## Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0320	Grid Ref:	309511.65 305977.04
Community Council:	Llanfair Caerienion	Valid Date: 29/03/2017	<b>Officer:</b> Dunya Fourie
Applicant:	Mr Steve Andrew Pear Tree Lane Highbury Llanfair Caereinion Powys SY21 0BH		
Location:	Land east of Maes Hyfryd Llanfair Caereinion Welshpool Powys SY21 0RY		
Proposal:	Outline: Erection of a detached dwelling, installation of a sewage treatment plant and improvements to existing access		
Application Type:	Application for Outline Planning Permission		
	UPDATE REPORT		

Ecology response E mail of 7 September 2017

Thank you for consulting me with regards to the additional information submitted in relation to planning application P/2017/0320.

In response to comments made by colleagues at YGC regarding the application, an Ecological Constraints Assessment Report produced by Star Ecology dated 10<sup>th</sup> August 2017 has been submitted to address concerns regarding the potential for the development to result in negative impacts to biodiversity with particular regards to the proposed course of the outfall pipe and nearby watercourse.

An Ecological Survey was undertaken on the 7<sup>th</sup> August 2017 to assess the habitats affected and to assess potential for presence of protected species.

The survey concluded that the habitats present along the route of the proposed pipe are of very low/negligible ecological value.

The survey found no evidence of protected species along the route of the proposed outfall pipe or within approximately 50m of the proposed route. A small section of hedgerow that may require removal during the installation of the pipe was assessed as providing suitable habitat for nesting birds – mitigation to minimise impacts to nesting birds has been provided within Appendix 1 of the Report. No further surveys were considered necessary.

Having reviewed the submitted information it is considered that the survey effort and methodology was in accordance with National guidelines and that sufficient information to demonstrate that the proposed development would not result in a negative impact to biodiversity has been provided.

Therefore should you be minded to approve the application I recommend inclusion of the following condition:

The recommendations regarding Nesting Birds identified in Appendix 1 of the Ecological Constraints Assessment Report produced by Star Ecology dated 10th August 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

<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 Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

## 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 Schedule1 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.