



Planning, Design & Access Statement

Montgomery Canal Restoration – works to facilitate the future navigation of the Montgomery Canal

Construction of an offline pond, associated landscaping and enabling works on land adjacent to the Montgomery Canal at Wern

June 2024

Planning Statement

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1.0 Introduction

This Planning Statement has been prepared on behalf of Glandŵr Cymru (Canal & River Trust in Wales, hereafter “the Trust”), in support of an application for planning permission for the construction of an offline pond on and adjacent to the Montgomery Canal.

The Trust is working in partnership with Powys County Council to restore the Montgomery Canal after successfully securing funding through the UK Government’s Levelling Up Fund.

As part of this funding package, the Trust has received funding for the construction of a new offline pond on land at Wern. The new pond provides aquatic habitat adjacent but separate from the canal and is one of a number which are proposed to be created as part of the restoration project. The delivery of these ponds is set out in the 2005 Conservation Management Strategy (updated 2016). This envisages reserves created along the length of the canal, as restoration progresses. Ponds have been created near Aston locks in Shropshire as part of this process and the new one proposed at Wern an expansion of provision.

The creation of the ponds is to provide additional habitat principally to accommodate Luronium Natans, a protected species of aquatic plant, which is present in the canal itself and the reason for its length in Wales being designated a Special Area of Conservation (SAC). In order to deliver the restoration of the canal, which is an objective supported by all members of the Montgomery Canal Partnership, protection of the Luronium population is required. The provision of ponds along the length of the canal provides additional habitat and will be populated with Luronium as part of the project. Restoring navigation may require the impact on Luronium to be fully assessed and work is currently ongoing to establish this and address any mitigation or compensation measures which may be identified as necessary. The Conservation Management Strategy anticipates the need for additional habitat creation and the creation of the pond at Wern provides further waterspace along the length of the canal to increase the available habitat outside of the canal itself.

2.0 Application Documents

The following documents comprise the present application. These documents have been compiled with reference to the national validation requirements published by the Welsh Government and the pre-planning application advice received from Powys Council (Reference 23/0104/PRE, dated 30 June 2023).

- Application Form and Ownership Certificate
- Planning Statement (this document)
- Location Plan
- Proposed Site Plan
- Plans showing details of layout and engineering works
- Topographical Survey
- Preliminary Ecological Appraisal (APEM, July 2023)
- Letter reporting the findings of Great Crested Newt and White Clawed Crayfish Surveys (Arcadis, 07/08/2023)
- Dormouse Report (APEM, August 2023)
- Ecological Impact Assessment (EclA)
- Arboricultural Report, Impact Assessment and Method Statement (Ecus, September 2023)
- Landscaping Plan
- Biodiversity Net Benefit Assessment
- Green Infrastructure Statement
- Shadow Habitat Regulations Assessment (Penny Anderson Associates, June 2024)
- Landscape and Visual Appraisal (fpcr, September 2023)
- Drainage Strategy Report (Arcadis)
- Heritage Impact Statement (Emma Adams and Partners,)
- Archaeological Desk Based Assessment (Border Archaeology, August 2023)
- Written Scheme of Investigation for Strip, Map & Excavation & Archaeological Observation (Border Archaeology, January 2024)
- Transport Statement (Arcadis, August 2023)
- Construction Environmental Management Plan Construction Traffic Management Plan
- Statement of Community Involvement

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3.0 Site Description

The application site comprises three agricultural fields which are located on the southern side of the Montgomery Canal. Coppice Lane a narrow single track road provides vehicular access and runs along the southern boundary of the site. It joins A483 approximately 300 metres to the east of the site. Bank Farm and its associated buildings lies on the southern eastern site boundary. Three further residential properties lie to the west of the site, taking access along a track running adjacent to the western boundary.

The site itself slopes down significantly from Coppice Lane towards the canal. The land is largely open fields with hedgerows around the boundaries and providing separation between the field. A substantial veteran Oak Tree provides a key feature located centrally in the site. Just beyond the southern boundary, adjacent to Coppice Lane is an area of trees which marks the site of a former quarry and a feature in the vicinity.

A public right of way currently crosses the site from the south western corner, taking a direct line to the canal. The right of way does not extend beyond the site and the entrance to the field is overgrown, indicating it is not well used.

4.0 The Proposal

The proposed development involves the construction of a pond. The work includes excavation to create an open body of water with an inlet and outlet structure linking to the canal. The excavation is required to create an open expanse of water, which provides the best habitat for Luronium Natans to colonise the pond. The cross section and depth of the pond have been carefully designed to encourage Luronium Natans and discourage other more aggressive marginal plants which would outcompete the Luronium over time once established. The excavated material will be retained on site where possible to provide the necessary banks to the pond and also incorporated into the landscaping scheme. This involves raising the land levels through depositing this material to a height of up to 2 metres. Full details of the reprofiling proposed are included on the plans which accompany the submission.

The pond is linked to the canal through an inlet structure, which provides for control of water levels in the pond and provision for the two water bodies to be kept separate if necessary, for water management. The inlet structure allows for maintenance vessels to access the pond in the future and is a concrete construction, the majority of which is below ground level.

The layout creates a single body of water on the northern part of the site, with a narrowing in the centre to accommodate the veteran Oak tree which exists on site. To the south the reprofiling of the land to provide the necessary bank slope profile is identified with the areas beyond to the south and west incorporating excavated material. A detailed landscaping scheme accompanies the application which identifies how the whole site will be landscaped to embed the pond and associated works into the landscape.

Footpath number 214/243/1 runs across the site from Coppice Lane, towards the canal, where it terminates. There is space available for the diversion of the footpath around the southern edge of the new pond should this be required. The Trust is currently reviewing options following feedback from local residents over access issues. The Trust continues to explore options for the footpath and the potential route for the diversion would retain the public access but keeps the route away from residential properties bordering the site. It is important to clarify that the reserve at Wern is not a public nature reserve and no facilities are proposed as part of the development. The pond is designed specifically to support the restoration of the canal and the addition of parking for example or other facilities is not considered appropriate for this location, with access limited to those reaching by foot.

Access for construction of the pond will be taken off Wern Lane and involves the creation of a temporary access track across the field on the northern side of the canal. A temporary causeway would be constructed across the canal to provide access for construction vehicles during the works. This is necessary as Coppice Lane has insufficient width to accommodate construction vehicles and the access onto the A483 is inadequate. The impact of these works on the SAC/SSSI are addressed within the HRA which accompanies the submission. These temporary works will be permitted development following approval of the application and are not therefore part of the application submission. They are included for completeness.

5.0 Relevant Planning History

There is no planning history for the application site.

6.0 Relevant Planning Policy

The Planning and Compulsory Purchase Act 2004 Section 38(6) provides that applications for planning permission must be made in accordance with the development plan, unless material considerations indicate otherwise. *The Town and Country Planning Act 1990 Section 70 (2)* provides that in dealing with an application for planning permission, the authority shall have regard to the provisions of the development plan so far as material to the application, and any other material considerations.

The development plan for Monmouthshire comprises the following documents:

- Future Wales: The National Plan 2040 (February 2021)
- Powys Local Development Plan ("LDP") (2011-2026)
- Local Development Plan Policies Map

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It has development plan status and is the highest tier of development plan. Strategic and Local Development Plans are required to be in conformity with Future Wales and must be kept up to date to ensure they and Future Wales work together effectively. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

The Powys Local Development Plan (2011-2026) was adopted by Powys County Council on the 17th of April 2018. The adopted LDP supersedes and replaces the earlier Powys Unitary Development Plan (2001-2016).

Material Considerations include the following:

- Planning Policy Wales (Edition 12, February 2024)
- Relevant Technical Advice Notes (TANs), which supplement Planning Policy Wales

Planning Policy Wales sets out the land use planning policies of the Welsh Government, and is supplemented by a series of Technical Advice Notes (TAN), Welsh Government Circulars, and policy clarification letters. Together, these documents comprise the national planning policy framework for Wales.

Principle of Development

TD3 – Montgomery Canal and Associated Development

The proposed development forms part of the restoration of the Montgomery Canal and was first proposed in the Montgomery Canal: Conservation Management Strategy (2005, updated 2016) which sets out the principles for the restoration of the canal. This document was produced by the Montgomery Canal Partnership which includes as members the Trust, Powys County Council, and other key stakeholders.

Powys Local Development Plan Policy TD3 (Montgomery Canal and Associated Development) provides that development proposals that support the restoration of the Montgomery Canal and preserve and enhance the role of the canal as a multifunctional resource will be supported.

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Natural environment

Strategic Policy SP7 (Safeguarding of Strategic Resources and Assets)

DM2 – The Natural Environment

The Montgomery Canal is designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The canal is designated as a SAC/SSSI for its unique aquatic plant life, in particular floating water-plantain (*Luronium natans*).

The construction of the pond at Wern does not itself directly impact the canal. The provision of access across the canal for construction vehicles does impact the canal. It requires a section to be watered and a temporary causeway constructed. Development Plan policies relating to the natural environment are engaged. It should be noted at the outset that a large proportion of the works will take place on land adjacent to the canal, outside of the designated SAC and SSSI.

LDP Strategic Policy SP7 (Safeguarding of Strategic Resources and Assets) identifies “Land designated at international, European and/or national level for environmental protection” as a strategic resource/asset in Powys. SP7 provides that development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

LDP Policy DM2 (The Natural Environment) provides that development proposals which would impact on designated natural assets will only be permitted where they do not unacceptably adversely affect the asset. European sites (including SACs) are afforded the highest levels of protection.

European Sites

LDP Policy DM2 (The Natural Environment) provides that development proposals likely to have a significant effect on a European site, when considered alone or in combination with other proposals or plans, will only be permitted where it can be demonstrated that:

- a) The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purposes; or
- b) The proposal will not adversely affect the integrity of the site.

An appropriate assessment under the Habitats Regulations is required where there is a probability or risk that the plan or project (either alone or on combination with other plans or projects) will have a significant effect on a European Site. The proposed development would involve works within the Montgomery Canal SAC, and therefore it is considered that there is a risk of significant effects on a European Site and an appropriate assessment is required.

Development that could adversely affect the integrity of a European Site can only be granted permission where there is no alternative solution which would have no (or a lesser) effect on the site's integrity, and there are imperative reasons of overriding public interest for granting permission.

A Shadow HRA prepared by Penny Anderson Associates accompanies the planning application, which finds that the proposed development would not result in any adverse effects on the integrity of the Montgomery Canal SAC. The proposed development is therefore in accordance with Policy DM2 in relation to European Sites.

Sites of Special Scientific Interest

LDP Policy DM2 (The Natural Environment) further provides that development proposals likely to have an adverse effect on the conservation value of nationally protected sites (including SSSIs) will only be permitted in specific circumstances. The assessments undertaken as part of the project demonstrate that there would be no harm caused to the SSSI and the biodiversity net benefit assessment demonstrates that the development will provide overall ecological benefits. The

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proposed development is considered to contribute to the positive management of the Montgomery Canal SSSI and policy DM2 is therefore fully complied with. There is therefore no requirement to engage with the tests needed where harm is identified, and it is therefore in accordance with Policy DM2 in relation to SSSIs.

Protected species

As there is the potential for the proposed development to impact the SAC and SSSI, and protected species, the Trust has undertaken extensive ecological survey work to identify and mitigate any potential impact.

The application is supported by an Ecological Impact Assessment (ECIA) which uses information gathered in the Preliminary Ecological Appraisal (PEA) and supporting surveys. The planning assessment section of this report addresses the results of these surveys and specific impacts of the development on protected species.

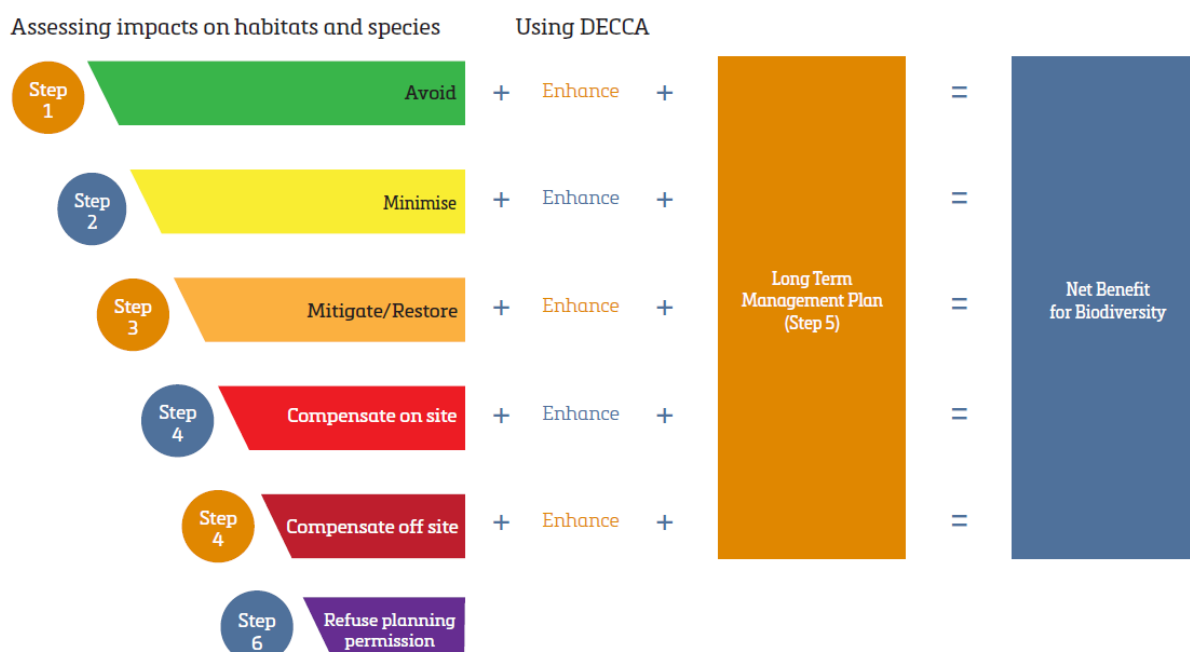
Net Benefit for Biodiversity and the step-wise approach

The Environment (Wales) Act 2016 places a duty (the Section 6 Duty) on public authorities to “...maintain and enhance biodiversity in the exercise of functions... and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.”

Planning Policy Wales provides that “...development should not cause any significant loss of habitats or populations of species... and it must provide a net benefit for biodiversity...” (Paragraph 6.4.5).

PPW defines net benefit for biodiversity as the concept that “...development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site.” (Paragraph 6.4.5). The biodiversity benefit delivered must be “...over and above that required to mitigate or compensate for any negative impact.” (Paragraph 6.4.11).

The step-wise approach is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity.



The biodiversity net benefit assessment which accompanies the planning application demonstrates that the development will provide a positive enhancement to biodiversity of the application site.

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Trees, hedgerows and woodlands

- DM2 – The Natural Environment
- DM4 – Landscape

The proposed pond will require the removal of some trees and hedgerows. LDP Policies DM2 and DM4 are therefore engaged.

LDP Policy DM2 (The Natural Environment) provides that development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value.

Policy DM4 (Landscape) provides that proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

PPW states that “Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications.” (Paragraph 6.4.40).

“Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits.” (Paragraph 6.4.42).

The removal of trees is essential to deliver the objectives of the canal restoration and associated public benefits and with the new planting will provide a substantial enhancement in tree cover and biodiversity across the site.

External Lighting

LDP Policy DM7 (Dark Skies and External Lighting) provides that development proposals involving external lighting will only be permitted when a lighting scheme has been provided that demonstrates that the lighting will not cause unacceptable levels of light pollution, adverse effects on the visibility of the night sky, a nuisance or hazard to highways users and local residents, or an unacceptable disturbance to protected species.

No external lighting is proposed during the operational phase of development and there will be no impact on the wildlife corridor along the canal as a result. Policy DM7 is therefore not engaged by the proposals.

Landscape and visual impact

Strategic Policy SP7 (Safeguarding of Strategic Resources and Assets)

DM4 – Landscape

Powys Local Development Plan Strategic Policy SP7 (Safeguarding of Strategic Resources and Assets) identifies “*The valued characteristics and qualities of the landscape throughout Powys*” as a strategic resource/asset in Powys. SP7 provides that development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

The site is located outside of any settlement in the open countryside as shown on the policies map accompanying the Powys Local Development Plan (2011-2026). LDP Policy DM4 (Landscape) provides that proposals for new development outside of settlements must not have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape.

A Landscape and Visual Appraisal (LVA) report is submitted, which sets out the assessment undertaken of the likely landscape and visual effects of the proposed development. This assessment demonstrates that the impact of the completed development will be very localised and limited, with a positive impact once the complete and the landscaping established.

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Historic environment

The proposed development is not located within a Conservation Area, and there are no listed buildings within the development site or immediately adjacent.

Powys Local Development Plan Strategic Policy SP7 (Safeguarding of Strategic Resources and Assets) identifies “*Historic environment designations, including Conservation Areas and their settings*” as a strategic resource/asset in Powys. SP7 provides that development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Planning Policy Wales provides that “*there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting...*” (Paragraph 6.1.10).

Technical Advice Note 24 – The Historic Environment – was published in May 2017. It sets out the following six Conservation Principles, which should be used to assess the potential impacts of a development proposal on the significance of any historic asset:

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

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Highways

T1 – Travel, Traffic and Transport Infrastructure

The proposed development does not involve any permanent alteration to the public highway and the pond does not provide parking or facilities for public access.

Powys Local Development Plan Policy T1 (Travel, Traffic and Transport Infrastructure) provides that proposals should incorporate safe and efficient flow of traffic for all transport users, and manage any impacts to the network and the local environment to acceptable levels.

A Transport Statement is submitted which sets out predicted trip generation during the construction and operational phases of the proposed development.

A Construction Traffic Management Plan is submitted which sets out how construction traffic will be routed, so as to mitigate impacts on the local highway network.

Design

DM13 – Design and Resources

LDP Policy DM13 (Design and Resources) provides that “*Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.*”

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

- 1. Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*
- 2. The development contributes towards the preservation of local distinctiveness and sense of place.*
- 3. Any development within or affecting the setting and/or significant views into and out of a Conservation Area has been designed in accordance with any relevant adopted Conservation Area Character Appraisals and Conservation Area Management Plans, or any other relevant detailed assessment or guidance adopted by the Council.*
- 4. The development does not have an unacceptable adverse impact on existing and established tourism assets and attractions.*
- 5. The layout of development creates attractive, safe places, supporting community safety and crime prevention.*
- ...*
- 7. It is inclusive to all, making full provision for people with disabilities.*
- 8. It incorporates adequate amenity land, together with appropriate landscaping and planting.*
- 9. The public rights of way network or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.*
- 10. The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.*

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Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

11. The amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

...”

Planning Policy Wales provides that “*Good design is fundamental to creating sustainable places where people want to live, work and socialise.*” (Paragraph 3.3).

Technical Advice Note 12 – Design – was published in March 2016. It provides that design can promote sustainable means of travel by maximising:

- safe and clear connections
- the potential to cycle, walk and use public transport safely, and reducing the reliance on the car
- the connection to the existing transport infrastructure by integrating development with existing footpaths, cycle ways and public and private transport infrastructure
- the integration of different transport types whilst minimising the adverse effects on the network
- the ease of movement to, from and within the development for sustainable forms of transport by creating a safe and attractive environment
- the provision of on site facilities for sustainable forms of transport.

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Public rights of way

SP7 – Safeguarding of Strategic Resources and Assets

A public right of way runs across the application site from the south west corner to the canal.

LDP Strategic Policy SP7 ([Safeguarding of Strategic Resources and Assets](#)) identifies “Recreational assets, including National trails and the PRoW network” as a strategic resource/asset in Powys. SP7 provides that development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Planning Policy Wales Paragraph 5.5.5 provides that

“Long-distance routes, rights of way, disused railways, waterways and other green infrastructure are important tourism and recreation facilities, both in their own right and as a means of linking attractions.”

Mineral Safeguarding

Strategic Policy SP7 (Safeguarding of Strategic Resources and Assets)

DM8 – Mineral Safeguarding

A small part of the site may potentially fall within Mineral Safeguarding Areas for Sandstone and Sand and Gravel, and therefore relevant LDP policies are engaged.

Powys Local Development Plan Strategic Policy SP7 ([Safeguarding of Strategic Resources and Assets](#)) identifies “Mineral Resource Areas” as a strategic resource/asset in Powys. SP7 provides that development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Policy DM8 ([Mineral Safeguarding](#)) provides that non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated that:

1. The mineral resource is not of potential future value; or
2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or
3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or
4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or
5. There is an over-riding need in the public interest for the development; or
6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.

Planning Policy Wales states that “It is important that access to mineral resources... is safeguarded in order to prevent sterilisation by other forms of permanent development.” (Paragraph 5.14.7).

Agricultural land classification

PPW states that “*Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)16 is the best and most versatile, and should be conserved as a finite resource for the future.*” (Paragraph 3.58).

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TAN6 Sustainable Rural Communities notes that the best and most versatile agricultural land falls into grades 1, 2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs (Paragraph 6.2.3).

TAN6 also notes that the Agricultural Land Classification map for Wales is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality – it is not suitable for evaluating individual sites (Paragraph 6.2.4).

The application site is classified as grade 3b agricultural land, having moderate quality and the policies relating to this are not therefore engaged.

Waste

LDP Policy DM15 (Waste within Developments) provides that development proposals shall demonstrate how the production of waste will be minimised and how waste materials will be managed in a sustainable way in accordance with the waste hierarchy.

Surface water flooding and SAB approval

Natural Resources Wales flood risk information provides that the site is at a very low risk of flooding from rivers and the sea, and a very low risk of flooding from surface water and small watercourses.

LDP Policy DM5 (Development and Flood Risk) provides that development proposals must be located away from tidal or fluvial flood plains, and development must not increase flood risk elsewhere.

LDP Policy DM6 (Flood Prevention Measures and Land Drainage) provides that development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding. Satisfactory provision shall be made for land drainage and this should include consideration of the use of Sustainable Drainage Systems.

PPW states that “*The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.*” (Paragraph 6.6.18).

Technical Advice Note 15 – Development and Flood Risk – was published in July 2004. It states (at paragraph 8.2) that built development *tends to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off. This has the effect of reducing the time it takes for precipitation to enter the watercourse and consequently increasing the peak discharge. SuDs can perform an important role in managing run-off from a site and should be implemented, wherever they will be effective, in all new development proposals, irrespective of the zone in which they are located.*

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Green Infrastructure Statement

Planning Policy Wales defines green infrastructure as “the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places” (Paragraph 6.2.1). The Green Infrastructure Supplementary Planning Guidance (adopted April 2015) states that canals and their banks are green corridors, an example of a green infrastructure asset.

Planning Policy Wales provides that “A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal.” (Paragraph 6.2.12). It is further stated that “The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.”.

Paragraph 6.2.14 provides that “Development proposals should be informed by the priorities identified in green infrastructure assessments and locally based planning guidance.”. Where there is no green infrastructure assessment available, it is suggested that “The Building with Nature standards represent good practice and are an effective prompt for developers to improve the quality of their schemes and demonstrate the sustainable management of natural resources.”.

The Building with Nature standards define a benchmark of good green infrastructure and how to deliver it. The standards also help to reduce planning risk by ensuring development is aligned with current and emerging policy themes for climate change, nature recovery and people’s well-being.

7.0 Planning Assessment

Principle of Development

The proposed development forms part of the restoration of the Montgomery Canal and was first proposed in the Montgomery Canal: Conservation Management Strategy (2005, updated 2016) which sets out the principles for its restoration. This document was produced by the Montgomery Canal Partnership which includes as members the Trust, Powys County Council, and other key stakeholders.

Policy TD3 of the adopted Local Plan provides strong in principle support for proposals which assist with the restoration of the Canal. The Conservation management Strategy first published in 2005 and updated in 2016 provides a framework for the restoration process along the length of the canal. This document was agreed by a range of project partners which includes Powys and Shropshire Council, Montgomery Waterway Restoration Trust as well as the Shropshire and Powys Wildlife Trust amongst others. The partnership covers a wide range of interest groups working together to deliver the project. The creation of offline ponds forms an integral element of the restoration project as set out in the management strategy document.

The reserve at Wern will include excavations to create a large body of open water which is connected to the canal. By creating a large, open water body, the need for intensive management to prevent ecological succession is greatly reduced. The graded water depths allow for the establishment of some emergent fringe on the periphery, without it becoming dominant across the whole reserve as siltation increases over time. This creates a sustainable, long-term freshwater habitat in which favourable conditions exist for rare and protected submerged aquatic species, alongside a biodiverse assemblage of emergent fringe and associated invertebrate species.

The creation of the offline pond at Wern forms part of the provision of additional open water habitat along the length of the canal. They are designed to support additional populations of *Luronium natans* which is the key species in the designation of the canal as a Special Area of Conservation (SAC) in Wales. The ponds form part of the overall approach to the restoration and aim to provide significant additional habitat, specifically to support *Luronium*. The pond at Wern which forms part of this overall strategy is not required for fulfil any identified mitigation or compensation requirement. Given the development relates directly to the restoration project as set out in the management strategy, there is strong in principle support for the works in accordance with policy TD3 of the Local Plan.

Natural environment

The Montgomery Canal is designated as a Site of Special Scientific Interest (SSSI) and a SAC. The canal is designated as a SAC/SSSI for its unique aquatic plant life, in particular floating water-plantain (*Luronium natans*). These designations place significant constraints on any development which may impact on them and the Trust has been mindful of the need to protect the ecology of the canal as part of the project. Although the proposed nature reserve and surrounding landscaped area falls outside of these designations, the nature reserve will be connected to the canal channel. There will be no direct impact on the designations and species which they contain subject to appropriate protocols during construction activities to prevent any potential impacts on the adjacent waterway.

The delivery of the restoration project provides for the proper management of the canal. The current position will change over time if restoration is not delivered with emergent vegetation gradually increasing in dominance, outcompeting sensitive species such as *L. natans*. The wider restoration will therefore have a positive effect on the condition of the SAC and SSSI, and canal in the future. The Trust fully recognises the sensitivity of the canal and the need to protect its biodiversity. Detailed ecological assessments have been undertaken of the reserve site but also the canal itself in order to ensure that impacts are fully understood and avoided or mitigated as

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necessary. The reserve site at Wern has been shown not to contain any sensitive ecological habitats and that good construction practices will protect the adjacent SAC and SSSI.

The dredging works which have been taking place as part of the LUF project have been important in the management of the canal and in preserving the ecosystems and species within it. Without dredging species such as Luronium are out competed by other species and would eventually be lost from the canal. Whilst not part of this planning application, the dredging works demonstrate the commitment of the Trust to the management of the canal to ensure the protection of the key elements of its biodiversity and protected species.

It is necessary to consider any potential impacts these works may have on the canal and its designations. The application is supported by an Ecological Impact Assessment (ECIA), which uses information gathered in the Preliminary Ecological Appraisal (PEA) and Great Crested Newt and White Clawed Crayfish survey, and a Dormouse Report.

The following have been included in the scope of assessment for the proposals;

- Habitats;
- Amphibians including GCN;
- Badger;
- Bats;
- Dormouse;
- Hedgehog;
- Invasive non-native species (INNS);
- Nesting Birds;
- Otter;
- Reptiles;

The application site largely contains improved grassland and is not ecologically diverse. The permanent works do not impact the canal and suitable mitigation set out in the HRA demonstrates how the temporary works can be managed to avoid harming the SAC and SSSI. There are features such as existing tree which provide potential habitats for protected species, including bats. The important features are retained as part of the proposals and as such following appropriate mitigation measures outlined in this report, it is considered that the proposed development will have no significant residual negative effects on biodiversity features.

The assessments undertaken as part of the project demonstrate that there would be no harm caused to the SSSI and the biodiversity net benefit assessment demonstrates that the development will provide significant overall ecological enhancement across the site. The proposed development is considered to contribute to the positive management of the Montgomery Canal SSSI and policy DM2 is therefore fully complied with. There is therefore no requirement to engage with the tests needed where harm is identified and the proposals are clearly in accordance with Policy DM2 in relation to SSSIs.

In addition, a shadow Habitat Regulation Assessment (HRA) accompanies the planning application. This demonstrates that the proposed development with suitable management of the construction process, will have no negative impact on the SAC designation. The proposals are therefore in accordance with policy DM2 in relation to the protection of the integrity of the SAC.

Net Benefit for Biodiversity

The 2016 Environment Act introduced the principles of the need for improvements to biodiversity to be sought by Local Authorities. This has developed into the need for net biodiversity benefit with any planning proposals. Careful consideration has been given to the protection of existing features across the site and where these require removal such as trees and hedgerows. The proposals are supported by a detailed landscaping scheme, green infrastructure statement as well as biodiversity net benefit assessment. The Trust has sought to protect trees and hedgerows whether this is practical and proposed significant mitigation planting to ensure any specimens which must be removed are replaced.

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In order to avoid impacting any retained trees during the construction phase of development, the Trust will implement the measures identified within the Arboricultural Method Statement.

The removal of some limited vegetation is essential to deliver the objectives of the canal restoration and associated public benefits and with the new planting will provide a significant enhancement in tree cover and biodiversity across the site., the proposals are therefore considered to be in accordance with LDP Policies DM2 and DM4 and Planning Policy Wales.

Landscape and visual impact

A Landscape and Visual Appraisal (LVA) report is submitted, which sets out the assessment undertaken of the likely landscape and visual effects of the proposed development. This assessment demonstrates that the impact of the completed development will be very localised and limited, with a degree of positive impact once the complete and the landscaping established.

In terms of operational effects, the LVA finds the overall effect of the proposed development on the Landscape Character Area to be **negligible** at completion and negligible to minor beneficial at year 15. Overall, the development would result in a **minor beneficial** landscape effect upon the site and the surrounding receptors, which includes residential properties. This demonstrates that the proposals represent an appropriate and sensitive addition to the area, which will not harm the local landscape or that of local receptors. It is evident from the evidence presented that the proposed new pond and associated landscape works will have a very limited impact on the wider environment. The proposed development is therefore considered to be in accordance with LDP Strategic Policy SP7, Policy DM4 and with the aims of Planning Policy Wales in relation to Landscape.

Historic environment

The development site falls outside any heritage designations and, and contains no listed buildings. There are consequently no direct impacts of the proposals on any heritage assets. The archaeological desk-based assessment has concluded that archaeological potential on the site is low and this matter can be dealt with through a watching brief during construction works. This approach has been agreed with Heneb: Clwyd Powys

There are limited heritage assets in the surrounding area and the Heritage Impact Assessment which has been carried out concludes that the development will have no negative impact on the historic environment. The proposed development will add a water body into the landscape, but this is not a harmful addition and will be rooted into the landscape, through careful landscaping of the site. The proposed development is therefore considered to be in accordance with LDP Strategic Policy SP7 and with the aims of Planning Policy Wales in relation to protecting the historic environment.

Highways

The proposed development will not create a public nature reserve. The Trust's Wern Claypit Reserve nearby, will remain the location for public access to the natural environment in the vicinity. The scheme includes no public parking and is not accessible off the towpath which runs along the opposite side of the canal. There would be only a very limited increase in traffic through occasional maintenance vehicles from the trust requiring access. The operation of the site would therefore have no material impact on the local highway network.

The construction process will require significant excavation and removal of material. The scheme has been designed to retain as much material on site and utilise this as part of the landscaping scheme. This will therefore reduce large vehicle movements as far as possible. Coppice Lane is not appropriate to provide construction access due to its narrow width and poor junction with the A483. The proposals is to use the access onto the A483 to the north and take a temporary access route across the field. A temporary causeway will be constructed to take vehicles across the canal. These temporary works will be permitted development following the granting of planning permission and are not specifically included as part of the submission. The details are included for

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completeness and to demonstrate how these matters have been fully assessed in support of the proposals to facilitate delivery.

A Transport Statement is submitted which assesses the scheme and concludes that the approach is the most appropriate means of achieving construction vehicle access to the site. A Construction Traffic Management Plan accompanies the planning application and sets out how this will be managed. Furthermore, the HRA sets out the mitigation measures necessary during the construction period to avoid any harm to the SAC and SSSI. Overall, the pond can be constructed without any harm caused to the wider highway network, subject to suitable measures employed by contractors. Furthermore, there are negligible impacts during the operation period and fully accords with policy T1 of the Local Plan.

Design

The proposed development involves the creation of an open body of water, with works to create required embankments. In addition, material will be deposited across the remainder of the site and incorporated into the landscaping scheme. This allows approximately 50% of the excavated material to be retained on site, which significantly reduces the number of lorry movements associated with the development and also the need for material to travel further afield either to landfill or for reuse.

The pond and associated works will create an attractive addition to the landscape, which will significantly enhance the biodiversity of the site. The completed development will assimilate quickly into the rural landscape within which it is located. The only structure is the inlet element which is modest in scale and largely concealed below ground level. It will not appear as a prominent addition and will only be visible from the immediate vicinity principally the canal towpath opposite.

The proposed development has been carefully designed with substantial landscaping to sit comfortably within its rural setting and complies fully with the requirements of policy DM13 of the Local Plan.

Impact on neighbouring uses

The proposed pond will not provide a public reserve site in the way those at Aston Locks do. There will be no facilities for the public and no parking for visitors. Although a public footpath runs across the site, this appears unused and pedestrian access from the canal is difficult as the pond is on the opposite side of the canal to the towpath. Users of the towpath have to make a significant diversion along Coppice lane to reach the site. It is not therefore anticipated that the pond will attract significant numbers of visitors and there will be no material impact on nearby residents as a result. The rerouted footpath retains a substantial distance to any residential properties and additional planting will provide an effective screen to any future users. The amenities of residents are fully protected through the design.

Construction traffic will be taken off Wern Lane, thereby avoiding the use of Coppice Lane, which is considered unsuitable for large vehicles. The use of Wern Lane, provides a more suitable link to the main road network. There will be the potential for disturbance from construction works, this will be managed through limiting working hours, to ensure that works are not carried out at antisocial times of day. The works are temporary but the Trust has been mindful of managing potential impacts and the CTMP & CEMP document provide details of how this will take place.

Public rights of way

A public right of way crosses the site. It runs from the south west corner where it joins Coppice Lane in a straight line of the canal, where it terminates. The route does not appear to be well used, with the access into the field from Coppice Lane being overgrown and inaccessible. There is also no evidence of a route in the field itself. It is not possible to retain the footpath on its current route within the development. The Trust has explored options with the Council, who have expressed a preference for retaining a route around the edge of the pond as part of the scheme. The plans accommodate this option around the southern part of the pond, and terminating at the canal. The

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new route remains well away from neighbouring properties, with additional landscaping further reducing any potential for views towards existing properties.

As highlighted above, the pond does not seek to create a public facility. There is no connection to the canal towpath and access from the canal requires a diversion along Coppice Lane. There will be no parking and no facilities within the site which would cater for visitors. These are provided at the nearby Wern Claypit Nature Reserve and it is not anticipated that the pond will attract significant numbers of visitors.

This solution will not have any additional impact on the amenities of surrounding residential properties and is considered to be an appropriate response to the issue. The Trust remains open to exploring alternative options for the right of way, with the current proposals being those preferred by Powys Council.

Mineral Safeguarding

A very small part of the site looks to be included within a Mineral Safeguarding Areas. This is a small area in the north western part of the site. Adopted policies, whilst protecting minerals for their strategic importance, do not prevent alternative developments, providing specific

The land included within the Mineral Safeguarded Area and which is required for the creation of the pond is negligible in terms of the area of mineral safeguarding and would result in no material impact on the ability of minerals to be worked from the wider area in the future and there is no conflict therefore with the principles of the policy. Furthermore the land is required in connection with the restoration of the canal. The restoration is a long term project which is supported by policy TD3 in the development plan. The restoration of the Montgomery Canal is being progressed through a partnership which includes Powys County Council, Shropshire Council, Montgomery Canal Society and the Canal & River Trust. It is a significant strategic project which aims to deliver significant economic benefits through recreation and tourism associated with the canal. There is clearly significant public benefits associated with its delivery and as such the relevant exception to mineral safeguarding is met, even if it is concluded that policy DM8 is applicable for such a small parcel of land.

Agricultural land classification

The Trust recognises that the delivery of the pond at Wern requires the use of agricultural land. National planning policy in Wales seeks to protect the best agricultural land from development there are clearly specific locational requirements for the proposals in question. The land to be used for the project is identified as class 3b and therefore of relatively low quality in the classification of agricultural land. It is not of a grade which planning policy seeks to protect. There is therefore no conflict with the objectives of policies designed to protect agricultural land.

Waste

LDP Policy DM15 (Waste within Developments) provides that development proposals shall demonstrate how the production of waste will be minimised and how waste materials will be managed in a sustainable way in accordance with the waste hierarchy. Approximately 50% of material excavated to form the pond will be retained on site as part of the landscaping scheme. The design seeks to minimise waste generation and in particular the need to transport excavated material offsite for disposal. Incorporating excavated material into the extensive landscaped areas, supports biodiversity enhancement and habitat creation and substantially reduces the transport and disposal impacts of taking material offsite and is fully in accordance with policy DM15.

Surface water flooding and SAB approval

The majority of the application site is at a very low risk of flooding from rivers and the sea, and a very low risk of flooding from surface water and small watercourses. The north western part of the site, is a lower lying piece of land and no development is proposed in this location. The area will be the location some of the landscaping and biodiversity enhancement, but this will not have any

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material impact on flood risk. There will therefore be no impact on flood storage capacity of the land or flood risk. There is consequently no reason in principle for the development to be restricted for reasons of flood risk and the proposals fully comply with policies DM5 and DM6 of the local plan as a result.

A Drainage Strategy accompanies the planning application. The development does not include an impermeable areas. The development is designed not to impede surface water flows and these will remain unchanged following construction works. The pond will intercept the surface water prior to it entering the existing canal. The pond water level is designed to sit at a similar level to the canal. As surface water enters the pond overflow water will slowly be released into the canal through the inlet structure. This effectively manages the speed which runoff reaches the canal. The drainage report concludes that the drainage will not be materially changed, with betterment through the control given by the pond to the release of water into the canal.

As the construction area associated with the proposed development is greater than 100sqm, SAB approval will be required prior to any construction works commencing onsite. The drainage report incorporates the comments received to the SAB application and fully accords with the requests that have been made.

Green Infrastructure Statement

The development provides for substantial new planting across the site. The amount of new specimens planted is substantially in excess of any which need to be removed to facilitate the development. The landscaping scheme which accompanies the application, fully details the planting which is proposed. Significant care as been taken to create a finished scheme which provides for increased tree and hedgerow cover and supports the creation of new habitats and biodiversity. The development provides significant benefits to the natural environment and fully accords with the requirements of green infrastructure provision.

8.0 Conclusion

The restoration of the Montgomery Canal is a long term project in which Powys Council is a Partner, alongside Shropshire Council, Montgomery Canal Restoration Society and the Canal & River Trust. The principle of restoring the Montgomery Canal is supported in policy by Powys LDP Policy TD3 (Montgomery Canal and Associated Development). The creation of ponds along the length of the canal to provide additional habitat for Luronium for a key element of the of the Canal Conservation management Strategy which has been agreed by partners to the restoration project. The creation of the pond at Wern, delivers additional habitat which the strategy seeks to provide and forms part of the wider delivery of the canal restoration project. It is therefore fully supported by policy TD3 of the Local Plan.

The Trust has taken great care to ensure that the application proposals are supported by detailed technical information to demonstrate compliance with the relevant local and national planning policies. The most important of these are the ecological surveys and assessments which accompany this submission. These include reports and surveys for protected species, ECIA, HRA, Green Infrastructure Statement, Biodiversity Net Benefit Assessment and AIA. The potential impact on the natural environment has been thoroughly assessed. It has been demonstrated in this Planning Statement and accompanying documents that the proposed development would not have a negative effects on the SAC and would contribute to the positive management of the Montgomery Canal SSSI, in accordance with Policy DM2. Careful design and implementation can avoid impact on other species or habitats and the proposals provide a positive benefit to biodiversity of the area overall.

Temporary access is required from Wern Lane across the canal, as Coppice Lane is not suitable for use by larger vehicles. The temporary route provides a more appropriate link to the road network. The HRA supporting the proposals demonstrates the SAC will be protected through careful management of the development process. The development works have the potential to cause disturbance to neighbours, and the Trust has set out through the restriction of working hours how this can be managed and harm to amenities avoided.

The landscape assessment which accompanies the application demonstrates the very local impact of the proposals and that there would be no harm caused to the wider landscape beyond the immediate site. The new pond together with the substantial new planting which is proposed will a positive addition to the area, particularly when this becomes established. The proposed development is therefore considered to be in accordance with LDP Strategic Policy SP7, Policy DM4 and with the aims of Planning Policy Wales in relation to Landscape.

The proposed development has no impact on any listed buildings or other historic features and is considered to be in accordance with LDP Strategic Policy SP7 and with the aims of Planning Policy Wales in relation to protecting the historic environment.

The proposals include the potential to retain the public right of way within the site on an amended route. This is the preferred approach of Powys Council. The route retains substantial separation to neighbouring properties, further mitigated through additional screen planting. The pond provides for no public facilities such as parking and is not anticipated to generate significant additional visits. Amenities of neighbouring residential properties will be fully protected with the development.

There are no flood risks associated with the development and a detailed design of a drainage system, utilising SUDs principles accompanies the application. The approach is considered to be fully in accord with policies DM5 and DM6.

Overall, this is a positive proposal which seeks to deliver a scheme supports the restoration of the Montgomery Canal. In accordance with policy TD3. The pond and associated landscaping will provide substantial opportunities for habitat creation and biodiversity enhancement and will form a positive feature in the area. The potential impacts have been fully assessed and no harm identified

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which cannot be suitably mitigated. The proposed development is fully in accordance with relevant policies within the development plan.