

**Minutes of Ordinary Meeting of the Council held on Tuesday 9th November
2021 on Zoom at 7.30pm.**

PRESENT: Cllrs D.Turner (Chair);A.Willemsen D.Lyall : J.Ingram: L.Watkins
A..Lawrence

Apologies: D.Bayliss (Technical issues)

Absent:

Others: County Councillor M. Weale (mention only, Councillor left the meeting during planning matters)

Declarations of Interest:Cllr A.Lawrence. PD/111/21 Cllr D.Turner PD/106/21

PD/0102/21 Minutes

To authorise the Chairman to sign minutes of the previous meetings of the Council held on the

- 14th September 2021

Resolved to accept: Proposed Cllr Lyall Unanimous

PD/00103/21 Clerk's update:

- Speed Signs. This matter has not progressed at all in 8 weeks. PCC does not respond to letters in an appropriate time and have now advised the council they are not in a position to install the support poles until 2022. County Councillor M.Weale will look into the matter.

PD/0104/21 County Councillors Report

- Gave further updates on the closure of Llanfihangel Rhydithon C.P. (Dolau School). There is in circulation a request from their committee for written support for their appeal. Letter attached as correspondence.
- PCC are not accepting the request for support over the issue of safety leaving the entrance to Penybont Station. If the railway providers agree to a meeting they will attend.
- The building and grounds of Arlis, Llandrindod Wells, which ceased offering the communities respite for a day for many the elderly, closed for good at the start of the pandemic. It is strongly hope that the premises will be taken over by MIND and possibly other charitable organise organisations. Would this council support and organisation that offers support And respite to families and carers and contact the PCC lead in this matter Mr Iain MacIntosh. Unanimously supported, clerk to write.

PD/00105/21 Planning:

- Application Reference: 21/1807/FUL Grid Reference: E:311352 N: 263971

Proposal: Change of use of existing Shepherd's Hut from residential use to holiday let accommodation Site Address: Shepherd's Hut At Tynewydd , Penybont, Llandrindod Wells, LD1 5TY

Proposed: To make No Comment on this application Cllr A.Lawrence Unanimous

- 20/1808/RES Land to the south of A44 Penybont, application for reserved matters following the approval of P/2017/0497 for the

creation of 5 dwellings. To review councils' comments of the 23/11/2020

The clerk advised the council that from an earlier omission by him the matter was not responded to. PCC planning officer has stated the matter is still open and would welcome the community councils' comments.

This council makes the following comments:

- Since the original consent, this single-track road and its passing bays, are proving insufficient size to accommodate the increased traffic from the chicken production sites and their lorries and other vehicles, with any reversing manoeuvres are a danger to other road users.
- Sewage: We refer to email from Jack Millan (DCWW) confirming that the sewage will in fact run to Penybont WWTW, which has no phosphate licence. Welsh water has confirmed in recent meetings with the residents of Penybont, pumping facilities can no longer cope during heavy rain and the village is flooded with raw sewage.
- Public Rights of Way will be interfered with, and no provisions have been made.
- The council has **proposed** to object to this application. Cllr D.Lyall Unanimous

PD/00106/21 Community Issues:

Flooding of the Ithon Terrace Notes of Flood Meeting on River Bank

Adjacent to Ithon Terrace 17th September 2021 at 2.00 p.m.

Cllr Turner introduce the outcome of the meeting, a full copy is attached to the minutes. Also attached is an email from County Councillor Heulwen Hulme Cabinet Portfolio Holder – Environment to Fay Jones AM regarding a permanent pump to alleviate flooding in Penybont

PD/00107/21 One Voice Wales

Nothing additional to report

PD/00108/21 Finance

The following emails sent after publication of agenda were accepted by Chair as necessary.

- Application for grant to assist in replacement fire escape, Penybont Hall. Deferred to 11th January budget
- Application to replace defibrillator box at Penybont Hall. Deferred to 11th January budget.

- Expenditure to authorise.

Penybont Community Hall	Hall hire, various dates from 2019 (Covid start)	£63.41
Royal British Legion	November Wreath	£20

One Voice Wales	Annual Subscription	£68
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Proposed to pay Cllr Ingram Unanimous

PD/00109/21 Correspondence.

- **Flooding Meeting Notes- attached**
- **Update relating to a new pump at Ithon Terr-attached**
- **Letter from Mr Davies re Hendy Windfarm-attached**
- **Letter from R.Evans AM-attached**

PD/00110/21 Public Questions

Mr Hulse raised the issue of the Queen's Platinum Jubilee in 2022 celebrations. The Chair will have the matter on the next agenda item to discuss.

PD/000111/21 Hendy Wind Farm

- The Clerk updated the issue raised from the September meeting, 19/1709/Ful "*The biodiversity mitigation and measures detailed in section 6.2 and 6.3 of the approved Biodiversity Enhancement Plan produced by ADAS dated 08/04/2020*".

There had been no response from PCC planning, Natural Resources Wales replied (attached) but supported the application to discharge from Hendy Ltd. It was **proposed** that the Clerk submits the documentation for enforcement. Cllr Willemsen Unanimous.

- Mr Hulse will supply the clerk correspondence from PCC relating the BOAT (Byway Open to All Traffic) concerning continued closures to the public. Clerk to correspond on the matter.

PD/00112/21 Meeting concluded at 9.30pm Next meeting

Tuesday 11th January 2022 to include Budget at 7.00pm via Zoom, access code to be published on the January agenda.

APPENDIX

Notes of Flood Meeting on River Bank Adjacent to Ithon Terrace

17th September 2021 at 2.00 p.m.

- 1. Attended by:** Martin Weale, County Councillor; Richard Davies, Dwr Cymru; Steve Smith, Powys County Council Land Management; Phil Harris, Powys County Council Highways; Nick Thompson, Natural Resources Wales; Scott Landford, Powys County Council; John and Jimmy Hughes, Dolswydd Farm; Tony Davies Powys County Council; Anne and Steven Williams, Residents Ithon Terrace; Chris Dunne, Resident Ithon Terrace; Rob Morgan, W.H. Atkins; Derek Turner, Chair Penybont Community Council; James Evans M.S. Brecon and Radnor + Assistant
- 2. Welcome and Context of the Meeting:** Martin welcomed everyone to the meeting and in particular praised the work that Richard Davies put in to bring all of the agencies together in a spirit of working together to find a solution to the flooding problem albeit that each agency has separate responsibilities. All four agencies were represented – Dwr Cymru who have responsibilities for the sewerage; Powys County Council who have two responsibilities – water directed towards Ithon Terrace via the Highway and water coming off the land and in particular coming from Penybont Common; and finally Natural Resources Wales who have responsibilities for the Ithon River and its environs.

3. **Dwr Cymru:** Having already invested resources to put a sleeve into the sewer pipe to stop water entering the pipe and adding to the flooding problem, Richard Davies said that he had no new plans at the present time. He retained the commitment of Dwr Cymru to provide a pump when a yellow weather warning was issued. He agreed that he was considering further mitigation measures, such as door protectors, but unless he could measure the amount of sewerage coming out of the manhole during flooding it was difficult to prioritise further substantial funds to address the challenges with the pumping station. He acknowledged that the pumping station was unable to cope during heavy flooding. There are no plans however to improve the Pumping Station.
4. **Powys County Council:** Having consulted W.H. Atkins as consultants, Steve Smith said that a permanent pump was to be installed in the drive that would come on automatically when there was a risk to the cottages. This powerful pump would eject water from the Highway and the Common into the river beyond the bund. Steve acknowledged that in terms of this coming Autumn and early winter this would not be installed until January/February/March 2022, so he was planning to have the same mitigation measures in place to help with any early potential flooding. This would include sandbags and the utilisation of the tractor drawn pump. This pump is mobilised when an orange warning is issued. The difference between the different warnings by Powys and Dwr Cymru was explained by the fact that the Dwr Cymru pump has much further to come.
5. **Natural Resources Wales (NRW):** Nick explained that the work that NRW have done so far has been to ensure that the valves, that had been leaking water from the river back towards Ithon Terrace, are now working efficiently. They have also carried out a survey of the river shoals and identified that these have increase substantially in recent years. Nick has investigated the initial cost of removing the shoals and he estimates that this would be in the region of £350,000. With the number of properties that would be protected by this investment set against the challenges NRW face across Wales he does not foresee this one-off

investment being secured in the foreseeable future. This investment would however simply bring the river back to an on-going relatively low cost, 5-year maintenance programme, as was in place between 1967 and 2002. Some of the costs are associated with the habitat that has been created and the fact that the shoals have within them noxious weeds such as Himalayan Balsam. Nick did agree to help with other mitigation measure similar to those outlined by Richard Davies.

6. **Residents:** There was praise for the work that Dwr Cymru have done up to now. The sleeve does appear to have made a difference to the rate at which the manhole fills. It is however the case that once it starts to overflow then the volume of sewerage and water that comes from the manhole is immense. The residents have only ever turned the pump supplied by Dwr Cymru on at the point where it is at risk of overflowing. It will be difficult to satisfy Richard Davies's desire to measure the amount of discharge from the manhole when properties are at risk of flooding.

The plans that are to be put in place by Powys County Council were well received but there is concerned about the period from now to early 2022.

Residents were pleased that there was, at least, an acknowledgement by NRW that the shoals are a problem. They raised in addition the failure this year to cut the growth on top of the shoals and on the banks of the river. This was put down to manpower shortages. Jimmy Hughes offered the fact that he was a recognised contractor with NRW. John Hughes pointed out that the river is no longer 'natural' as the course of the river was altered in 1967. John is particularly concerned that this created a pinch point down stream beyond the foot-bridge and this is a major contributor to flood. NRW agreed to look into this. Concern was raised by Anne that NRW have not maintained the vegetation on the banks and shoals and that this will be a further impediment to the flow of the river and increase the potential for flooding. NRW said that the failure to maintain the banks was due to a lack of resources. Steven said that he had obtained permission to remove the trees on the opposite bank to encourage the flood plain to work more effectively. There

was discussion about the fence on this bank, which is the responsibility of the Management Group for the Dole. It would be better if the fence had strands of wire rather than the squared wire, as this encourages the debris from the river to stick to the wire and again impede flood water going onto the flood plain.

7. **Mental Health:** The disparity between the management of resources and the impact that flooding has on the lives of people affected by the potential for on-going flooding raised the particular impact that flooding has on personal mental health. This was brought home vividly by Chris when he described the trauma experienced by a 12-year-old girl within Ithon Terrace who se mental health is impacted every time it rains. There was agreement between the professional present and the residents that there is insufficient consideration of this when priorities are being set. James Evans MS said that it would be important to lobby Welsh Assembly Ministers and in particular Lee Waters, Minister for Climate Change. James agreed that he would try to set up a meeting with Lee Waters that Martin Weale could attend. Derek agreed to encourage more lobbying by the Community Council.
8. **Conclusion:** It was agreed that the meeting was very constructive and it was good to see the Agencies working together to address the flooding at Ithon Terrace. While there is still much to be done to solve the problem, it was felt that the meeting was a constructive step in the right direction.

From: Melanie Hardwick <melanie.hardwick@powys.gov.uk>
Sent: 23 September 2021 12:13
To: JONES, Fay <fay.jones.mp@parliament.uk>; POULTON, Wendy <wendy.poulton@parliament.uk>
Cc: Councillor Martin Weale <cllr.martin.weale1@powys.gov.uk>
Subject: Response from Cllr. Heulwen Hulme, Cabinet Member (Powys CC)
Importance: High

Our ref: MS635-2021

Dear Fay,

Permanent pump to alleviate flooding in Penybont

Further to your email dated 6th September 2021.

Powys County Council and residents of Ithon terrace held a joint meeting with NRW and Welsh Water on the 17th September to discuss the issues with flooding of the properties in the locality and the flooding of the A44 leading to the road having to be closed on various occasions in the past.

PCC explained to the residents that the authority has sought and been granted government funding for a flood prevention scheme at the site that will involve an automatic pumping station that will in times of heavy persistent rain pump the excess water from the highway drainage system over the earth bund and into the river, this will help to ensure that any water from highway drainage should no longer lead to the authority having to close the road and also ensure no water from highway drainage is flooding the properties. Due to the complex nature of these works Powys County Council have enlisted and specialist engineering consultancy (Atkins Design) who have progressed through the design phase of the schema and we are now at the stage where we are looking to secure the permits and permissions from NRW to allow the scheme to commence. It is anticipated that these works should be underway by the early part of next year with a view to completion by the middle of 2022.

Due to the timeframe for these works Powys County Council have agreed with the local residents that we would keep in place the temporary measures that we had in place last year, these being that sandbags will be supplied before the winter period, a local contractor will be on standby with a large volume high capacity tractor mounted pump should this be needed and the operatives of the local depot in Penybont will be briefed on what to do should they be needed on site.

Over recent years the local Highway Depot have built up a good relationship with residents and everybody is aware that if they should need to contact the local depot about any issues they are encouraged to do so.

Yours sincerely,



County Councillor Heulwen Hulme
Cabinet Portfolio Holder – Environment

Cc to: Cllr. Martin Weale, Local Member

From: Penybont District <penybont.district@hotmail.co.uk>;

Received: Fri Sep 24 2021 16:58:44 GMT+0100 (British Summer Time)

To: North planning <northplanning@cyfoethnaturiolcymru.gov.uk>; North Planning Mailbox Queue <northplanning@cyfoethnaturiolcymru.gov.uk>; North Planning <northplanning@cyfoethnaturiolcymru.gov.uk>;

Subject: RE: Henty Windfarm NRW:03592517

Dear Mr Davies

Following our last conversation below and comments made by Mrs Holly Wilkinson to the council (*Going forward, I would advise that colleagues in*

Countryside Services are continuing to monitor activity at the site in order to safeguard the public rights of way network and ensure compliance with the Access Management Plan as approved. 4/9/20).

Penybont and Llandegley Community Council have just responded to an application from Henty Ltd to discharge condition 38A Bat, Starling and Raptor environmental study, in which they stated the follow

The findings of RSK ADAS Ltd estimated during their survey to be numbers of starlings at 30-50,000.

The council found this to be wildly inaccurate there being recent published figures by:-

Radnorshire Wildlife= 180,000

RSPB = 500,000

It was further noted that construction of the turbines would not begin until this report was prepared, and Powys Planning are not enforcing their conditions.

The clerk will respond to this application and expect that Powys will ensure the monitoring program of mortality of wildlife when the turbines are operating is correctly done.

- The council have raised further issues, the Section 106 payment of £17500 paid for the upkeep of public rights of way appears not to be used effectively.
- The continued closure of the 'Boat' despite the conclusion of works some time ago and restrictions of the public rights of way.

Furthermore, the present issues on 19/1709/FUL would be a breach of planning condition 6, which states:

"The biodiversity mitigation and measures detailed in section 6.2 and 6.3 of the approved Biodiversity Enhancement Plan produced by ADAS dated 08/04/2020 shall be fully implemented prior to the beneficial use of the access hereby approved and retained as such thereafter."

Condition 6 has not been discharged, the developer has not implemented the biodiversity mitigation and measures, and beneficial use of the access has taken place (i.e. delivery of the AILs). The developer is therefore clearly in breach of the planning condition, and Powys should take enforcement action.

Are you in any position to inform my council to update your current position and monitoring in respect to Hendy Windfarm Ld. Planning requirements or comments on the matters above.

Yours sincerely

Geraint Evans

Clerk

Penybont & Llandegley Community Council.

From: Mid Planning <MidPlanning@cyfoethnaturiolcymru.gov.uk>

Sent: 07 October 2021 14:07

To: Penybont District <penybont.district@hotmail.co.uk>

Subject: RE: Hendy Windfarm NRW:03592517

Dear Mr Evans,

We are always grateful to receive additional environmental information relating to the planning applications we have been consulted upon. The issues you have identified in relation to the starling numbers reported and public rights of way are matters for Powys County Council (PCC) to consider. The monitoring and enforcement of planning conditions is also the responsibility of PCC. We do not have regulatory or enforcement powers for discharging planning conditions, we are an advisor to the process only.

We have a specific remit in relation to responses to planning applications (further information can be found at [DPAS consultation checklist DRAFT March 2018 \(cyfoethnaturiol.cymru\)](#)). All our previous responses to the discharge of condition applications are available on the PCC website. In relation to our monitoring of the site, we have investigated a number of potential pollution incidences. Colleagues have visited the site and provided advice with regards to the appropriate implementation of pollution prevention measures, and we do not currently have any on-going investigations relating to the site.

I trust the above is of assistance.

Yours Sincerely,

Daniel

Daniel Davies

Uwch Cyngorydd Cynllunio Datblygu / Senior Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales

DRAFT