

PCC Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for the new footway and carriageway widening along the Unclassified U6026 shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority.

HC1 Any entrance gates 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.

HC3 The centre line of the first 6 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be 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.

HC7 Prior to the commencement of the development 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 6 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.

HC9 Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher

run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as per above conditions, shall be not less than 6 metres for a minimum distance of 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC14 Any internal side-road junctions shall have a corner radii of 6 metres.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 6 metres.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC21 Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 6 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.

HC30 Upon formation of the visibility splays as detailed in above conditions 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.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

PCC Building Control

Building regulations will be required

Severn Trent Water

As the site is for 5 dwellings and there are no sewers or clean pipes crossing the site I would advise: As the proposal has minimal impact on the public sewerage system I can advise we have **no objections** to the proposals and do not require a drainage condition to be applied.

PCC Environmental Health

Provided that the dwellings are connected to the mains I have no objection to the application.

PCC Ecologist

Ecological Topic		Observations
Additional Information		<p>We provided ecological observations on this application on 01/03/17. Additional information provided subsequent to these comments includes an Ecological Appraisal Report prepared by Turnstone Ecology.</p> <p>Comments made following receipt of this information are included in bold text below. Otherwise the previous observations remain valid.</p>
EIA Screening Requirement	No	<p>The site area is understood to be 0.60 hectares and includes 5 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.</p>
Ecological Information included with application	No	<p>An Ecological Appraisal Report (Turnstone Ecology, October 2017) has been submitted as additional information to the application. The report confirms that the proposed development consists of the construction of five detached dwellings at the western end of a large grazed field comprised of semi-improved grassland.</p> <p>A mature hedgerow and scattered trees form the north-western boundary of the site, which would be relocated to allow for the proposed access from the adjacent highway. Directly adjacent to the proposed development to the south west is a large woodland block which extends around the southern edge of the existing field, no land take is expected within the woodland area.</p> <p>These observations are also based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service, along with various documents presented with the application including the Planning Statement.</p>
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p>There are historical records of otters and bat species within 2km of the development site, but not within its immediate vicinity.</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>The Ecological Appraisal Report considers potential impacts upon bats, dormice and great crested newts (GCN).</p> <p>The report confirms that a mature Ash tree along the north-western boundary provides low potential opportunities for roosting bats, and there is also likely to be roosting opportunities within the adjacent woodland block. The semi-improved grassland is unlikely to be important for foraging bats however the hedgerow, boundary trees and woodland to the south-west are suitable for regular foraging and/or commuting. The proposed development allows for translocation of the north-western hedge along with additional planting along the site perimeter which should retain or enhance bat foraging habitat across the whole site.</p> <p>Recommendations are made for a pre-works check of the Ash tree to be removed by a licenced ecologist followed by appropriate felling methods under supervision. Recommendations are also made for the installation of bat boxes/tubes on the proposed buildings, along with a sensitive lighting design which does not illuminate valuable habitat surrounding the site.</p> <p>The report considers that even though the north-western hedgerow provides suitable habitat for dormice, connectivity to any further and more extensive suitable Dormouse habitat is poor and therefore the presence of dormice on site is very unlikely and there should be no negative impact on this species.</p> <p>There are no records of GCN within 2 km of the proposed development site and only a single pond within 500m of the site, which has been assessed as being of poor suitability. Even though the north-western boundary hedgerow and grassland are of some suitability for GCN, due to the lack of records in the vicinity of the site, extent of groundworks associated with the proposals and distance from a nearest suitable breeding pond, it is considered very unlikely that GCN will be present on site pre or during construction.</p> <p>There does not appear to be any habitat that would support otters within the development site.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are historical records of badgers, reptiles and various nesting birds within 2km of the development site.</p>

	<p>The Ecological Appraisal Report considers potential impacts upon badgers, reptiles and breeding birds.</p> <p>No evidence of badger was found within the proposed development site. The grassland and hedgerow bases do however provide suitable habitat for sett creation and foraging Badger and extensive suitable habitat is present within the woodland to the south-west of site.</p> <p>The loss of a small area of grassland and removal of a boundary hedgerow are unlikely to have a significant negative impact on foraging badgers and based on there being no evidence of Badger on or adjacent to site at the time of surveys it is unlikely that any holes will be dug prior to construction works. However, recommendations are made to ensure foraging Badgers do not become trapped within any excavations associated with construction works.</p> <p>The report concludes that the north-western boundary hedgerow that will be affected by the proposals is suitable habitat for hibernating, dispersing and/or foraging reptiles. The grassland is also of some suitability for foraging and dispersing reptiles. However, overall connectivity between suitable reptile habitat on site and more extensive optimal habitat in the vicinity of site is poor. However, precautionary safe working methods are recommended to discourage reptiles from occurring on site during construction.</p> <p>The hedgerow and boundary trees are suitable for nesting birds and these will be removed for access and visibility splay purposes. The presence of ground nesting birds in the areas of semi-improved grassland is however considered very unlikely. The report recommends that correct provisions are made to reduce the risk of harming breeding birds during vegetation clearance, including correct timing of works outside of the breeding season.</p> <p>Habitat creation, enhancement and management, including the proposed planting of hedgerows and trees, will offset any habitat loss as a result of the removal of the north-western boundary hedgerow. Recommendations for additional installation of a mix of open and hole fronted nest boxes on at least three of the proposed dwellings or trees would further enhance the site for nesting birds.</p>
--	---

	<p>Section 7 Species & Habitat</p>	<p>⊗</p> <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>Hedgerows are listed as priority habitats on Section 7 of the Act. According to the Ecological Appraisal Report an approximate 138m of boundary hedgerow will need to be removed for access and visibility splay purposes and to allow for the widening of the adjacent highway. To compensate for these losses the north-western boundary hedgerow will be translocated and/or recreated as and where necessary along the north-western boundary of the site. Additional hedgerows will be created along the north-eastern and south-eastern boundaries of site, which will retain and improve north/south connectivity. Recommendations are provided that hedgerows should be planted using a mix of native broadleaved species and be of a similar diversity to that present within existing north-western boundary hedgerow; and that tree planting around the north-eastern, north-western and south-eastern edges of site and within the proposed gardens should also be a mix of native species similar to those currently found on and adjacent to site.</p> <p>There are historical records of hedgehog, hare and polecat within 2km of the development site, all of which are Section 7 priority species which could use the existing hedgerows for foraging and shelter.</p> <p>According to the Ecological Appraisal Report the overall habitat loss is unlikely to have a significant impact on any hedgehog population on and in the vicinity of site. However, there is the potential for hedgehog to be present along the hedgerow at the time of clearance and therefore safe working measures in line with those for reptiles are recommended to protect hedgehogs. Also recommendations are made to allow hedgehogs to move freely across site post-construction and for the installation of two hedgehog boxes included around the boundaries of site.</p> <p>The report also confirms that the loss of a small area of grassland and removal of the north-western boundary hedgerow on the edge of a residential area is unlikely to</p>
--	--	--

		have any significant impacts on brown hare or polecat and as such no additional mitigation measures are required for this species.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	None within the search area
	National Sites ³ <input type="checkbox"/>	None within the search area
	Local Sites (within 500m) <input type="checkbox"/>	None within the search area
Invasive Non-Native Species	Unknown	No ecological information submitted with the proposal.
Cumulative Effect	Unknown / Unconfirmed	
Summary of recommendations / further assessment or work		
Recommended Conditions		<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p>1) The recommendations regarding habitats, bats, nesting birds, reptiles and hedgehogs identified in Section 4 of the Ecological Appraisal Report by Turnstone Ecology (October 2017) shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</p> <p>Reason: 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>2) Prior to commencement of development, a Biodiversity</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

Enhancement Plan showing location of enhancement measures for bats, breeding birds and hedgehogs shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 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.

3) 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.

Reason: 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.

4) Prior to commencement of development a Hedgerow Translocation Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: 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.

5) Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 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.

6) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 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.

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.

Bats - 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 bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter

	<p>or protection. This is taken to mean all bat roosts whether bats are present or not.</p> <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <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 bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</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>
Comments on Additional Information	N/A

PCC Land Drainage

I refer to the above mentioned planning application. Having now reviewed the submitted Drainage Strategy prepared by Waterco Consultants dated September 2017, the LLFA find the conclusions of the report acceptable.

The LLFA would recommend that the surface water drainage for this site shall be designed in accordance with the Drainage Strategy report findings and that full engineering details/drawings for the surface water drainage be submitted and approved in writing by the LPA at reserved matters stage.

Representations

The application was advertised through the erection of a site notice and press advertisement. Five public representations (objections) have been received in respect of the proposed development.

The objections received are summarised below;

- Detrimental impact on the visual amenity of the area,
- The development will change the character of the area,

- The site is outside designated settlement boundary,
- Local services are at capacity,
- Sewage system is at capacity,
- Mains water supply is issue in the area,
- Site not suitable for development,
- Surface water drainage,
- Additional traffic along the lane,
- No demand for additional properties within Llanfair Caerenion,
- Residential amenity impact.

Planning History

No relevant planning history

Principal Planning Constraints

Outside settlement boundary

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
 TAN 1 - Joint Housing Land Availability Studies (2015)
 TAN 2 - Planning and Affordable Housing (2006)
 TAN 5 - Nature Conservation and Planning (2009)
 TAN 6 - Planning for Sustainable Rural Communities (2010)
 TAN 12 - Design (2016)
 TAN 18 - Transport (2007)
 TAN 20 - Planning and the Welsh Language (2017)
 TAN 23 – Economic Development (2014)
 TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
 UDP SP5 - Housing Developments
 UDP GP1 - Development Control
 UDP GP3 - Design and Energy Conservation
 UDP GP4 - Highway and Parking Requirements
 UDP GP5 – Welsh Language and Culture
 UDP HP3 - Housing Land Availability
 UDP HP4 - Settlement Development Boundaries and Capacities
 UDP HP6 - Dwellings in the Open Countryside
 UDP DC10 - Mains Sewage Treatment
 UDP DC11 - Non-mains Sewage Treatment
 UDP DC13 - Surface Water Drainage
 UDP DC8 - Public Water Supply

UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

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

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainability:

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Llanfair Caereinion (defined as an Area Centre within the UDP). Llanfair Caereinion benefits from a number of services such as convenience stores, Doctor's surgery, butchers, public

houses, leisure centre and primary and secondary school. Llanfair Caereinion also benefits from public transport which provides access to other larger settlements such as Welshpool which is located approximately 8.5 miles to the east.

Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Affordable Housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. In support of the application the developer has proposed (1 unit) 20% affordable housing which would be conditioned as part of any consent.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site slopes upwards in the south easterly direction. The block plan demonstrates that the proposed plots will be in linear form along the Peartree Lane. As the development would be on a slope, Officers consider that through sensitive design and landscaping that the development would not have a detrimental impact on the surrounding landscape.

The indicative site layout details a private turning head within the site and that the proposed dwellings will be of a split-level design (dormer bungalow style).

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 9 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The site will be accessed via the proposed access into the site off Peartree Lane. Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any highway safety issues in this respect. Public representations are acknowledged in respect of the anticipate increase in vehicular movements to/from the proposed development and possible detriment to free flow of traffic/pedestrians along the lane, however it is important to note that Powys Highway Department have not raised any concerns in this respect. It is also important to note that the indicative plans show that the lane will be widened along the frontage of the site and 2 metres wide walkway will be also created.

Highway Authority has requested inclusion of number of highway safeguarding conditions in that respect.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The site opposite the existing properties located on Heulfryn residential estate. Concerns have been expressed by the occupiers of neighbouring dwellings that the proposal would negatively impact on their properties, however it is important to note that indicative plans show that there is sufficient distance with intervening lane between (ranging from 35 meters to 45 metres from the wall-to-wall between the existing and proposed units, with intervening rear gardens of the existing properties at Heulfryn between). It is acknowledged that this is elevated site however given the distances between the properties and intervening road between the officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting at reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.6ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist with respect to the ecology of the site.

The County Ecologist notes that an Ecological Appraisal Report (Turnstone Ecology, October 2017) has been submitted as additional information to the application. The report confirms that the proposed development consists of the construction of five detached dwellings at the western end of a large grazed field comprised of semi-improved grassland.

A mature hedgerow and scattered trees form the north-western boundary of the site, which would be relocated to allow for the proposed access from the adjacent highway. Directly adjacent to the proposed development to the south west is a large woodland block which extends around the southern edge of the existing field, no land take is expected within the woodland area.

The Ecological Appraisal Report considers potential impacts upon bats, dormice and great crested newts (GCN). The report confirms that a mature Ash tree along the north-western boundary provides low potential opportunities for roosting bats, and there is also likely to be roosting opportunities within the adjacent woodland block. The semi-improved grassland is unlikely to be important for foraging bats however the hedgerow, boundary trees and woodland to the south-west are suitable for regular foraging and/or commuting. The proposed development allows for translocation of the north-western hedge along with additional planting along the site perimeter which should retain or enhance bat foraging habitat across the whole site.

Recommendations are made for a pre-works check of the Ash tree to be removed by a licenced ecologist followed by appropriate felling methods under supervision. Recommendations are also made for the installation of bat boxes/tubes on the proposed buildings, along with a sensitive lighting design which does not illuminate valuable habitat surrounding the site.

The report considers that even though the north-western hedgerow provides suitable habitat for dormice, connectivity to any further and more extensive suitable Dormouse habitat is poor and therefore the presence of dormice on site is very unlikely and there should be no negative impact on this species.

There are no records of GCN within 2 km of the proposed development site and only a single pond within 500m of the site, which has been assessed as being of poor suitability. Even though the north-western boundary hedgerow and grassland are of some suitability for GCN, due to the lack of records in the vicinity of the site, extent of groundworks associated with the proposals and distance from a nearest suitable breeding pond, it is considered very unlikely that GCN will be present on site pre or during construction.

The Ecological Appraisal Report considers potential impacts upon badgers, reptiles and breeding birds. No evidence of badger was found within the proposed development site. The grassland and hedgerow bases do however provide suitable habitat for sett creation and foraging Badger and extensive suitable habitat is present within the woodland to the south-west of site. The loss of a small area of grassland and removal of a boundary hedgerow are unlikely to have a significant negative impact on foraging badgers and based on there being no evidence of Badger on or adjacent to site at the time of surveys it is unlikely that any holes

will be dug prior to construction works. However, recommendations are made to ensure foraging Badgers do not become trapped within any excavations associated with construction works.

The report concludes that the north-western boundary hedgerow that will be affected by the proposals is suitable habitat for hibernating, dispersing and/or foraging reptiles. The grassland is also of some suitability for foraging and dispersing reptiles. However, overall connectivity between suitable reptile habitat on site and more extensive optimal habitat in the vicinity of site is poor. However, precautionary safe working methods are recommended to discourage reptiles from occurring on site during construction.

The hedgerow and boundary trees are suitable for nesting birds and these will be removed for access and visibility splay purposes. The presence of ground nesting birds in the areas of semi-improved grassland is however considered very unlikely. The report recommends that correct provisions are made to reduce the risk of harming breeding birds during vegetation clearance, including correct timing of works outside of the breeding season.

Habitat creation, enhancement and management, including the proposed planting of hedgerows and trees, will offset any habitat loss as a result of the removal of the north-western boundary hedgerow. Recommendations for additional installation of a mix of open and hole fronted nest boxes on at least three of the proposed dwellings or trees would further enhance the site for nesting birds. According to the Ecological Appraisal Report an approximate 138m of boundary hedgerow will need to be removed for access and visibility splay purposes and to allow for the widening of the adjacent highway. To compensate for these losses the north-western boundary hedgerow will be translocated and/or recreated as and where necessary along the north-western boundary of the site. Additional hedgerows will be created along the north-eastern and south-eastern boundaries of site, which will retain and improve north/south connectivity. Recommendations are provided that hedgerows should be planted using a mix of native broadleaved species and be of a similar diversity to that present within existing north-western boundary hedgerow; and that tree planting around the north-eastern, north-western and south-eastern edges of site and within the proposed gardens should also be a mix of native species similar to those currently found on and adjacent to site.

There are historical records of hedgehog, hare and polecat within 2km of the development site, all of which are Section 7 priority species which could use the existing hedgerows for foraging and shelter. According to the Ecological Appraisal Report the overall habitat loss is unlikely to have a significant impact on any hedgehog population on and in the vicinity of site. However, there is the potential for hedgehog to be present along the hedgerow at the time of clearance and therefore safe working measures in line with those for reptiles are recommended to protect hedgehogs. Also recommendations are made to allow hedgehogs to move freely across site post-construction and for the installation of two hedgehog boxes included around the boundaries of site. The report also confirms that the loss of a small area of grassland and removal of the north-western boundary hedgerow on the edge of a residential area is unlikely to have any significant impacts on brown hare or polecat and as such no additional mitigation measures are required for this species.

There does not appear to be any habitat that would support otters within the development site.

The County Ecologist has recommended a number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Having taken the above into account it considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy.

Foul water disposal

Policy DC10 (Mains Sewerage Treatment) requires that developments are adequately served by the public foul sewerage system.

The application states that the proposed development would utilise the existing mains sewerage system which is approximately 120 metres north west of the site within Mount Road. Correspondence with STW submitted as an Appendix C to Drainage Strategy Report (September 2017) states that *“the proposed 5 dwellings should not have an adverse hydraulic impact on the existing network”*. Concerns have been raised from a third party over the capacity of the sewerage system, however following consultation with Severn Trent no objections have been raised to the proposed development. Consultation was also undertaken with Environmental Health who offered no objection to the use of mains sewerage.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Surface water drainage

UDP Policy DC13 (Surface Water Drainage) requires that developments make adequate provisions for land drainage and surface water disposals.

Public representations are acknowledged in this respect; however it is important to note that the application is accompanied by Drainage Strategy prepared by Waterco Consultants dated September 2017. The report states that the development will result in an increased surface water runoff and in order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events.

The Councils Land Drainage Engineer finds the conclusions of the report acceptable and recommend that the surface water drainage for this site shall be designed in accordance with the Drainage Strategy report findings and that full engineering details/drawings for the surface water drainage be submitted and approved in writing by the LPA at reserved matters stage.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC13 of the Powys UDP.

Welsh Language and Culture

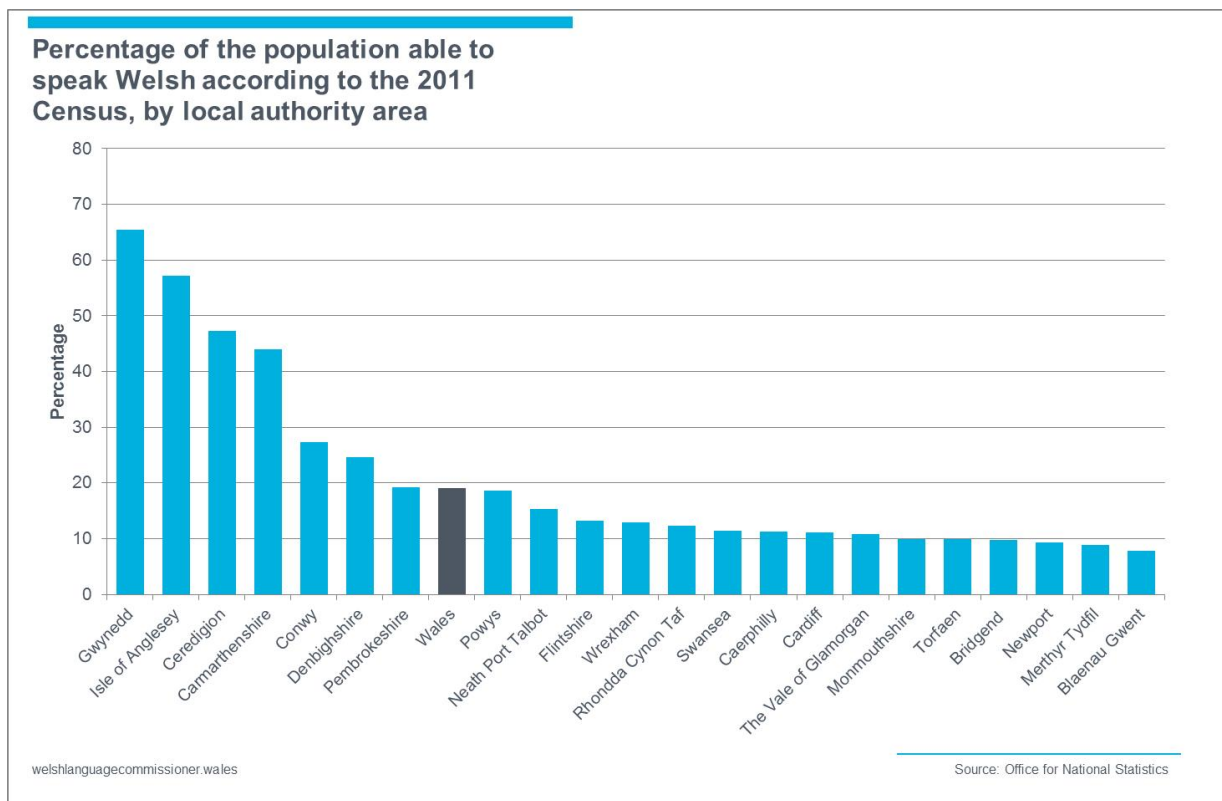
Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

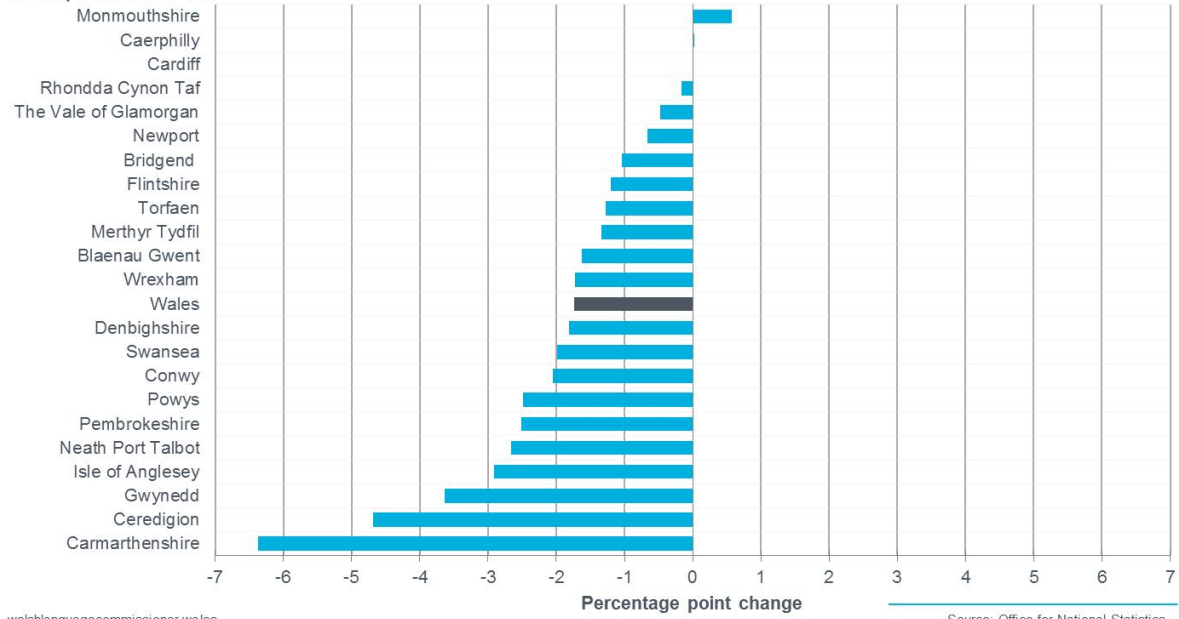
“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;



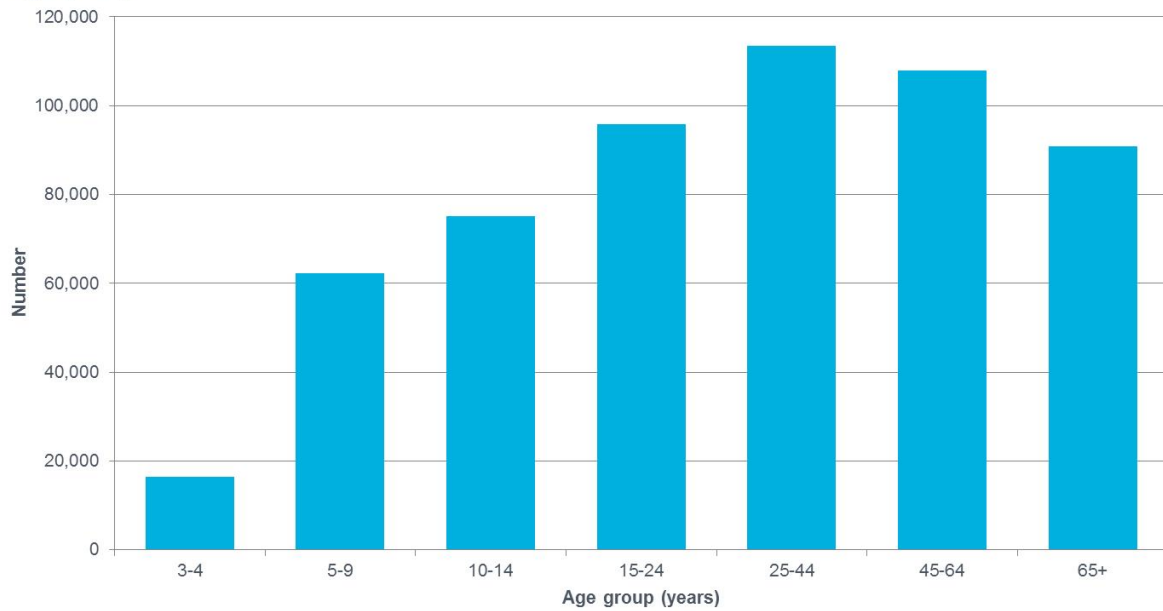
Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics

Number of people able to speak Welsh in Wales according to the 2011 Census, by age group



welshlanguagecommissioner.wales

Source: Office for National Statistics

2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,563	122	79	24	499	55	784

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
1,757	910	148	632	74	40	512	73

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	36	39	632	613
3-15	62.3	56.5	198	183
16-64	29.5	31.9	326	313
65+	32.2	43.8	108	117

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfair Caereinion ward has decreased by 3% overall with 2.4% being dropped in the 16-64 age category. However consideration should be given to the positive fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 5.8%.

In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“We accept that Llanfair is an identified settlement under Policy GP 5 and as such we have taken the importance of the Welsh Language and Culture into account through the provision of a housing mix, through the sustainable location and obviously through the provision of affordable homes”.

The scheme brings forward an appropriate number of affordable units as suggested under Policy GP 5. The proposed scheme will provide a proportion of affordable housing.

It is considered that the introduction of 5 dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence, this aids in retaining those residents and helps to mitigate against the impact of a development on the Welsh language.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanfair Caereinion and the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

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.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions as specified below.

RECOMMENDATION

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/TW-JOB03-03).
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. The development hereby permitted shall not commence until full engineering details/drawings for the surface water drainage have been submitted to and approved by the Local Planning Authority. The surface water drainage for this site shall be designed in accordance with the Drainage Strategy report (dated September 2017) and shall be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

8. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

10. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11. Prior to any other works commencing on the development site, detailed engineering drawings for the new footway and carriageway widening along the Unclassified U6026 shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

12. Any entrance gates 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.

13. The centre line of the first 6 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. The access shall be 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.

15. Before any other development commences 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 6 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.

16. Prior to the occupation of any of the dwellings, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

17. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

18. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

19. The width of the access carriageway, constructed as per above conditions, shall be not less than 6 metres for a minimum distance of 6 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

20. Any internal side-road junctions shall have a corner radii of 6 metres.

21. The centre line radii of all curves on the proposed estate road shall be not less than 6 metres.

22. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
23. Prior to the occupation of any of the dwellings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 6 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.
24. Upon formation of the visibility splays as detailed in above conditions 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.
25. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
26. No storm water drainage from the site shall be allowed to discharge onto the county highway.
27. The recommendations regarding habitats, bats, nesting birds, reptiles and hedgehogs identified in Section 4 of the Ecological Appraisal Report by Turnstone Ecology (October 2017) shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.
28. Prior to commencement of development, a Biodiversity Enhancement Plan showing location of enhancement measures for bats, breeding birds and hedgehogs shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.
29. 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 Local Planning Authority.
30. Prior to commencement of development a Hedgerow Translocation Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
31. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
32. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
8. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
10. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
24. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
25. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
26. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
27. 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.
28. 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.
29. 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.
30. 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.
31. To comply with Powys County Council's UDP Policies SP3 and ENV3 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.
32. To comply with Powys County Council's UDP Policies SP3 and ENV3 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.

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.

Bats - 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 bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. 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 bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

