

General planning information

When looking at your proposals there may be a number of general planning constraints that can apply to your site. This can range from flood risk through to sites where the normal permitted development rights have been removed.

What constraints may apply to your site

This page will assist you in identifying those constraints that may apply to your site or property and provide you with links or contact details where you can obtain more information. If you are in any doubt you should email details of the location of the site to the Development Control Team and they will be able to provide information on constraints that may affect you.

Flood Risk - The Environment Agency [EA] have published maps indicating those sites which have been identified as flood risk zones. You can view this information on the <http://www.environment-agency.gov.uk/regions/wales/> web pages. You can also find out if your proposed planning application should be accompanied by a Flood Risk Assessment and if so what that Flood Risk Assessment should contain. Select this link to view the Welsh Assembly's Technical Advice Note ([TAN 15](#)) – Development and Flood Risk.

Contaminated Land - If a site has a history of industrial/commercial use or land fill, or lies adjacent to such a site, then any planning application will be expected at the least to be accompanied by a soil contamination desk-top study (to include the possibility of gas migration). Such a study may well recommend the need for further intrusive ground investigations, remediation measures or further monitoring. Statutory Guidance on Contaminated Land (Wales) visit the Welsh Assembly's web site at [Welsh Government Contaminated Land Guidance](#)

Tree Preservation Order - The Authority, may in the interests of amenity, and if it considers it expedient, place a preservation order on a single tree, a group of trees or a woodland. Such an order (with limited exceptions) precludes any person from undertaking works to a tree without the express consent of the local planning authority. Information is available from Welsh Government in their advice note:- [Technical Advice Note \(TAN\) 10: Tree Preservation Orders \(1997\)](#) and in [Planning Advice Note 7](#).

Conservation Areas - The Authority have declared certain areas as Conservation Areas which are areas of special architectural or historical interest and where the character and appearance of which is desirable to preserve or enhance. To find out more about whether you may live in a Conservation Area and what it may mean to you then please see [Planning Advice Note 10](#) or click on the following link [Conservation Areas](#)

Listed Buildings - There are over 1000 statutorily listed buildings in the National Park. Such buildings are given special protection and you will have to apply for listed building consent (normally in addition to planning permission) where works involve demolition or alterations or extension which would affect its character as a building of special architectural or historic interest.

You can find out more about listed buildings in [Planning Advice Note 10](#) or via CADW's website at www.cadw.wales.gov.uk

Statutory Ancient Monuments - The aim of scheduling is to ensure the long-term preservation of a site. The Welsh Assembly Government compiles and maintains a schedule of these monuments and it is the responsibility of Cadw: Welsh Historic Monuments, to ensure that any monument on the schedule has statutory protection. Scheduled Ancient Monument Consent (SMC) must be obtained from Cadw before **any** works are carried out to a scheduled ancient monument. Even work beneficial to the monument including carrying out archaeological excavation needs scheduled monument consent. Undertaking work without SMC is a criminal offence. Cadw may provide some grant assistance, as it is recognised that repairing and maintaining a scheduled ancient monument can be costly. It is also possible to enter into a management agreement with Cadw in some cases. For further details please contact Cadw <http://www.cadw.wales.gov.uk/>

Historic Landscape - In 1998 and 2001, as a first step towards raising the profile of historic landscapes in Wales, Cadw, CCW and ICOMOS (UK)(International Council on Monuments and Sites) published the two-volume Register of Landscapes of Historic Interest in Wales. This advisory and non-statutory document highlights what are considered to be the best examples of different types of historic

landscape in Wales. However, the selection of areas for this Register does not reduce the importance of the rest of Wales's rich historic landscape. A good practice guide explains how the Register should be used in assessing the effect of major developments on the historic landscape. Further information is available via Cadw's website at:- [CADW](http://www.cadw.gov.uk)

Archaeology - Where there are known historical settlements within the National Park area the authority may request that before any development can commence in particular locations, an agreed programme of archaeological investigation may need to be undertaken. Further information can be obtained from Clwyd-Powys Archaeological Trust, their website address is www.cpat.org.uk

Article 4 Direction - Under provisions set out in the Town and Country Planning (General Permitted Development) Order 1995 [Article 4] a local planning authority can remove or restrict the permitted development rights in relation to a specific site or area. This means in effect that a planning application is required to be made for express permission for certain types or forms of development which would normally be permitted by the order.

Removal of Permitted Development Rights

- There may be instances where a local planning authority in assessing a development proposal determines that planning permission should only be granted if some or all of the normal subsequent permitted development rights be removed through a condition placed on the planning decision. This applies to many housing estates built since the 1960's and therefore if you are enquiring about a property built since 1960 then you are advised to contact the Planning Help Desk (01874 620431) for further information.

Special Landscapes and Sites - Some are protected sites where conservation is backed up by law, others – which often overlap the statutory ones – have been earmarked for sensitive management as fine examples of natural sites.

Further information is available from the Countryside Council for Wales [Natural Resources Wales](http://www.naturalresources.gov.uk)

Public Rights of Way - In Wales there are approximately 33,000Km of public rights of way. Their primary function in the past has been as access routes for people within their local community. However, during this past century the use of rights of way has changed dramatically as large numbers of people now primarily use them for recreation purposes.

Types of Rights of Way

- Footpaths - over which the right of way is on foot only.

- Bridleways – for pedestrians, horse riders and bicyclists (who must give way to people on foot or horseback); and
- Byways open to all traffic (BOATs) – carriageways over which the right of way is on foot, on horseback and for vehicular traffic, but which are mainly for the purposes for which footpaths and bridleways are used (ie by walkers and horse riders)
- Roads used as Public Paths (RUPPS) - due to be re-classified by the Countryside and Rights of Way Act 2000 as 'restricted byways' which will carry rights for all types of traffic except motorised vehicles.

Definitive Maps and Statements

Each local authority is required to produce a definitive map and statement showing the rights of way that exist in their area. They have a duty to keep these maps up to date. Every definitive map is accompanied by a statement describing each way in greater or lesser detail. A member of the public may make an application to the local authority to modify the definitive map or statement. Once a local authority has received an application it has a duty to consider it, and if a subsequent change occurs (for example a path is diverted or extinguished) an order to amend the definitive map or statement is made.

Further information is available from our website www.beacons-npa.gov.uk

Boundary and Land Ownership – This is not a planning constraint. Enquiries should be directed to www.landregistry.gov.uk

Land Use Planning in Wales

Planning Aid Wales is an independent charity providing advice and support on all aspects of land use planning in Wales.



Visit www.planningaidwales.org.uk or call the planning helpline service on 02920 625 000 for more information.

For further information contact:

Brecon Beacons National Park
Plas y Ffynnon, Cambrian Way, Brecon, LD3 7HP
Tel: (01874) 624437
E-mail: planning.enquiries@beacons-npa.gov.uk