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Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Os yn galw gofynnwch am - If calling please ask for
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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 11th April, 2019

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

S U P P L E M E N T A R Y P A C K

1.	MINUTES OF THE PREVIOUS MEETING	2
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 21 March, 2019 as a correct record.

(Pages 1 - 12)

1.1. **Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(Pages 13 - 26)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 21 MARCH 2019

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, H Hulme, M J Jones, F H Jump, K Laurie-Parry, H Lewis, I McIntosh, D R Price, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillor J Wilkinson.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 28 February, 2019, subject to it being noted that County Councillor K Silk had given her apologies.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillors M J Jones, K Laurie- Parry and I McIntosh declared personal interests in application 18/1070/REM as they were appointed, by the Council, to Brecon Beacons National Park Authority, which was a consultee.

(b) County Councillor J Williams requested that a record be made of his membership of Llandrindod Wells Town Community Council, at the time when discussion had taken place of matters for the consideration of this Committee.

(c) County Councillor H Hulme (who is a member of the Committee) declared that she would be acting as 'local representative' in respect of application P/2018/0150.

(d) The Committee noted that County Councillor G Price (who is not a member of the Committee) would be speaking as the 'local representative' in respect of 19/002/FUL.

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2 19/0021/FUL Land East of Ithon Road, Ithon Road, Llandrindod, Powys, LD1 6AS

Grid Ref: E: 305498 N: 262001

Valid Date: 04/01/2019

Community Council: Llandrindod Wells Town Council

Applicant: Mr S Griffiths

Location: Land East of Ithon Road, Ithon Road, Llandrindod, Powys, LD1 6AS

Proposal: Residential development comprising of 55 units

Application Type: Full Application

County Councillor G Price spoke as the local representative.
Councillor A Curtis spoke on behalf of Llandrindod Wells Town Council.
Mrs C Stokes spoke on behalf of the residents of Holcombe Drive.
Mr B Davies, Asbri Planning, spoke on behalf of the applicant.

The Committee was referred to the update and that if the Committee was minded to approve the application it was recommended that condition 26 be omitted from the consent. The Principal Planning Officer advised that she had spoken to the Land Drainage Officer who had no objections to the development, subject to conditions. However, as there was no formal response, she asked that if the Committee was minded to approve the application, it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree appropriate conditions. It was also recommended that a condition be added regarding the phasing of the development to deliver and make an open space, also be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair. In addition, she advised that the date in condition 6 should be deleted, so that the no buildings on the application site shall be brought into use unless the upgrading of the Waste Water Treatment Works had been completed. It was also recommended that the wording of condition 13 should also be amended to specify the location of the 40 mph zone.

In response to questions the Highways Authority advised that for the number and range of properties on the site, five visitor parking spaces were required. However, in accordance with the Manual for Streets, as the roads on the development were 5½ metres wide, it was considered that there was sufficient parking space on the development. The Highways Authority also confirmed that, even with cars parked on the roads, there was sufficient room for emergency and refuse vehicles to pass.

The Principal Planning Officer advised that the Housing Needs Assessment had demonstrated that there was a need in Llandrindod Wells for the level of affordable housing proposed in the development. Due to comments made about the easement strip between the development and current housing the

Professional Lead Development Management advised that if the Committee was minded to approve the application a condition could be added regarding the planting of this area and its ongoing maintenance, which would deter people from using the area. Relevant bodies, such as the police could be consulted on this condition.

The Principal Planning Officer advised that the agricultural land, where the attenuation pond would be located, is classified 3a i.e. “good to moderate”. Agricultural land categorised as 1 and 2 should be protected. The Professional Lead for Development Management advised that in the circumstances it was his opinion that the provision of affordable housing outweighed the loss of this agricultural land.

In response to a question about the parking on the road near the cemetery, the Highways Authority advised that it did not consider that the development would make this worse, due to the internal parking on the development.

In respect of affordable housing although the application is for 100% affordable housing, the Professional Lead Development Management advised that a condition seeking 30% affordable housing could be included, in line with policy. The Professional Lead Development Management advised that based on the information provided by the Education Department, it was considered that there was sufficient capacity at the local primary schools. However, he recommended that it be delegated to the Professional Lead Development Management to seek an appropriate financial contribution if there is no capacity at the high school.

The Committee was reminded that this was an allocated site in the Local Development Plan and it was noted that the proposed buildings would be lower land than the existing housing, due to the topography.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report, excluding condition 26, which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management:</p> <p>to amend condition 6 so that no buildings on the site would be brought into use unless the upgrading of the Waste Water Treatment Works was completed and to amend the wording of condition 13 regarding the location of the 40 mph zone and to add the following conditions regarding:</p> <ul style="list-style-type: none"> • the phasing of the development to deliver and make an open space 	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure the dwellings are not brought into use prior to the upgrading of the Waste Water Treatment Works in accordance with LDP policy DM13.</p> <p>To ensure the condition regarding the TRO is precise and meets the tests required for conditions in accordance with LDP policies T1 and DM13.</p> <p>To ensure that the open space is delivered at an adequate point in the development site in accordance with LDP policy DM3.</p>

<ul style="list-style-type: none"> • land drainage scheme and adoption • the planting and the ongoing maintenance of the easement strip <p>and that it be delegated to the Professional Lead Development Management to require an education contribution by a S106 agreement if it is found that there is no capacity at the high school.</p>	<p>To ensure that land drainage is adequately controlled and the system is developed to an adoptable standard in accordance with LDP policy DM6.</p> <p>To ensure that the maintenance strip is appropriately landscaped and maintained as such in accordance with policy DM4 and DM13.</p>
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4.3 18/1070/REM Nant Helen Surface Mine, Coelbren, Neath

Grid Ref: 283050.34 211312.71

Valid Date: 03/12/2018

Officer: Hugh Towns

Community Council: Tawe Uchaf Community Council

Applicant: Celtic Energy Ltd

Location: Nant Helen Surface Mine, Coelbren, Neath

Proposal: Variation of condition 2 of planning approval P/2011/0217 to allow an extension of time to allow extraction of all the coal and completion of restoration.

Application Type: Variation of Condition

Mrs A Manser-Davies spoke against the application.

The Minerals Officer advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Professional Lead Development Management to add the relevant policies to the reasons for the conditions. In addition, it was also recommended that if the Committee was minded to approve the application, it be delegated to the Professional Lead Development Management that the previous S106 agreement, which safeguards appropriate restoration and aftercare, be reviewed and a revised S106 agreement completed within three months unless the Professional Lead for Development Management is satisfied that the delay is unavoidable and agrees to a further reasonable time period. If the agreement is not concluded within that time frame the application is to be refused or brought back to the Committee.

In response to questions the Mineral Officer advised that it was estimated that 800,000 tonnes of coal was available for extraction and that this would take approximately of three years to extract. It was noted that condition 1 specified the timeframe for extraction. The Minerals Officer noted the comments made by the objector and the Committee regarding the monitoring of dust and noise. He

advised that his team regularly visited the site to ensure that conditions were adhered to and dust and noise levels were monitored. However, as the extraction site was proposed to move further east and closer to residential areas and the school, he advised he would review the location of monitoring sites and would also look to speak to the objector. The Minerals Officer also advised that noise levels were restricted outside normal working hours and stated that if these were exceeded the issue would be investigated and steps be taken to mitigate or stop whatever was the source of the noise.

In response to questions the Minerals Officer advised that the phased restoration and phased use of the bond could be conditioned.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and it be delegated to the Professional Lead Development Management to add the planning policies to the reasons for the conditions and that it be delegated to the Professional Lead Development Management that the previous S106 agreement, which safeguards appropriate restoration and aftercare, be reviewed and a revised S106 agreement completed within three months, unless the Professional Lead for Development Management is satisfied that the delay is unavoidable and agrees to a further reasonable time period to complete the agreement. If the agreement is not concluded within that time frame delegation is given to the Professional Lead for Development Management to refuse the application or take the application back to the Committee for determination.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure the appropriate restoration and aftercare of the site.</p>

The Chair changed the order of the agenda, to accommodate speakers and the public.

County Councillor H Hulme moved to the public seating area for the next application.

4.4 P/2018/0150 Land Adj To Llys Cynon, Tregynon, Newtown, Powys, SY16 3EJ

Grid Ref: E: 309407 N: 298493

Valid Date: 02/02/2018

Community Council: Tregynon Community Council

Applicant: Mr Martin Hough

Location: Land Adj To Llys Cynon, Tregynon, Newtown, Powys, SY16 3EJ

Proposal: Outline: Erection of 3 no. affordable dwellings and access arrangements (all matters reserved)

Application Type: Outline planning

County Councillor H Hulme spoke as the local representative.
Mr R Lewis spoke as the Agent.

The Planning Officer advised that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to condition the proposed layout of the site to ensure that the proposed dwellings are located within the area identified for housing identified within the 'proposed site plan' so that it forms a logical extension to the settlement and would not unacceptably affect the footpath and that the first condition recommended by the Highways Authority regarding upgrading the footpath link to the village be added.

In response to questions the Planning Officer advised that the flooding issues were on land below the development site. The Professional Lead Development Management advised that 100% affordable housing was required for this development as the site was outside the settlement boundary. It was noted that condition 24 should refer to affordable dwellings rather than dwelling.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management to condition the proposed layout of the site to ensure that the proposed dwellings are located within the area identified for housing identified within the 'proposed site plan' and that condition 24 refers to affordable</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure that the development forms a logical extension to the settlement, in accordance with policy H1.</p> <p>To ensure that the proposed development does not have an unacceptable impact on the</p>

<p>dwelling rather than dwelling and that a condition be added that prior to any other works commencing on the development site, detailed engineering drawings to upgrade the footpath link to the village as shown on drawing numbers S070.1.3.203 & S070.1.3.200 Rev B shall be submitted to and approved in writing by the Local Planning Authority. This shall include an implementation scheme. The development shall comply with the approved details.</p>	<p>rights of way network, in accordance with policy DM13.</p> <p>To ensure the provision of affordable housing in accordance with policy H1.</p> <p>To ensure that the development is served by appropriate highway infrastructure, in accordance with DM13.</p>
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County Councillor H Hulme resumed her seat in the Committee.

The Committee adjourned for lunch at 13.25 and reconvened at 14.00.

- 4.5 18/1035/FUL Ynys-Y-Bont, U0300 from Junction with C50 Aberbran by Council Houses Via Ynys-Y-Bont to Jct R, Aberbran, Brecon, LD3 9NL

Grid Ref: E: 297981 N: 230202

Valid Date: 29/11/2018

Community Council: Trallong Community Council

Applicant: Mohammed Hillal bin Tarraf Almansorri

Location: Ynys-Y-Bont, U0300 from Junction with C50 Aberbran by Council Houses Via Ynys-Y-Bont to Jct R, Aberbran, Brecon, LD3 9NL

Proposal: Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works

Application Type: Full Application

County Councillor Les George did not take part in the debate or voting on this application having missed the start of the officer's presentation.

Subject to the inclusion of an additional condition requiring netting to be removed from surrounding hedges on completion of construction, the exact wording to be determined by the Professional Lead for Development Management, it was

RESOLVED:	Reason for decision:
that the application be granted	As officers recommendation as

<p>consent, subject to the conditions set out in the report which is filed with the signed minutes and that it is delegated to the Professional Lead for Development Management the wording of an additional condition to ensure netting is removed from the surrounding hedges.</p>	<p>set out in the report which is filed with the signed minutes.</p> <p>To comply with Powys County Council's LDP policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape and Visual Impact.</p>
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County Councillor Les George re-joined the meeting.

County Councillor Iain McIntosh left the meeting.

4.6 18/0922/RES Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

Grid Ref: E: 320376 N: 290839

Valid Date: 16/11/2018

Community Council: Newtown Community Council

Applicant: Powys County Council

Location: Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

Proposal: Reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed development of 7 no. affordable dwellings and all associated works

Application Type: Reserved Matters

<p>RESOLVED: that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.</p>	<p>Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.</p>
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4.7 18/1065/DIS Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

Grid Ref: E: 320376 N: 290839

Valid Date: 05/12/2018

Community Council: Kerry Community Council

Applicant: Powys County Council

Location: Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

Proposal: Discharge of condition 8 of planning approval P/2017/1489 in relation to affordable housing details

Application Type: Discharge of Condition

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

The following application had been withdrawn.

4.8 19/0302/DEM The Old School House, Former Smithfield Depot Building, Gorn Road, Llanidloes, SY18 6BJ

Grid Ref: E: 295603 N: 284274

Valid Date: 27/02/2019

Community Council: Llanidloes Community Council

Applicant: Powys County Council

Location: The Old School House, Former Smithfield Depot Building, Gorn Road, Llanidloes, SY18 6BJ

Proposal: Application for prior notification of proposed demolition

Application Type: Demolition Notification

This application had been withdrawn.

4.9 18/1115/FUL 5 Y Ffrydd, Newtown, Powys, SY16 2JY

Grid Ref: E: 311233 N: 291907

Valid Date: 19/12/2018

Community Council: Newtown and Llanllwchaiarn Community Council

Applicant: Powys County Council
Location: 5 Y Ffrydd, Newtown, Powys, SY16 2JY,
Proposal: Excavation of existing footway and construction of additional parking bays together with realignment of existing kerb

Application Type: Full Application

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 21 February, 2019 and 13 March, 2019. It was noted that the application P/2018/0234 had been determined by the committee not officers.

Committee was briefed on the Mellowcroft enforcement action. The defendant had been convicted on all 18 charges and fined £750.

The Professional Lead for Development Management advised members that whilst the Council did not have designated planning enforcement officers, all planning officers had enforcement as part of their duties.

Committee was also advised that the judicial review brought by the Brecon and Radnor branch of the CPRW against Hendy wind farm had been dismissed by the High Court.

Planning Protocol & Constitution

6.	PLANNING PROTOCOL AND SECTION 13 RESPONSIBILITIES FOR FUNCTIONS
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The Committee considered the proposed changes to the Planning Protocol. In respect of paragraph 19.102 dealing with applications the Committee was minded to permit contrary to officer recommendation, members agreed that in such cases it would defer confirmation of conditions to the next available meeting.

County Councillor Jon Williams left at 15.21.

RESOLVED to approve the amendments to the Planning Protocol as set out in the report (copy filed with the signed minutes) subject to the amendment to paragraph 19.102 noted above.

The Committee considered the proposed changes to Section 13 Responsibilities for Functions in respect of planning and licensing. In respect of Function A6 power to determine planning applications made by a local authority, Committee agreed that only major applications should come to Committee unless called in, with all other applications delegated to the relevant planning officer.

County Councillor Francesca Jump left at 15.56.

RECOMMENDED to Council to approve the amendments to Section 13 Responsibilities for Functions in respect of planning and licensing as set out report (copy filed with the signed minutes) subject to the amendment to Function A6 noted above.

County Councillor K Lewis (Chair)

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0456/HDG

Grid Ref: E: 289106
N: 301784

Community Council: Llanbryn-mair

Valid Date: 11.03.2019

Applicant: Powys County Council

Location: Hedgerow Removal Close to Llan Village, Llanbryn-mair, Powys

Proposal: Application for hedgerow removal notice

Application Type: Hedgerow Removal Notice

Report Update

This report forms an update to the previous report circulated to Members.

Consultee Responses

Consultee

Received

Llanbryn-mair Community Council

19/0456/HDG - Hedgerow Removal Notice - Llan, Llanbryn-mair, Powys, SY19 7DL
19/0457/HDG - Hedgerow Removal Notice - Llan, Llanbryn-mair, Powys, SY19 7DL
19/0458/HDG - Hedgerow Removal Notice - Llan, Llanbryn-mair, Powys, SY19 7DL

The members of Llanbryn-mair Community Council discussed these applications at their last monthly meeting. Following a discussion, the members unanimously agreed that they support all three of these applications to remove sections of hedgerow adjacent to the active landslip area located at Rhiw Coed on the B4518 between Llan and Llanbryn-mair.

The proposed work to realign the carriageway away from an active landslip area is clearly vital to the safety and wellbeing of the residents of the Llanbryn-mair area as well as visitors utilising the B4518 as they pass through the Community of Llanbryn-mair. It is hoped that work to remove these hedgerows and proceed with the realignment of the carriageway can proceed as soon as possible as there are clearly considerable concerns about the stability of the current carriageway.

Cllr Jones-Poston

Thank you for the notification of the removal of hedges on the B4518 between Llanbryn-mair and Llan. I note it is being considered at the Planning Committee on 11th April.

As the elected member for Llanbryn-mair and on behalf of local residents, I very much support the application of removal of hedges to allow for the realignment of the carriageway. The current road is affected by a landslide whereby the ground beneath is unstable.

I very much hope that the application will be approved to enable the works required to be progressed. The current road is posing safety issues to users and is deteriorating.

I look forward to hearing the outcome of the application.

RECOMMENDATION – Approval

Having considered the above responses, the recommendation is in accordance with the previous report which considered that the hedgerow does not qualify as an important hedgerow under the hedgerow regulations.

In light of the above, the council will not be serving a hedgerow retention notice.

Informative Notes

Biodiversity

If a hedgerow removal notice is issued the applicant should be reminded that under the 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). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

Montgomeryshire Wildlife Trust

Removal of a hedgerow between the months of March and August would risk harm to nesting birds and the destruction of their nests. This would be an infringement of the 1981 Wildlife and Countryside Act. If application 19/0386/HDG is to be given consent, the removal should be carried out between September and February.

We recommend that habitat and species records be obtained from the Biological Information Service (BIS) for Powys: <https://www.bis.org.uk/>

Please feel free to contact me if you have any further queries.

Case Officer: Luke Jones, Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0457/HDG

Grid Ref: E: 289106
N: 301784

Community Council: Llanbrynmair

Valid Date: 11.03.2019

Applicant: Powys County Council

Location: Hedgerow Removal Close To Llan Village, Llanbrynmair, Powys

Proposal: Application for hedgerow removal notice

Application Type: Hedgerow Removal Notice

Report Update

This report forms an update to the previous report circulated to Members.

Consultee Responses

Consultee

Received

Llanbrynmair Community Council

19/0456/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL

19/0457/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL

19/0458/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL

The members of Llanbrynmair Community Council discussed these applications at their last monthly meeting. Following a discussion, the members unanimously agreed that they support all three of these applications to remove sections of hedgerow adjacent to the active landslip area located at Rhiw Coed on the B4518 between Llan and Llanbrynmair.

The proposed work to realign the carriageway away from an active landslip area is clearly vital to the safety and wellbeing of the residents of the Llanbrynmair area as well as visitors utilising the B4518 as they pass through the Community of Llanbrynmair. It is hoped that work to remove these hedgerows and proceed with the realignment of the carriageway can proceed as soon as possible as there are clearly considerable concerns about the stability of the current carriageway.

Cllr Jones-Poston

Thank you for the notification of the removal of hedges on the B4518 between Llanbryn-mair and Llan. I note it is being considered at the Planning Committee on 11th April.

As the elected member for Llanbryn-mair and on behalf of local residents, I very much support the application of removal of hedges to allow for the realignment of the carriageway. The current road is affected by a landslide whereby the ground beneath is unstable.

I very much hope that the application will be approved to enable the works required to be progressed. The current road is posing safety issues to users and is deteriorating.

I look forward to hearing the outcome of the application

RECOMMENDATION – Approval

Having considered the above responses, the recommendation is in accordance with the previous report which considered that the hedgerow does not qualify as an important hedgerow under the hedgerow regulations.

In light of the above, the council will not be serving a hedgerow retention notice.

Informative Notes

Biodiversity

If a hedgerow removal notice is issued the applicant should be reminded that under the 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:

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- 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.
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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). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

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Removal of a hedgerow between the months of March and August would risk harm to nesting birds and the destruction of their nests. This would be an infringement of the 1981 Wildlife and Countryside Act. If application 19/0386/HDG is to be given consent, the removal should be carried out between September and February.

We recommend that habitat and species records be obtained from the Biological Information Service (BIS) for Powys: <https://www.bis.org.uk/>

Please feel free to contact me if you have any further queries.

Case Officer: Luke Jones, Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0458/HDG

Grid Ref: E: 289106
N: 301784

Community Council: Llanbrynmair

Valid Date: 11.03.2019

Applicant: Powys County Council

Location: Hedgerow Removal Close to Llan Village, Llanbrynmair, Powys,

Proposal: Application for hedgerow removal notice

Application Type: Hedgerow Removal Notice

Report Update

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Llanbrynmair Community Council

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19/0457/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL
19/0458/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL

The members of Llanbrynmair Community Council discussed these applications at their last monthly meeting. Following a discussion, the members unanimously agreed that they support all three of these applications to remove sections of hedgerow adjacent to the active landslip area located at Rhiw Coed on the B4518 between Llan and Llanbrynmair.

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Cllr Jones-Poston

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I very much hope that the application will be approved to enable the works required to be progressed. The current road is posing safety issues to users and is deteriorating.

I look forward to hearing the outcome of the application

RECOMMENDATION – Approval

Having considered the above responses, the recommendation is in accordance with the previous report which considered that the hedgerow does not qualify as an important hedgerow under the hedgerow regulations.

In light of the above, the council will not be serving a hedgerow retention notice.

Informative Notes

Biodiversity

If a hedgerow removal notice is issued the applicant should be reminded that under the 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). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

Montgomeryshire Wildlife Trust

Removal of a hedgerow between the months of March and August would risk harm to nesting birds and the destruction of their nests. This would be an infringement of the 1981 Wildlife and Countryside Act. If application 19/0386/HDG is to be given consent, the removal should be carried out between September and February.

We recommend that habitat and species records be obtained from the Biological Information Service (BIS) for Powys: <https://www.bis.org.uk/>

Please feel free to contact me if you have any further queries.

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