration area. There is a considerable amount of storage associated with the reception building in the form of equipment. The building has deliberately been designed to be single storey to sit low in the landscape. It is screened from all public vantage points via mature landscaping.
- 3.8 The materials chosen are deliberately redolent of a modern Powys barn. Accordingly, elevations are simple and clad with a mixture of panels and larger glazed openings that appear like barn doors from distance.
- 3.9 As the primary façade of the building is North facing towards the motocross track we have opted for a translucent polycarbonate cladding across the majority of the elevation. We are able to control the translucency and colour of each panel allowing a monolithic design style when viewed externally – despite some areas being opaque and some more clear. This cladding will allow for a very constant level of lighting in the demonstration area with little risk of glare due to the north facing nature of the site.
- 3.10 By controlling transparency of individual panels, we have removed the need for small window openings in the façade which would have detracted from the barn aesthetic to which we aspire. In addition, due to the large amount of natural light allowed we are of the opinion that the other elevations work best with panelled cladding and no openings. This enhances the lightness of the frontage and helps the cladding stand out as a design element.
- 3.11 The Local Planning Authority is asked to note that by having the translucent façade facing towards the motocross track means there will be ***no*** light pollution directed back towards the approach road, the farm or camping pods. This is further reinforced by the daytime only focus of operations relating to the building.
- 3.12 The log pods will comprise double bed and sofa bed accommodation. These are building constructed off site so as to be delivered to location more or less complete. They will also be self-contained with the en-suite toilet and washing facilities. Examples of the types of log pod to be used are included with this application pack. The materials used for walls and roofs shall be timber and will be very familiar to the LPA from similar applications it has approved in the immediate locality recently.
- 3.13 The third building is a 2-bed log cabin. Again, it is in similar architectural language to the log pods so that it is in keeping with the overall theme of development. The materials used for walls and roofs shall be timber and will be very familiar to the LPA from similar applications it has approved in the immediate locality recently.
- 3.14 The fourth building is a small GRP cabinet used to house the low voltage electrical supply. It is of approximate size 2200mm x 1000mm x 2000mm and will be green in colour. In the wider context of the development this building would be practically inconspicuous.

### **Community Safety**

- 3.15 The motocross scrambling track is existing. It currently benefits from existing access points however the main junction is shared with Rhyd Blawd Farm. As outlined previously it is the intention to improve this junction so as to make it safer for not only users of the farm but also for the wider community.
- 3.16 Existing junctions from the site onto the C1357 shall be formalised and improved to LHA standards. It is noted that there are no records of any accidents to and from the site but the highways improvements proposed by the applicant are testimony to the desire to bring forward as many community benefits as is possible via this application.
- 3.17 As part of the applicant's business plan, it is the intention to have a full-time manager on site. This will be for the hours of operation of the scramble track and will ensure that the facilities are maintained, surveyed and, more importantly, the enterprise will be controlled on a regular basis with an on- site presence

### **Environmental Sustainability**

- 3.18 The proposed construction methods for all 4 different types of building has been selected to keep disruption to a minimum. The majority of the building shall be manufactured via off site construction methods. This means that they shall be delivered to site more or less complete. This is one of the most efficient ways in which buildings can be built thereby reducing waste to a minimum. Selection of materials such as polycarbonate in lieu of glass allow us to construct a building with high thermal performance oriented to control solar gain as well as heat loss during its year-round operation.

### **Ecology**

- 3.19 An Ecological Impact Assessment and Mitigation Report has been undertaken in order to evaluate the site in more detail. There is a large amount of land available for building and this landscape led scheme avoids the removal of any existing trees or hedgerows to accommodate all built forms.
- 3.20 As existing trees, hedgerows and grassland form an integral part of the business plan for the applicant it is the intention for the proposal to be landscape led and all trees and hedgerows to remain.
- 3.21 The access road that shall traverse the site shall continue to be, in the main, of hardcore finish, therefore allowing existing surface water drainage patterns to be preserved. Only those connections to the unclassified road are to receive a form of hard surfacing as per the application drawings.
- 3.22 Surrounding each of the log pods it is the intention to install a modicum of decking in order to take advantage of the views. Again, the foundation regime proposed here is to ensure that there is as little disturbance to the existing ground as it practical. The specific type of log pod that has been designed means that the foundation regime for the structures shall be reduced to the bare minimum.

## **Summary**

- 3.23 In planning policy terms, it could be considered that the site is open countryside however its character is greatly influenced by the motocross track and its existing environment of roads, bridges and temporary toilet facilities. With this in mind we have proposed solutions which will seek to expand on the existing tourist and leisure facility in a way which extends the tourism and leisure offer and which greatly improves the range and quality of on-site facilities. The proposals would also bring about improvements to the highways network for the benefit of local residents as well as those using the site.
- 3.24 The proposed design solutions for the ancillary building and log pods are by virtue of their design, construction and appearance, in- keeping with their rural context in a manner that will be unobtrusive and environmentally sensitive.
- 3.25 With the above in mind the application is fully compliant with national, regional and local objectives in respect of Design and Access.

## 4.0 SUMMARY OF SUPPORTING DOCUMENTS

- 4.1 The following section provides a brief overview of the supporting documents which have been prepared to accompany the planning statement for the proposed development

### **Design and Access Statement**

- 4.2 A Design and Access Statement (DAS) is included within this document (above). The DAS considers the context and characteristic of the site and appraises the development against the relevant design and access policies contained within the development plan.

### **Transport Statement and Mitigation Issues**

- 4.3 Pre-Application Consultation (PAC) with Powys County Council Highways Authority established that the proposed development needed to be supported by a Transport Statement (TS). Entran have produced such a document which details the transport characteristics of the proposed development and its potential impact on the surrounding transport networks and is included within the application pack with accompanying drawings.
- 4.4 A PAC was carried out in late 2018 and the Local Highways Authority (LHA) engaged with this process. Initially concerns centred on the ability of the existing junction between the unclassified road and the A483 to accommodate additional traffic. Questions were also raised by the Authority as well as consultees upon the ability of the C1357 road between the junction and the site in terms of its ability to accommodate additional traffic. With this in mind the Transport Statement has tested these concerns, developed the proposal from responses received via application 19/0643/FUL and the consultants have proposed the following:
- 4.5 The proposal is to:
- Accommodate passing spaces along the C1357 all of which can be achieved on land within the ownership of Powys CC.
  - Improve access and egress points to the application site.

In relation to potential trip generation to and from the site the Transport Statement concludes that 'due to the frequent nature and low volume of these trips no detailed analysis is required'.

- 4.6 The Transport Statement concludes **that the impact of the development proposals on the surrounding transportation network should be considered negligible and not detrimental.**
- 4.7 The Transport Statement has considered all highways transportation issues raised through the PAC process and these have been considered and addressed. In consideration of 19/0643/FUL the Welsh Government has confirmed in their email dated January 07 2021 and PCC Highways (LHA) dated February 11 2021 (reference the planning portal) that subject to conditions the application would be supported.

The officer's Report to application 19/0643/FUL concludes:

*Several objections were maintained by both Highways Authorities however following a number of submissions both Powys and Welsh Government advised that, subject to conditions, the development would be acceptable in highway safety terms.*

*As such, it is considered that the proposed development is in accordance with policy DM13 and T1 of the LDP.*

**The information previously submitted for 19/0643/FUL is presented again in duplicate format so it is understood that the LPA and LHA will once again consider it favourably. The application is fully compliant with LDP policies DM13 and T1 and TAN 18.**

#### **Access, Movement and Community Safety – Parking**

- 4.8 It is acknowledged that the existing junction to Rhyd Blawd Farm from the C1357 is rather restricted. It has been adapted over time for use by agricultural vehicles and is substandard in terms of its radii and connection with the unclassified road. It is the intention with this application to improve the access on to the unclassified road as detailed on the drawings provided by Entran which support this application.
- 4.9 This has previously been accepted by the LHA and Land Drainage Officer from Powys CC who both confirmed approval to the exactly the same designs that are re- submitted here as they were for application 19/0643/FUL. It was agreed via that application that levels, gradients and drainage can all be developed post planning approval for construction prior to commencement of works on the scheme via a S278 agreement. It is expected that that the LPA will be consistent with this approach and any highways improvements will be considered as conditions of any forthcoming approval.
- 4.10 In order to expedite the use of the site and ensure highway safety it is the intention to improve the existing field access as noted on the attached drawings to increase visibility as depicted in Entran’s Transport Statement clause 3.2.4.
- 4.11 There is car parking within the site for minibuses, motorcycles and cycles meaning that all vehicles can use the site safely and be accommodated within the curtilage of the site without detrimental impact upon the wider highway network.
- 4.12 Given all of the above this application brings forward considerable community benefits in the way of highways safety which will be supported also by the creation of passing spaces within land in the ownership of the LHA.
- 4.13 At present parking within the site is rather haphazard. Nevertheless, due to the fact the site itself is considerable in size this has not been a problem in the past. All the same part of this project is to ensure that users of the enterprise are safe and can access all facilities easily. Parking therefore will be formalised and only pedestrian access close to the ancillary buildings will be via hard paved, the remainder will be on porous surfaces such as consolidated hardcore as shown on the application drawings.
- 4.14 All parking will be within the site and due to the size of the venture there will be no need to park on public highways.

#### **Foul Water and Surface Water Drainage Report and Mitigation Issues**

- 4.15 Reason 2 for refusal of application 19/0643/ FUL stated ‘ the proposed development fails to demonstrate that it would not cause further deterioration of the River Wye SAC in terms of phosphate input.’
- 4.16 Since that application there has been deliberate focus on providing this information.
- 4.17 The application is supported by ‘Foul Water Drainage Strategy’ dated February 2022 from Geosmart. The information has been developed following several meetings with officers from NRW on site.

4.18 The Executive Summary to this document states:

*There is an existing foul drainage system in-situ comprised of infiltration through a gravel filled concrete lined pit with final discharge to surface water, used to serve the catering and toilet arrangements in place.*

*It is proposed that the existing foul drainage arrangements are taken out of use. New foul water treatment systems will be installed. We are of the opinion that the new foul water treatment systems offer the best available level of treatment to protect the receiving waters and will offer a betterment over the existing situation on Site.*

*It is noted that by taking the existing system, which offers little in the way of treatment, out of commission there is expected to be a betterment in the overall quality of the effluent leaving the Site and a reduction in the phosphate concentration entering the Dulas Brook. For comparison an average phosphate concentration from a septic tank (which offers some level of treatment) is 12.2 mg/l (ref. Natural England Commissioned Report (NECR) 221) so it can reasonably be assumed that the existing system releases phosphate at a similar or higher concentration than this. On this basis it is anticipated that the proposed treatment systems for Areas A and B will offer betterment over the existing phosphate concentrations entering the SAC/SSSI.*

*In summary:*

- *The existing annual phosphate loading from the Site is between 3,439 g and 6,878 g depending on the assumptions used for the current effluent concentrations.*
- *The proposed annual phosphate loading from the Site is 1,835 g*

4.19 It is concluded that the removal of the existing foul water receptacle and its replacement with 2 no. new receptacles and infrastructure **will lower the phosphate input by a maximum of 5043g per annum or a minimum of 1604g per annum**. With both of these figures taken into account the application brings forward **phosphate betterment** which is fully compliant with policies SP7 and DM2 of the Powys County Council Local Development Plan, TAN5 and the Conservation of Habitat and Species Regulations 2017 (as amended). **Reason 2 for refusal of application 19/0643/FUL has therefore been overcome.**

4.20 The application is supported by 'Surface Water Drainage Strategy' dated February 2022 from Geosmart.

4.21 The Executive Summary to this document states:

*Surface water runoff is proposed to be discharged to surface water, after passing through a train of SuDS features including rainwater harvesting, permeable paving, swales and retention basin (pond). The SuDS features offer environmental protection through treatment and attenuation, prior to discharge at a controlled rate. The system will prevent pollutants leaving the Site and will prevent an increased flood risk off-Site.*

**The application brings forward considerable environmental and biodiversity surface water management benefits not only for the site but the broader area including the SAC and SSSI. The proposed designs are compliant with the Flood and Water Management Act 2010 (Schedule 3), Sustainable Drainage Systems Standards for Wales (2018) and a formal application to the SAB has been made.**



## **Archaeology, Landscape and Visual Assessment (LVA)**

- 4.22 The usual arbiter as to whether a LVA to support an application is required is Clwyd Powys Archaeological Trust (CPAT) and as part of the PAC process this body was consulted. The consultee confirmed the site has no archaeological value and that an LVA was unnecessary. Nevertheless, we have sited all new buildings so as to reduce the impact from public vantage points. Additional information was submitted as part of application 19/0643/FUL presenting the long views of the reception building from distance and specifically residential receptors (see Hughes Architects drawing T046/ 3a.3/010/ Rev A). This information is re-submitted as part of this application and it is noted that the Officer's Report to the previous submission 19/0643/FUL concluded that:

*Whilst it is acknowledged that the building itself is well sited in terms of its scale and impacts on nearby sensitive receptors (users of rights of way, highway and nearby properties) it is considered that the colour of the building detracts from the character and appearance of the area. However, it is considered that this element can be controlled via condition requiring the submission of an alternative colour more in keeping with the surrounding area.*

**With the above in mind an LVA is not submitted as part of this application and we confirm that the LPA is supportive of the principle of development subject to the above condition.**

## **Ecological Report and Mitigation Issues**

- 4.23 An Ecological Impact Assessment and Mitigation Report has been undertaken by Turnstone dated February 2022 and developed to consolidate all consultee responses to application 19/0643/FUL including those from PCC Ecology and NRW. This Report is presented in identical format to that previously submitted for 19/0643/FUL. It is noted that this Report commanded the support of all consultees to that application. Given this, it is expected the LPA will be consistent in its consideration of this identical information and again recommend its approval.

The Report has assessed whether the proposed development impacts upon any protected sites, species and habitats. The site comprises open grazed grassland with some scattered trees and hedgerows and trees around the Northern and Western side boundaries. A consultee response to the previous application 19/0643/FUL referenced the track within a Restored Ancient Woodland. Given the motocross scramble track is existing and no further works are proposed outside of the corridor of the track, it was concluded by that consultee that 'Ancient Woodland compensation measures are therefore not considered necessary as part of the proposals but appropriate mitigation measures and site enforcement are proposed and can be secured through an appropriately worded condition.'

- 4.24 The report concludes that given that the majority of hedgerows and all trees are retained and protected, the proposed development will not have significant impact upon the sites species and habitats
- 4.25 The report concludes that the Powys BAP lists 17 Habitat Action Plans but none of these habitats will be significantly affected by the proposed development. During the PAC, Natural Resources Wales make reference to the potential existence of otters and white clawed crayfish. Nevertheless, no evidence of either was found during the Assessment. The site is also not designated for wildlife interest at any international, national or local level and that no legally protective plants or species were identified and so the impact of

the development upon such is low. Consequently, Turnstone confirmed that there are no ecological reasons why this site cannot be developed for tourism purposes.

**The application brings forward the replacement of 4 existing bridges and a bridge crossing of the existing ford to prevent the communication of arisings with the watercourse and SSSI. It also proposes the installation of 15 dormouse boxes, 20 bird boxes, 10 bat boxes, a mammal ledge to the existing culvert and hibernacula. With a commitment to a long- term Management Plan (already approved as condition by NRW and PCC Ecology) then it is concluded that the application ‘will actually reduce impacts upon the SSSI and Restored Ancient Woodland.’ It therefore fully complies with PCC LDP policies SP7 and DM2 and core biodiversity principles set down in TAN 5.**

#### **Arboricultural Issues**

- 4.26 As no trees are identified for removal as part of this application then the need for such a survey is not deemed necessary.

#### **Sound Report and Mitigation Issues**

- 4.27 Reason 1 for refusal of application 19/0643/ FUL stated ‘ the proposed development fails to demonstrate that it will not have an unacceptable adverse impact on nearby sensitive receptors contrary to policies DM13, and TD1 of the Powys Local Development Plan, Technical Advice Note 11: Noise, Planning Policy Wales and the Wellbeing of Future Generations Act.’
- 4.28 Since that application there has been deliberate focus on providing this information. It has been developed in conjunction with advice received via the Powys County Council Pre-Application Protocol and specifically the feedback from the Environmental Health Officer (EHO).
- 4.29 Accordingly, the application is supported by ‘Sound Assessment’ dated February 11 2022 from Hayes Mackenzie (HM). The report undertaken by HM is rigorous and is supported by a Noise Management Plan (NMP) to bring forward enforceable controls for both existing and proposed usages of the application site. The report discusses the following:

*The Report has detailed the predicted sound levels associated with the Electric Bike Experience Days and considered the potential sound impacts associated with this proposed new source of activity on site.*

*The Report considered the generation of sound associated by use under the CLEUD/Permitted Development (based on the Historical Use of the track) any potential increase in sound impacts associated with the introduction of the Electric Bike Experience days as part of the Proposed Use and factoring in the improvements and controls being offered by the applicant. The Report finds no significant change.*

*The analysis undertaken within this report has considered the sound levels associated with the CLEUD and Permitted Development Days which are currently permitted and the Proposed Activities as set out in Section 5.*

*The analysis indicates that the Proposed Use with the addition of the Electric Bike Experience*

*Days to the lawful use CLEUD and Permitted Development Days has no material effect upon the yearly dose values ( $L_{den}$ ) at any of the neighbouring noise sensitive receptors. The reasons for refusal for application 19/0643/FUL have been overcome and a strategy of considerable community gain is proposed commensurate with core objectives set down within the Wellbeing of Future Generations (Wales) Act 2015.*

*The current proposal has outlined proposed controls to the activities that currently contain limited restrictions (see the tables within the “Comparison Between the CLEUD/Permitted Development, Historical Use and the Proposed Use of the Track with Suggested Controls” document) under the lawful use of CLEUD and Permitted Development Days which, in themselves, will reduce the yearly dose values at neighbouring noise sensitive receptors by 1.4 – 2.4 dB  $L_{den}$  for these activities. A reduction of this level will result in an audible reduction of sound from the existing operations at the site and is a **planning gain to neighbouring receptors**.*

*The inclusion of Electric Bike Experience Days within the Proposed Use will have no material effect upon these yearly dose values and thereby would not result in an unacceptable adverse impact whilst maintaining the **planning gain to neighbouring receptors** in relation to the activities currently permitted.*

*Through application of controls to CLEUD and Permitted Development activities, existing sound levels would be reduced but Electric Bike Experience Days as part of the Proposed Use would have no material effect upon the resultant yearly dose values. The proposal is compliant with LDP Policy DM13 and TD1 of the Powys LDP, TAN11 and the Wellbeing of Future Generations (Wales) Act 2015.*

- 4.30 **Given the reduction in sound levels and the control of use of the site offered by the submission on the Noise Management Plan** we conclude that the application is compliant with DM13 and TD1 of the Powys Local Development Plan, Technical Advice Note 11: Noise, Planning Policy Wales and the Wellbeing of Future Generations (Wales) Act 2015. **Reason 1 for refusal of application 19/0643/FUL has therefore been overcome.**

#### **Summary**

- 4.31 **Given all the conclusions in the reports referred to above there are no technical obstacles to the grant of planning approval for an extension to the tourism offer on this site and all reasons for refusal of application 19/0643/FUL have been overcome.**