

Public Document Pack



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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 24th October, 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

SUPPLEMENTARY PACK

1.1. **Updates**

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

(Pages 1 - 24)

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- Competitive impact on existing businesses
- Create a 'one stop shop'

Support

- Revitalisation of an empty building and creation of jobs;
- Boost Newtown's tourism;
- Base for activities and benefit the town;
- Encourage physical activity and wellbeing
- Positive change
- Positive health and economic benefit
- Develop Mid-Wales as an outdoor hub
- Encourage investment
- Increase footfall
- Develop Newtown as a destination
- Boost to Newtown

Neil Hamilton AM

I write strongly to support the objections you will have received to the grant of planning consent for the current proposal relating to the Radio Hafren site in Newtown. Whilst there appears to be universal support for a development on this site, many business owners in the town are concerned about potential adverse effects on the town of consent for a cafe/bar as part of the application.

The potential adverse impact on the main shopping thoroughfares of Newtown of any grant of planning consent is clearly a legitimate planning issue. I understand that the original proposal was for drinks to be available for site-users from a vending machine and this proposal would enjoy support from existing business owners. The current proposal, however, is for a cafe with 25 internal seats and, potentially, 100 external seats.

I recently met with many business owners in Newtown and their main concern is the competitive impact on existing businesses of a development, partly or largely paid for by public funds, which enjoys business rate relief denied to its competitors.

The High Street (colloquial usage) is under severe pressure throughout Wales because of internet shopping and the high costs of Business Rates. These threaten the survival of existing businesses and raise the bar for the establishment of new ones.

Mid-Wales is a relatively poor area and running a successful retail/cafe/bar business is problematic at the best of times. Many of the businesses which are likely to be affected if consent for the current application is granted have had profits ploughed back into the business by their owners over many years. They look with envy on an applicant which enjoys the luxury of £950,000 of uncommercial finance compulsorily extracted from taxpayers viz. the Targeted Regeneration Fund.

No economic impact assessment has been undertaken in relation to this application and I believe it would be irresponsible to grant consent until the potential effects on the town generally are fully investigated.

The application has already been reduced from over 100 internal covers to 25 but even this reduced number is larger than many competitors in the town. I am told that the plans also provide for 100 seats and tables outside the proposed new building.

I also understand that no revised business plan has been provided for the reduced-seating proposal. This is clearly necessary as the viability of a proposal for any site, especially one owned by a public authority, must be germane to any decision.

It is, in my opinion, crucially important that any development proposal should complement the existing pattern of business in Newtown and not undermine it. It should add to the footfall in the town and not threaten or reduce it. That is why it is vital to assess professionally the likely effects of the cafe aspect of the application.

I understand that the canoeing/bike riding part of the proposal amounts to no more than 5% of the building and 'tourist information' amounts to only another 7%, with the remaining 88% competing with existing businesses in the town.

Traders worry that what is proposed would create a 'one-stop-shop,' giving users no incentive to go into the town centre.

As Powys County Council has been described by the applicants as the 'project lead' on this development, PCC should be especially sensitive to the needs of those who fear an adverse impact on their businesses, given the important role the Council itself is taking in the development application and process. The dangers of a perception of conflict of interest should be reduced by maximum transparency and background justification for viability as well as the impact of the project.

It is also a legitimate concern that, if the project proves ill-conceived, the responsibility for administering the development will fall on the Town Council, (the leaseholder for a 99 year lease) and, ultimately, the residents of Newtown who would face a compulsory impost for any costs flowing from the failure.

In all the circumstances, it seems to me that the Planning Committee does not possess adequate information and is, therefore, unable to take a considered decision pending those inadequacies being remedied.

Officer Appraisal

Impact on an existing tourist facilities, Newtown retail centre and amenity

Officers would like to highlight an error in terminology used within the above section of the Committee Report. Reference has been made to the proposed site falling within

Newtown's Town Centre, however the site is within the Area Retail Centre of Newtown. This specifically relates to LDP policy R1. A revised paragraph is provide below correcting the error;

Powys Local Development Plan Policies R1 and R4 seeks to ensure that retail development is located within defined retail centres with Newtown being classified as an Area Retail Centre. The proposed development is not considered to undermine the retail hierarchy of Newtown and would not be considered to have an unacceptable adverse impact on the vitality and viability of the retail centre.

Members are also advised that in addition to the café element an area for retail is also proposed as an ancillary function to the tourist information area (which amount to approximately 35 square metres).

It is noted that a number of comments relate to the need for an impact assessment to be undertaken on the proposal. Technical Advice Note 4: Retail and Commercial Development (2016) states that retail applications of 2,500 square metres or more gross floorspace that are proposed on the edge or outside retail and commercial centres should be supported by a retail impact assessment. The application proposed approximately 137 square metres of retail space, falling far below the threshold identified within the TAN, and the site is located within Newtown, which is defined as an Area Retail Centre.

With regards to Area Retail Centres the LDP stated that these areas not only serve the resident population, but also a wide catchment area due to the nature of retail facilities and services offered. Para 4.7.5 of the LDP states that settlements categorised as Area Retail Centres are therefore considered strategically important in terms of their retail and service provision and best suited to accommodate large new retail developments.

As such in considering policy R1 and the statements made within the LDP it is considered that the provision of a small area of retail space, amounting to some 137 square metres, support the retail hierarchy identified within the policy. Furthermore, it is considered that the scale of the development, its sensitive design and location within the Area Retail Centre of Newtown ensures that the proposal is compliant with the retail hierarchy as defined by policy R1 of the LDP.

In light of the above it is considered that the proposed development is in accordance with the relevant local and national planning policies.

Additional Third Party Representations

The comments received from third parties since the publication of the original Committee Report are noted however offer no new issues above those which have already been covered in the original report.

Recommendation

Based upon further public representations received, Officers are satisfied that the proposal accords with planning policy and the recommendation being one of approval subject to the conditions outline within the original committee report.

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following the May 2019 visit that no species were present to indicate that the proposed development site is rich in wildlife as possibly qualify as a habitat of principle importance under the Environment (Wales) Act 2016. The required information has now been submitted in an email format and received by the planning services on 26th September 2019.

An email has also been received from the land owner providing information regarding the management of the area that is proposed to be impacted by the proposed development.

I am satisfied that from reviewing the additional information submitted by the ecologist and landowner that habitats present and impacted by the proposed development does not meet the criteria as a habitat of principle importance under the Environment (Wales) Act 2016.

Therefore, I do not considered that further surveys are required regarding the assessment of habitats present and impacted by the proposed developments.

Hazel Dormice

The additional information submitted has been provided in response to a request for further survey to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to Dormice. In that amended plans have been submitted detailing roadway improvements and creation of passing bays and required visibility splays – no information had been provided with regards to the potential impact to dormice if existing hedgerow or verges are to be removed or translocated in order to accommodate the required highways improvements.

Turnstone Ecology has undertaken an assessment of the hedgerows present and their potential to support dormice in May 2019. It has been concluded that whilst suitable hedgerow plant species were noted, due to the distance of the record of a known dormouse population and the lack of connectivity between the record and the hedgerows that will be impacted by the proposed development, it is considered that dormice are unlikely to be present with the hedgerow and therefore unlikely to be impacted by the proposed developments.

Therefore, no further surveys regarding dormice are considered necessary. However, due to the plant species notes in the hedgerow it is considered that precautionary mitigation measures are implemented for the highways improvement works.

The proposed precautionary mitigation measure include; Works to hedgerow to be undertaken during the dormice active season (April to October), however please be aware that it is advices that impacts to hedgerow should be undertaken outside of the bird nesting season (March to August inclusive). A finger tip search for presence or evidence of dormice immediately prior to any impacts to hedgerows by a suitably qualified ecologist.

Therefore, I recommend the precautionary mitigation measures are secured through an appropriately worded condition.

Please note that is at any time prior or during the works evidence of dormice are found, the work must stop immediately and the ecologist and NRW contacted.

Great Crested Newts

The additional information submitted has been provided in response to a request for further survey to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to great crested newts.

The pond within the proposed development boundary was considered suitable to support great crested newts, further information has been requested to confirm absence and presence of the species at the site and how the proposed development may affect great crested newts if present.

Following survey efforts that were carried out in May 2019 a peak count of 14 great crested newts were recorded at the site which give an overall representative medium (11-100) population size.

Given the nature of the proposed development and recommended avoidance, mitigation and compensation measures within the Ecological Report Letter dated 22nd May 2019 it is considered that works can be carried out without the requirement of an EPS licence.

Avoidance, mitigation and compensation measures that are to be implemented as part of the proposed development include a minimum buffer of area to be implemented around the pond for both during the construction phase and post construction as well as the channel along the towards the western section of the pond. Fencing to be erected when GCN are unlikely to be present. Proposed construction area vegetation to remain short prior to constructions commencing. Timing of the proposed works to be undertaken. Any excavations during construction to be back filled immediately. No machinery to be left on the site over night. No soil/spoil to be brought onto site as part of the construction. Pathways for access to tents must be kept short. Temporary camping pad to be removed prior to GCN hibernation every year. Introduction of wildflower mix grassland seed on site. Planting up of hedgerow areas. Construction of suitable refugia within the buffer and woodland areas. Introduction of suitable native aquatic plants in the pond – and regular maintenance implemented. Implementation of an Ecological Management Plan for the site as part of the proposed development.

I considered the broad principles outline within the Ecological Report Letter reference number; TT2362-Carpley Campsite-L02-PCC Response-Rev00 produced by Turnstone Ecology Ltd dated 22nd May 2019 to be appropriate and acceptable. **Therefore, I recommend the submission of a detailed Reasonable Avoidance Method Statement regarding great crested newts and an Ecological Management Plan prior to commencement of works is secured through an appropriately worded condition.**

Therefore, further to my previous responses should you be minded to approve the application I recommend inclusion of the following conditions:

The precautionary avoidance, mitigation and compensation measures regarding hazel dormice identified in the Ecological Report Letter reference number TT2362-Carpley Campsite-L02-PCC Response-Rev00 produced by Turnstone Ecology Ltd dated 22nd May 2019 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development, a detailed reasonable avoidance method statement regarding great crested newts in line with the broad principles set out in the Ecological Report Letter reference number TT2362-Carpley Campsite-L02-PCC Response-Rev00 produced by Turnstone Ecology Ltd dated 22nd May 2019 shall be submitted to and approved in writing by the Local Planning Authority the approved measures shall be implemented and adhered to in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a detailed Hedgerow Translocation Scheme taking in the consideration of hazel dormice shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a detailed Hedgerow removal scheme and Compensation Planting Scheme taking into the consideration of hazel dormice shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 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.

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 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.

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

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 2017 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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt 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 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Representations

Since the publication of the Committee Report 11 additional third party responses have been received. All these responses are in support of the application and their views are summarised below;

- Considers that there is no harm to the area
- The development will help the local economy
- Unlikely that the proposal will have a negative impact on the area
- The surrounding highway network is quiet
- Local businesses will benefit
- Highway improvement will benefit everyone in the area
- A positive low impact development

Officer Appraisal

Natural Environment

Powys LDP policy DM2 states that:

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or*
- ii. There is no suitable alternative to the proposed development; and*
 - a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and*
 - b) Appropriate compensatory measures are secured; and*
 - c) The population or range and distribution of the habitat or species will not be adversely impacted.*

- **Protected Species**

Following an assessment of the additional information provided the Powys Ecologist have confirmed that they are satisfied that no further assessment works are required regarding hazel dormice. It is considered that the development is acceptable subject to the imposition of conditions securing mitigation measures.

With regards to Great Crested Newts the submitted information details that a peak count of 14 newts were recorded at the site which gives an overall representative medium (11-100) population size. The Powys Ecologist confirmed that given the nature of the proposed development and recommended avoidance, mitigation and compensation measures within the Ecological Report Letter it is considered that works can be carried out without the requirement of an EPS Licence. As such the Ecologist have no objection subject to conditions being imposed securing Reasonable Avoidance Measures to be submitted prior to the commencement of works.

As such in light of the comments received from the Powys Ecologist as well as those received from Natural Resources Wales, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, TAN 5 and Planning Policy Wales.

- **Wildflowers**

Concern has been raised by a third party that the site is an area which is rich in wildflowers. Such grassland has the potential to qualify as a Section 7 habitat of principle importance additional information was requested.

Following the submission and review of the additional information the Powys Ecologist states that they are satisfied that from reviewing the information that habitats present and impacted by the proposed development does not meet the criteria as a habitat of principle importance under the Environment (Wales) Act 2016.

As such, in light of the comments received from the Powys Ecologist it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, TAN 5 and Planning Policy Wales.

Highways

As a point of clarification Members are advised that the junction to the C2049/C2066 will require the use of third party land. Member are advised that notice was served on these third party land owners and confirmation of this along with an amended certificate of ownership was received by the LPA in October 2018.

RECOMMENDATION

Whilst the concerns raised from third party representations have been carefully considered, it is concluded that the proposed development in light of the considerations above, fundamentally complies with relevant planning policy and the recommendation is one of approval subject to the conditions outlined within this update report.

Conditions

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents R108.1.3.02, R108.1.3.08 Rev A, R108.1.3.09, R108.1.3.10 Rev B, R108.1.1.15 Rev C, R108.1.1.117, R108.1.3.103 Rev D, R108.1.3.118, R108.1.3.106, R108.1.3.105 Rev C, R108.1.3.104 Rev A, Lighting and Biodiversity Plan dated February 2018, Response to further information requested by Powys County Council with regard to ecological impacts associated with the proposed Carpley Campsite dated 22nd May 2019.
- 3 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- 4 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

- 5 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- 6 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than one car per pitch together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 7 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material (or a suitably bound material which is to be approved in writing by the LPA) for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- 8 Prior to any other works commencing on the development site, detailed engineering drawings for a widening and visibility improvement to the junction of the C2049/C2066 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
- 9 Prior to the first beneficial use of the development, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- 10 Prior to the first beneficial use of the development the applicant shall construct 3 passing bays shown on the approved drawing R108.1.3.105 Rev C.
- 11 The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
- 12 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- 13 No surface water drainage from the site shall be allowed to discharge onto the county highway.

- 14 Any vehicular entrance gates installed within the application site shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- 15 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 16 The site shall only be occupied by a maximum of 17 tents at any one time. The site shall not be used for touring caravans, static caravans, chalets, shepherd huts or any other form of holiday accommodation.
- 17 Prior to commencement of works, the submission and implementation of a detailed Site Ecological Management Plan for great crested newt submitted to and approved in writing by the Local Planning Authority. This shall include reasonable avoidance measures outlined within the ecological submission together with details concerning the relocation of any individuals that may be found, the removal or modification of features that have the potential to cause incidental capture/killing of individuals and long term habitat management.
- 18 Prior to commencement of development a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall be implemented in full as approved.
- 19 In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.
- 20 The precautionary avoidance, mitigation and compensation measures regarding hazel dormice identified in the Ecological Report Letter reference number TT2362-Carpley Campsite-L02-PCC Response-Rev00 produced by

- Turnstone Ecology Ltd dated 22nd May 2019 shall be adhered to and implemented in full and maintained thereafter.
- 21 Prior to commencement of development a detailed Hedgerow Translocation Scheme taking in the consideration of hazel dormice shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved and maintained thereafter.
 - 22 Prior to commencement of development a detailed Hedgerow removal scheme and Compensation Planting Scheme taking into the consideration of hazel dormice shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved and maintained thereafter.
 - 23 Prior to the commencement of development, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be 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. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
4. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
5. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
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9. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
10. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
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12. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
13. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
14. In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
15. To ensure occupation of the holiday unit hereby approved in accordance with policy TD1 of the Local Development Plan, Technical Advice Note 13: Tourism and Planning Policy Wales (Edition 10, 2010).
16. In the interest of protecting the landscape in accordance with policy DM4 of the Powys Local Development Plan and Planning Policy Wales.
17. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
18. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan 2018.
20. To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

21. To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
22. To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
23. To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
24. To comply with Powys County Council's LDP Policies DM2, DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative

Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Rights of Way

- **Development** over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- **Landscaping & Surfacing** - .Advice will need to be sought before interfering or surfacing a public right of way.
- **New fencing or boundaries** – The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- **Temporary closures** – The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- **Legal Diversion** – If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months.

For more information, please discuss with Countryside Services at the earliest available opportunity.

Natural Resources Wales

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.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o o before it is collected, disposed of or recovered
- o o to identify the controls that apply to the movement of the waste
- o o to complete waste documents and records
- o o to identify suitably authorised waste management options
- o o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Pollution Prevention

All works at the site must be carried out in accordance with PPG6 and 'Working at construction and demolition sites' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

- o If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes

Ecology

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.

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

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 2017 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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt 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 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;

- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk

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