Proposed Schedule of Conditions

Appellant's Response to the Local Planning Authority's Draft Conditions

Appellant: Louise Monico - Appeal CAS-04270-K6C4W6, Berllan Ddu, Pandy Lane, Llanbradach, Caerphilly

Geo Geography LLP | 23 July 2026

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1. Status and Purpose

1.1.1 This sets out a proposed alternative schedule of conditions for Appeal CAS-04270-K6C4W6 (Berllan Ddu), responding to the Local Planning Authority's draft Statement of Common Ground - Planning Conditions (first draft, 16.07.2026), following the appeal hearing of 14 July 2026, at which the Inspector asked the parties to seek to agree the conditions by Friday 24 July 2026. This schedule is provided to the Inspector and the Local Planning Authority today, in advance of that date, so that it can be considered whether or not the Local Planning Authority is able to respond beforehand.

1.1.2 The schedule below runs to 14 conditions, against 15 in the LPA's draft. This reflects: separating the Management Plan out of the general approved-documents condition so it can be drafted to accommodate its own review cycle (Condition 2); and consolidating the LPA's four separate, overlapping enforcement mechanisms (its Conditions 2, 4 and 5, plus part of 3) into a single Monitoring condition and a single Corrective Measures and Exit Strategy condition (Conditions 3 and 4 below), built directly around paragraphs 5.1–5.11 of the Practice Guidance and the Management Plan's own Exit Strategy. The drainage condition's bespoke discontinuance trigger has also been folded into that same consolidated mechanism rather than left as a fourth, differently-timed route to the same consequence.

1.1.3 Timescales for submission of details have been extended from 1 to 2 months, and associated implementation periods from 3 to 6 months, throughout, except where a condition instead ties implementation to an agreed programme (landscaping, biodiversity, foul drainage), is a single-stage condition with no separate implementation step (parking, protection of trees and hedgerows), or where a bespoke period is explained in the commentary (the access-rights condition).

1.1.4 References to "first habitation" have also been replaced with "the date of this permission" in Conditions 2 and 3, since the household is already living on site - there is no future first-habitation event left to anchor to.

2. Proposed Conditions

2.1. Condition 1: Approved plans and documents

The development shall be carried out in accordance with the following approved plans and documents:

Dwg No. Location Plan received 30.05.2025; Dwg No. Block Plan received 30.04.2025; Dwg No. Cross Section received 30.04.2025; Dwg No. Cross Section of Land After Levelling received 30.04.2025; Dwg No. Front Elevation received 30.04.2025; Dwg No. Internal Layout received 30.04.2025; Dwg No. Left Side View received 30.04.2025; Dwg No. Right Side View received 30.04.2025; Document Named: Ecological Appraisal received 30.04.2025; Document Named: Tree Constraints Plan received 15.05.2025; Document Named: Solar Panel Data received 15.05.2025; Document Named: Tree Survey/Categorisation Report and Retrospective Arboricultural Impact Assessment received 15.05.2025; and Document Named: Green Infrastructure Statement received 30.04.2025.

The One Planet Development Management Plan is dealt with separately at Condition 2 below.

***REASON:** To ensure that the development is carried out only as approved.*

Commentary (for the Inspector / LPA)

2.1.1 This is the LPA's Condition 1, with the Management Plan removed to Condition 2 for the reasons given there. The REASON has also been corrected: the LPA's original wording referred to development "approved by the Local Planning Authority", but on appeal it is the Inspector, not the LPA (who refused it), who approves the development. Otherwise unchanged: it passes the six tests and reflects the documents submitted under 25/0263/RET.

2.1.2 The Ecological Footprint Improvement Plan (15.05.2025) has been removed from this list. On review, it is narrative commentary on planned improvements by category rather than a scheme or calculation capable of being "carried out in accordance with" - the kind of imprecise document that risks failing the condition-drafting tests on enforceability. It also contains a factual error (it dates the Practice Guidance to 2019; the correct date is October 2012) and restates the ecological footprint target as a flat 1.88 gha, omitting the 2.4 gha initial ceiling TAN6 4.15.1 actually sets. The figures it quotes do not tie cleanly to category totals in the EFA spreadsheet either. None of this affects the substantive EFA data, which sits in the calculator submitted as Appendix 5 to the Management Plan and is already captured by Condition 2 (as part of the Management Plan) and by the Year 3/Year 5 review requirement at Condition 3(a).

2.2. Condition 2: One Planet Development Management Plan

The development hereby permitted shall be carried out, occupied and managed in accordance with the One Planet Development Management Plan received 15.05.2025 ("the Management Plan"). Where a revised Management Plan is submitted to and approved in writing by the Local Planning Authority, whether pursuant to the review requirement in this condition or otherwise, references elsewhere in these conditions to "the Management Plan" shall from that point mean the approved revised Management Plan.

A revised Management Plan shall be submitted for approval no later than 5 years from the date of this permission and at intervals of no more than 5 years thereafter, save that a revision may be brought forward sooner where an Annual Monitoring Report under Condition 3 identifies a need to do so.

***REASON:** To secure the development in accordance with the approved Management Plan while allowing for its periodic review, as anticipated by paragraph 5.18 of Technical Advice Note 6: One Planet Development Practice Guidance (October 2012), and to retain effective control over the development.*

Commentary (for the Inspector / LPA)

2.2.1 New condition. The LPA's draft treated the 15.05.2025 Management Plan as a fixed approved document under its Condition 1 alongside static items like the block plan - but the Guidance expects the Management Plan to evolve (a revised plan every 5 years, sooner if monitoring shows a need: para 5.18). Freezing it as a one-off approved document would put the applicant in immediate, permanent breach the moment any lawful revision was approved. This condition instead builds the review cycle into the definition of "the Management Plan" itself, so every other condition that refers to compliance with the Management Plan (Conditions 3, 4, 9, 12, 14) automatically tracks whichever version is current.

2.2.2 The review cycle runs from the date of this permission rather than first habitation (which the Guidance would normally use, para 5.18): the household is already living on site, so first habitation is not a future event capable of anchoring the cycle.

2.3. Condition 3: Annual Monitoring Report

No later than 12 months after the date of this permission, and annually thereafter on the same date, a written Annual Monitoring Report shall be submitted to the Local Planning Authority, addressing progress against the essential and contributory criteria for One Planet Development as set out in the Management Plan, including:

(a) the Ecological Footprint of the household(s), with reference to the target of 2.4 global hectares per person by year 5 (recognising the 15% sensitivity margin described at paragraph 4.22 of the Practice Guidance, i.e. up to 2.75 gha), together with a full Ecological Footprint Analysis in year 3 and year 5 and at equivalent points in every subsequent cycle;

(b) the proportion of basic household food needs met, comprising (i) not less than 30% grown and reared directly on the site for household consumption, and (ii) the balance, up to a further 35%, purchased or bartered using income derived from other produce grown and reared on the site, such that no less than 65% of household food needs in total are met from these combined sources;

(c) minimum income needs met from land-based activities on the site;

(d) that energy needs are met from on-site renewable sources;

(e) water needs and the sources from which they are met;

(f) waste production and on-site assimilation;

(g) the condition of habitats, cultural heritage features and landscape features subject to land management commitments in the Management Plan;

(h) community impacts and mitigation measures;

(i) vehicle trips generated by the site; and

(j) the zero-carbon performance of buildings in construction and in use.

***REASON:** To secure effective monitoring of the development's compliance with the essential criteria for One Planet Development, in accordance with paragraphs 5.2–5.8 of Technical Advice Note 6: One Planet Development Practice Guidance (October 2012).*

Commentary (for the Inspector / LPA)

2.3.1 This replaces the LPA's Condition 3(a)–(e). Three corrections: first, (a) now reads 2.4 gha, not 1.88 gha - 2.4 gha (with the 15% sensitivity margin to 2.75 gha) is the Guidance's actual requirement; 1.88 gha is the applicant's own aspirational figure from the Management Plan and should not be adopted as the enforceable standard. Second, (b) now reflects the Guidance's actual two-limb definition of the 65% food-needs criterion - not less than 30% grown and reared directly, with the balance up to a further 35% purchased using proceeds of other on-site produce - rather than implying the full 65% must be grown on site. Third, the LPA's list of five monitoring items has been expanded to (a)–(j) to match what paragraphs 5.6–5.8 of the Guidance and the Management Plan's own monitoring section (s.14) actually require - the LPA's draft omitted income, energy, water, waste, land management/habitat and community impact monitoring entirely.

2.3.2 Chapter 3 sets targets and indicators for monitoring contributory, as well as essential, criteria in six of its seven elements - land based activity, land management, waste, zero carbon buildings, community impact, and transport - reproduced in the summary monitoring table at Chapter 5. The one exception is Energy and Water, where the Guidance states expressly that there are no targets or indicators for monitoring the contributory criteria (3.65). The start date now runs from the date of this permission rather than the fixed calendar date of 1 April 2028 in the LPA's draft. The Guidance's own approach (para 5.8) would anchor this to first habitation, but the household is already in occupation, so there is no future first-habitation event to anchor to.

2.3.3 Consequences for late or deficient reports are dealt with in Condition 4, not here - see that condition's commentary for why.

2.4. Condition 4: Corrective Measures and Exit Strategy

Where an Annual Monitoring Report submitted under Condition 3 identifies that one or more essential criteria of One Planet Development (as defined at paragraph 1.9 of the Practice Guidance) is not being met, a statement of corrective or mitigating measures, with a timetable for their implementation, shall be submitted to the Local Planning Authority within 6 months of that report, and the measures shall thereafter be implemented in accordance with the agreed timetable.

If a failure to achieve one or more essential criteria continues for a period of 2 years without effective corrective or mitigating measures having been implemented, this shall constitute failure of the site as a whole for the purposes of this condition, and the Exit Strategy set out in the Management Plan shall be implemented within 12 months, such that the residential use hereby permitted is discontinued, the structures identified for removal in the Exit Strategy are removed, and the land is restored in accordance with the Exit Strategy.

Failure to submit an Annual Monitoring Report, or a statement of corrective measures, within the periods specified in this condition or Condition 3 shall be addressed through the Local Planning Authority's ordinary monitoring and, where appropriate, planning enforcement functions.

***REASON:** To retain effective, proportionate control over the development and to secure compliance with the essential criteria for One Planet Development over its lifetime, in accordance with paragraphs 5.1 and 5.9–5.11 of Technical Advice Note 6: One Planet Development Practice Guidance (October 2012), and consistent with the Exit Strategy in the approved Management Plan.*

Commentary (for the Inspector / LPA)

2.4.1 This single condition replaces four separate mechanisms in the LPA's draft: Condition 2 (discontinuance for missed phasing milestones), the discontinuance limb of Condition 3, and Conditions 4 and 5 (which also each contained the unresolved "(relevant condition number)" placeholder). The Management Plan's phasing programme (s.13) is not what the Exit Strategy targets: the phasing programme is a physical works timetable, while the Exit Strategy trigger, in both the Guidance (para 5.11) and the Management Plan itself (s.16), is failure of essential criteria continuing for 2 years without effective corrective measures. This condition is built around that actual test, so the LPA's Condition 2 has been dropped entirely rather than carried forward in another form - the phasing programme's progress is instead visible through the Annual Monitoring Report at Condition 3.

2.4.2 This also picks up Refusal Reason 09, which was specifically about the adequacy of the exit-strategy analysis - this condition ties the enforcement mechanism directly to

the Exit Strategy the Management Plan itself now contains, which addresses that reason more squarely than the LPA's fragmented drafting did.

2.4.3 The third paragraph deliberately makes no reference to the Exit Strategy at all, not even to say it isn't triggered. Failing to submit paperwork on time is analytically independent of whether the essential criteria are actually being met: a household could be fully compliant with the Management Plan but simply late with a report, or could submit every report on time while still failing a criterion - the second paragraph, not this one, is what tests substantive compliance. Linking non-submission to the Exit Strategy in any way risked implying the two were connected. For completeness: the Guidance itself is silent on the specific consequence of a late or missing report - paras 5.9–5.11 address what happens once a problem is identified, not the administrative act of missing a deadline - so this paragraph is a proportionate, gap-filling position rather than one directly sourced to the Guidance's text.

2.4.4 The drainage condition's (Condition 14 below) discontinuance trigger has also been folded into this mechanism, so there is one route to the Exit Strategy, not several.

2.5. Condition 5: Ancillary buildings - revised details

Within 2 months of the date of this permission, revised details of the siting, design and external finishes of the ancillary buildings - namely the chicken shed, garden shed, log store, implement shed and access tracks - shall be submitted to and approved in writing by the Local Planning Authority. Where a structure is designed to be lightweight and moveable as part of the approved Management Plan's land management strategy, the approved details need only identify its typical siting and appearance and the general area within which it may be relocated from time to time, rather than a single fixed position. The approved details shall be implemented in full within 6 months of the date of approval.

***REASON:** In the interests of the visual amenity of the area, in accordance with policies CW4 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.5.1 The LPA's Condition 6, necessary given the application lacked specific plans for these structures. Timescales extended from 1/3 months to 2/6 months. The Applicant has confirmed that several of these structures - in particular the chicken shed - are intentionally lightweight and moveable as part of the OPD's permaculture design approach, rather than permanently sited. The condition has been adjusted so that, for structures of this kind, the approved details establish the typical siting and appearance and area of movement rather than a single fixed location, avoiding a false implication of permanence the Management Plan does not intend.

2.6. Condition 6: Parking area

Within 2 months of the date of this permission, the area indicated for the parking of vehicles shall be laid out in accordance with Dwg No. Block Plan received 30.04.2025, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

***REASON:** In the interests of highway safety, in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.6.1 The LPA's Condition 7, standard and unproblematic. Timescale extended to 2 months; a single-stage condition, so no separate implementation period is needed.

2.7. Condition 7: Vehicular access and visibility splays

Within 2 months of the date of this permission, details of the proposed means of access, including visibility splays of 2.4m x 25m, shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be constructed within 6 months of the date of approval and maintained thereafter. No obstruction, or planting which when mature would exceed 0.9m in height above the adjacent private drive, shall be placed or permitted to grow within the visibility splays.

***REASON:** In the interests of highway safety, in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.7.1 The LPA's Condition 8. Restructured into a details-then-construction sequence (2/6 months) rather than a single 1-month deadline, since 1 month was unlikely to be realistic for physically constructing visibility splays rather than merely agreeing details.

2.8. Condition 8: Evidence of right of access

Within 6 months of the date of this permission, the applicant shall submit to the Local Planning Authority evidence reasonably capable of demonstrating a lawful right of access over the private access road leading from Pandy Lane to the application site. The Local Planning Authority shall acknowledge in writing whether such evidence has been provided.

***REASON:** To ensure the Local Planning Authority has clear information as to the means by which the site is served, in the interests of highway safety and the long-term sustainability of the development, in accordance with Policy CW3 and Supplementary Planning Guidance LDP5 of the Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.8.1 Refusal Reason 13 ties this to Policy CW3/SPG LDP5 (sufficiency of means of access) - a legitimate planning concern about whether the site has a secure, permanent means of access, not merely a private dispute the LPA has no interest in. So the condition is retained, not deleted.

2.8.2 But the mechanism changes substantially from the LPA's draft, which required the LPA to "approve in writing" within 1 month that access rights had been "demonstrated", on pain of removal within 12 months. That fails the reasonable-prospect test for a Grampian-style condition - a month is not a realistic window to resolve or evidence a legal access arrangement - and it asks the LPA to adjudicate private title.

2.8.3 This version keeps a real obligation (submit evidence within a more realistic 6 months) but reframes the LPA's role as acknowledging receipt of evidence, not approving/certifying a private legal right - consistent with the approach taken in Condition 4 generally.

2.8.4 This is now resolved. The Applicant has provided the HM Land Registry official copy of the register and title plan for her own title, CYM681984 (edition date 01.07.2022, issued 12 February 2024). The title plan confirms the accessway corridor running

down from the old railway trackbed to the site falls within the Applicant's own registered freehold boundary. The neighbouring title, CYM693711 (Berllan-Lwyd), is a small, separate parcel containing only the neighbour's house and does not include the accessway. This corroborates the Management Plan's account and the TR1: the accessway belongs to the Applicant, and it is the neighbour who benefits from a right of way over it, not the reverse. Six months from the date of permission remains a realistic period for submitting this evidence to the Local Planning Authority. This documentation is supplied with this report.

2.9. Condition 9: Removal of specified permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Parts 1, 2, 5, 6, 7 and 40 of Schedule 2 to that Order shall be carried out without an express grant of planning permission from the Local Planning Authority.

***REASON:** To retain effective control over the development in the interests of the landscape character of the area, in accordance with Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.9.1 For reference, in outline: Part 1 covers householder development (extensions, outbuildings, hardstanding, roof alterations and similar). Part 2 covers minor operations - fences/gates/walls, formation of a means of access, external painting. Part 5 covers temporary caravan uses under Schedule 1 to the Caravan Sites Act 1960. Part 6 covers agricultural buildings and operations, including (in Wales) buildings to house microgeneration equipment such as hydro-turbines, biomass boilers and anaerobic digestion plant. Part 7 is the forestry equivalent, with the same microgeneration extension. Part 40 covers domestic microgeneration equipment - solar PV/thermal, ground/water/air source heat pumps, biomass flues, combined heat and power, a stand-alone wind turbine, and an anemometry mast.

2.9.2 The caravan point is now resolved. The Applicant has confirmed that the structure the household currently lives in meets the definition of a caravan under the Caravan Sites Act 1960 - built in two transportable sections, bolted together, within the statutory size limits - and that no other accommodation is available on site. That caravan is the dwelling itself: it is separately consented, authorised as part of the development the subject of this permission and identified in the approved plans and Management Plan, rather than sited in reliance on any permitted development right. There is therefore no operational need to retain Part 5, and the Applicant agrees it need not be retained.

2.10. Condition 10: Landscaping scheme

Within 2 months of the date of this permission, a scheme of landscaping and a programme for its implementation shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented in accordance with the approved programme. Any tree or plant which, within 5 years of completion of the development, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with one of similar size and species, unless the Local Planning Authority agrees otherwise in writing.

***REASON:** To ensure the site is landscaped and maintained in the interests of the landscape character of the area, in accordance with Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.10.1 The LPA's Condition 11. Timescale extended to 2 months; implementation left tied to an agreed programme, since planting is seasonally dependent. Should be read together with Condition 12 below - the Guidance favours habitat creation and rewilding over conventional amenity landscaping in this SLA context, so the two schemes need to be complementary rather than pulling in different directions.

2.11. Condition 11: Protection of existing trees and hedgerows

Within 2 months of the date of this permission, a scheme for the protection of existing trees and hedgerows on the site, including their root protection areas, shall be submitted to and approved in writing by the Local Planning Authority, including a plan showing the location and specification of protective fencing. The approved fencing shall be installed prior to the commencement of any further works at the site under Condition 5 above, and retained for the duration of those works. There shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

***REASON:** In the interests of visual amenity, in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.11.1 The LPA's Condition 12, reframed. As drafted it read as a general pre-commencement condition preventing works until fencing was installed - but the works have substantially already occurred, since this is a retrospective application. Re-tied instead to any further/phased works, specifically the ancillary buildings under Condition 5. Timescale aligned to 2 months.

2.12. Condition 12: Biodiversity Strategy

Within 2 months of the date of this permission, a Biodiversity Strategy and a programme for its implementation shall be submitted to and approved in writing by the Local Planning Authority, and the approved Strategy shall be implemented in accordance with the approved programme. The Strategy shall include: enhancement tree planting to the west of the site, specifying numbers, species, planting area, source and aftercare; an area for rewilding, with an additional hedge/tree line separating the north of the field from the actively managed area; details of planters with nectar-rich plants to be fitted to the roof of the existing building, including location, number, size, species and aftercare; the location and design of 2 additional ponds, including planting and aftercare; and identification of the areas to be overseeded with a wildflower mix, and the species mix to be used.

***REASON:** To secure mitigation, compensation and enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024) and TAN 5: Nature Conservation and Planning (2009).*

Commentary (for the Inspector / LPA)

2.12.1 The LPA's Condition 13, retained. The Management Plan describes ponds, a wildflower meadow and rewilding in narrative terms but does not give the tree numbers, species, aftercare regimes, planter specifications or wildflower species mix this condition asks for - checked, and the condition remains necessary. A Biodiversity Strategy will still need to be prepared to discharge this condition, but the Applicant has confirmed this builds on, rather than starts from scratch: the proposals draw on Matt Levan's Ecological Appraisal and Ben Clark's Tree Survey/Arboricultural Report, together with the permaculture zoning and land-use principles already applied in the

Management Plan, and its stated alignment with Caerphilly County Borough Council's Biodiversity Action Plan and the Local Biodiversity Action Plan. The Strategy brings those existing recommendations and design principles together into the level of detailed specification the condition requires. Timescale extended to 2 months; implementation left tied to an agreed programme, consistent with Condition 10.

2.13. Condition 13: Water Safety Management Plan

Within 2 months of the date of this permission, a Water Safety Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months of the date of approval, a report verifying that the development has been carried out in accordance with the approved details shall be submitted to the Local Planning Authority.

***REASON:** In the interests of public health, in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.13.1 The LPA's Condition 14, responding to Refusal Reason 03 and the Guidance's water essential criterion. Timescales extended to 2/6 months as agreed.

2.14. Condition 14: Foul drainage

Within 2 months of the date of this permission, revised details of a scheme for foul and grey water drainage, and a programme for its installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme.

***REASON:** To ensure the development is served by an appropriate means of foul and grey water drainage, in accordance with Policy CW21 of the adopted Caerphilly County Borough Local Development Plan up to 2021.*

Commentary (for the Inspector / LPA)

2.14.1 The LPA's Condition 15, responding to Refusal Reason 04. Its bespoke 6-month discontinuance trigger has been removed - that consequence now sits within Condition 4's single consolidated mechanism, rather than standing as a fourth, differently-timed route to the same outcome.

2.14.2 Greywater (kitchen, shower and laundry wastewater) does not pass through the wet treatment system at all - only blackwater does. Greywater is already dealt with by the arrangement described in the Management Plan: kitchen waste is filtered through a wormery and grease trap before the water flows by gravity into a vertical flow reed bed wetland system. The Applicant confirms this is complete, in full working order and tested, with treated water discharged via an overflow to the orchard rather than to a tank or soakaway. The condition has accordingly been widened to "foul and grey water drainage" so the revised details record this existing arrangement alongside whatever is finalised for the foul (blackwater) side, giving the Local Planning Authority a single, complete picture rather than the composting toilet element alone.

3. Unilateral Undertaking

3.1.1 A Unilateral Undertaking has been submitted to the Council in these terms. Its scope is deliberately narrow, confined to tying the dwelling to the land, consistent with the

approach accepted by Inspectors at previous OPD appeals. The remaining obligations - Management Plan compliance, monitoring and the exit strategy - are secured through Conditions 2 to 4 above.