

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0058

Grid Ref: 310583.47 289877.27

Community Council: Newtown

Valid Date: 12/01/2017
Officer: Tamsin Law

Applicant: Mr R Evans, Canal Road Riverside, Newtown, Powys SY16 2AS

Location: Ffrydd Vaughan, Dolfor Road, Newtown, SY16 4BQ

Proposal: Engineering operations involving re.profiling of land for agricultural use

Application Type: Application for Full Planning Permission

The reason for Committee determination

The application is accompanied by an Environmental Statement.

Site Location and Description

The site subject of this scheme is located approximately 0.7 miles to the south of Newtown as defined by the Powys Unitary Development Plan. The site is an area of agricultural land bound to the north by agricultural land, to the east by Middle Dolfor Road, to the south by an existing track and to the west by the A483 (Dolfor Road).

This application seeks full planning permission for the re-profiling of land for agricultural use. The site measures approximately 2.23 hectares. The agricultural land to the north of the site has been purchased by Welsh Government to facilitate the construction of the Newtown bypass scheme. The re-profiling of this land is required in connection with the scheme as currently the placement of fill for the construction of the bypass would result in an irregular landform, creating steep slopes. This application seeks consent to allow fill from the scheme to be used to create a gentler slope, filling in a natural hollow located within the application site. The maximum increase in height of any part of the land would be approximately 3 metres. The site would be utilised for agricultural purposes following the works.

Consultee Response

Newtown Town Council

No response received by Development Management at the time of writing this report.

Wales and West Utilities

Please find enclosed a copy of the requested plan and our general conditions, for your reference.

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested.

Any questions please let me know. Thanks

PCC Highways

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC Environmental Health

Environmental Health has no objections to the application.

Severn Trent Water

No response received by Development Management at the time of writing this report.

PCC Built Heritage

Thank you for consulting me on the above application.

I note the proximity of the proposed works to Black Hall Farmhouse Cadw ID 8194, the farm range attached to Black Hall Farmhouse Cadw ID 8195 and agricultural buildings at Black Hall Cadw ID 8196.

The application relates to the re profiling of land for agricultural use, and I acknowledge the extensive works that are currently being undertaking in respect of the Newtown bypass.

I would have no objection to the application as it relates to mitigation works to restore the land post engineering operations.

PCC Ecologist

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| Planning Application Reference | P/2017/0058 |
| Project Name / Description | Engineering operations involving <u>re-profiling</u> of land for agricultural use At , <u>Ffrydd</u> Vaughan, <u>Dolfor</u> Road, , , Newtown |
| Consultation Deadline | 08/02/2017 |

| Ecological Topic | | Observations |
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| EIA Screening Requirement | Unknown / Unconfirmed | The application is linked to the A483 Newtown Bypass, for which an Environmental Statement has already been prepared. This application involves an additional 2.2ha of re-profiling land for agricultural use and is associated with that scheme. |
| Protected Species & Habitats ¹ | European Species <input checked="" type="checkbox"/> | <p>An ecological report has been completed by <u>EcoVigour</u> and encompasses the findings of an ecological desk study and extended Phase 1 habitat survey (2013) that were carried out previously as part of the Newtown Bypass EIA. The report (dated September 2016) accompanies this application and generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).</p> <p>The report concludes that roosting bats are unlikely to be affected by the proposals. Various bat species have been recorded foraging/commuting within the vicinity of the application site. The report proposes that all hedgerows surrounding the application site will remain intact to avoid impacts on foraging/commuting bats.</p> <p>The report considers the boundary hedgerows as being suboptimal for Dormice. However, it</p> |
| | | <p>states that a precautionary approach will be adopted and their presence in woodland within the north-east corner of the site and the boundary hedgerows will be assumed. A European Protected Species licence for Dormice will be applied for on the Newtown Bypass scheme and the report states that NRW will be consulted regarding the use of this for the application site. The report also states that work will be excluded within 5m of the boundary hedgerows.</p> <p>The report assumes the presence of Otters within the vicinity of the application site, but due to the nature of the works does not propose further mitigation.</p> |
| | UK Species <input checked="" type="checkbox"/> | <p>Birds could nest in the boundary hedgerows. The report recommends avoidance measures if the works are to be undertaken within the bird nesting season.</p> <p>While no Badgers have been recorded within the application site, the report states that a precautionary approach will be taken in accordance with the Newtown Bypass Construction Environmental Management Plan (CEMP).</p> |
| | Section 7 Species & Habitat <input checked="" type="checkbox"/> | <p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>The main habitat at the site is improved grassland. The site is bounded by hedgerows along its northern, eastern and southern boundaries. The eastern boundary is delineated by a combination of hedgerow and tree belt. The report states that there is no intention to remove boundary hedgerows for these works.</p> <p>Two watercourses flow within 500m of the application site and are connected to the site by field ditches. Controls for silt-polluted run-off are stipulated in the report. The Construction Environmental Management Plan (CEMP) for the A483 Newtown Bypass scheme will also be implemented for these works.</p> |

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| | | There is a risk that invertebrates favouring wet areas of the site could be affected by polluted runoff water. The report states that the pollution prevention controls to be adopted for the Newtown Bypass scheme will also be implemented for these works. |
| | LBAP Species & Habitat <input checked="" type="checkbox"/> | There is potential for common amphibians to be encountered during topsoil stripping of the application site. The report states that this activity will be supervised by an ecologist. |
| Protected Sites | International Sites ² <input checked="" type="checkbox"/> | The Montgomery Canal SAC is located approximately 2km to the north-east, on the other side of the River Severn to the site. The report concludes that there is no groundwater connectivity between this SAC and the application site. |
| | National Sites ³ <input checked="" type="checkbox"/> | The Montgomery Canal SSSI is located approximately 2km to the north-east, on the other side of the River Severn to the site. The report concludes that there is no groundwater connectivity between this SSSI and the application site. The report also concludes that no other SSSI within 3km are at risk from impacts of the proposals. |
| | Local Sites (within 500m) <input type="checkbox"/> | None within the search area. |
| Invasive Non-Native Species | No | |
| Cumulative Effect | Yes | This development is connected with the Newtown Bypass, for which an Environmental Statement has been produced. Recommendations made to mitigate adverse impacts of this application overlap with measures proposed in the ES. |

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| | <p>November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><u>Informatives</u></p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> intentionally kill, injure or take any wild bird intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built intentionally take or destroy the egg of any wild bird <u>intentionally</u> (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts,</p> |
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| Summary of recommendations / further assessment or work | See observations above. |
| Recommended Conditions | <p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The mitigation regarding hedgerows, watercourses, invertebrates, amphibians, birds, badgers, bats and dormice in pages 6 to 9 of the ecological report by EcoVigour dated September 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The work shall not commence until the LPA has been provided with a licence (Dormice) that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitat and Species Regulations (2010) authorising the specified work, or a letter provided by Natural Resources Wales informing the applicant that such licence is not required.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,</p> |
| | <p>swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>EPS Licence Required</p> <p>The Ecological Report (EcoVigour, September 2016) suggests that a European Protected Species (EPS) licence may be required in support of this development.</p> <p>Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 (as amended) is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on Dormice unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.</p> <p>Otters – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).</p> <p>It is therefore an offence to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill an otter; • Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young; • Damage or destroy an otter holt; • Intentionally or recklessly disturb any otter whilst it is occupying a holt; or • Intentionally or recklessly obstruct access to a holt. |

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| | <p>Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:</p> <ul style="list-style-type: none"> • No night working or lighting of the works area; • Ensuring that no barriers to movement of otters along the river are created; • Keep unnecessary noise to a minimum during the works; and • Do not light any fires close to areas of vegetation. <p>Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any dormice. • Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection. • Under the Habitats Regulations it is an offence to: <p>Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> |
| Relevant UDP Policies | <p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p> |

NRW

Thank you for consulting Natural Resources Wales (letter dated 18/01/2017) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to the implementation of the same pollution prevention measures agreed for the Newtown bypass road scheme.

Pollution Prevention

We would expect all the pollution and prevention advice to be covered in the overarching Construction Environmental Management Plan (CEMP) for the Newtown bypass project. Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

Ecology

We concur with the conclusions of the ecological submission (reference – Gregory, J. (2016). Improvement of Agricultural Land at Blackhall, Newtown. EcoVigour. Unpublished. We have no concerns with regards to Protected Species at this location.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including

environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

No comments received.

Planning History

No relevant planning history.

Principal Planning Constraints

NewtownBypass
UNKNOWN C2061

Principal Planning Policies

National Planning Policy
Planning Policy Wales (2016)
Technical Advice Note 5-Nature Conservation and Planning (2009)
Technical Advice Note 18-Transport (2007)
Welsh Office Circular 11/99 – Environmental Impact Assessment
Welsh Office Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas

Local Plan Powys Unitary Development Plan (March 2010)
UDP ENV 1 – Agricultural Land
UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 6 – Sites of Regional and Local Importance
UDP ENV 7 - Protected Species
UDP ENV 14 – Listed Buildings
UDP GP4 - Highway and Parking Requirements

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The current planning application has been made in conjunction with the construction of the Newtown bypass. The utilisation of this land as part of the scheme will enable an improved finish to the landscape following completion of the scheme.

Policy ENV1 seeks to protect the best and most versatile agricultural land and lower quality land in situations where such land is of particular value to agriculture in the locality. The application site is not classified within either of these categories and as such its reprofiling for the benefit of the landscape is, in principle, considered to be acceptable.

Landscape impact

UDP policy ENV2 requires proposals to take into account the high quality of the landscape in Powys and to be appropriate and sensitive to the landscape surroundings. In considering landscape impact, consideration should be given to the sensitivity of the particular landscape and the potential impact on its character and appearance.

In terms of the impact on landscape features, the additional works are considered to have a minimal impact in light of the bypass works. The proposed works will allow the landscape to slope gently following the completion of the bypass works.

Visual impact

The additionally proposed works are not expected to have an adverse effect on the visual amenity of the area, and will improve the overall visual impact of the wider bypass scheme.

Ecological impact

An ecological survey was submitted in support of the application. Following consultation with the Powys Ecologist and Natural Resources Wales no objections have been received provided conditions are attached to any consent regarding mitigation, trees and hedgerows and pollution.

In light of the information available to Development Management, it is concluded that the proposal will not unacceptably impact on individual protected species or designated wildlife

Listed Buildings

The site lies within close proximity to three listed buildings. Following consultation with the Built Heritage Officer no objections have been received.

In light of the information available to Development Management, it is concluded that the proposal will not unacceptably impact on the nearby listed buildings.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those

functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Conclusion

For the reasons outlined above it is considered that the proposal is in accordance with planning policy. Therefore subject to the use of conditions as set out below, the recommendation is one of consent.

Environmental Information has been taken into account in reaching the above recommendation.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents stamped as approved on xxx (drawing no's: A483-EV-BH-PA-001, Proposed Cross Sections, Design and Access Statement, Cultural Heritage Assessment and Ecological Report by EcoVigour (September 2016)).
3. The mitigation regarding hedgerows, watercourses, invertebrates, amphibians, birds, badgers, bats and dormice in pages 6 to 9 of the ecological report by EcoVigour dated September 2016 shall be adhered to and implemented in full.
4. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
4. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
5. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

EPS Licence Required

The Ecological Report (EcoVigour, September 2016) suggests that a European Protected Species (EPS) licence may be required in support of this development.

Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 (as amended) is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on Dormice unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

Otters – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- No night working or lighting of the works area;
- Ensuring that no barriers to movement of otters along the river are created;
- Keep unnecessary noise to a minimum during the works; and
- Do not light any fires close to areas of vegetation.

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.

- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

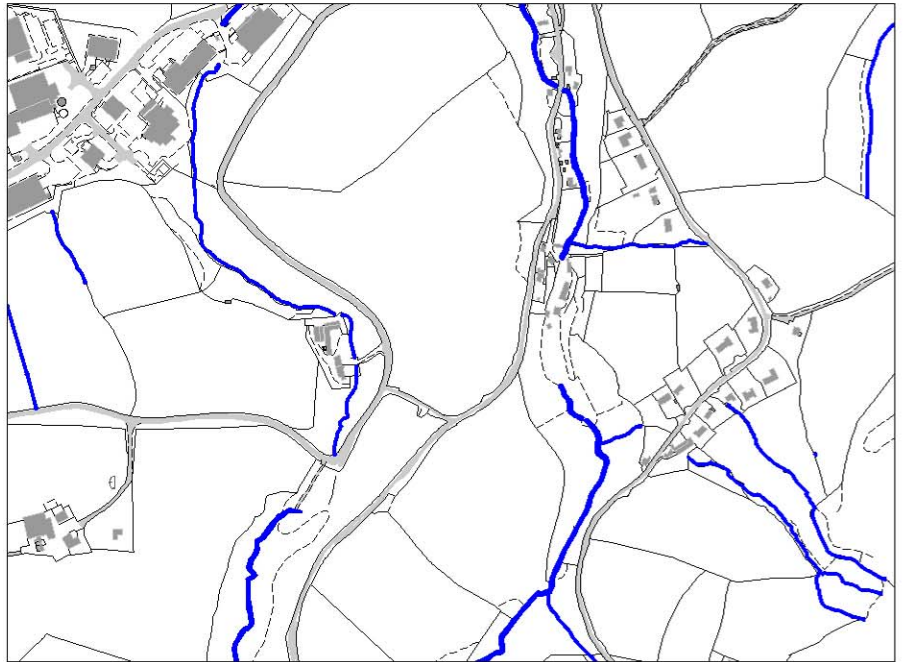
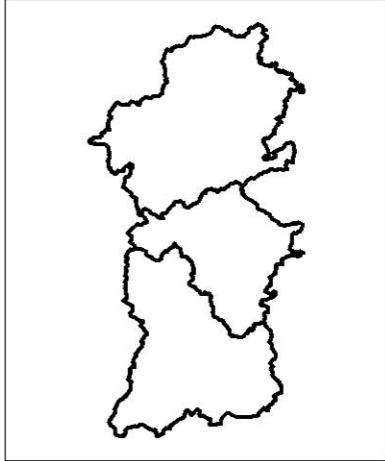
Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

Applicant: Mr R Evans

Location: Ffrydd Vaughan, Dolfor Road,
Newtown



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