

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1266

Grid Ref: 324018.63
308905.84

Community Council: Welshpool

Valid Date: 30/10/2017
Officer: Luke Jones

Applicant: Mr & Mrs E Turner, Rhallt Lane, The Uplands, Buttington, Welshpool, Powys, SY21 9HS

Location: Land forming part of Rhallt Field, Rhallt Lane, Buttington, Powys, SY21 9JP

Proposal: Outline: Erection of one detached dwelling and garage, creation of new vehicular access and installation of septic tank (all matters reserved)

Application Type: Application for Outline Planning Permission

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

Site Location and Description

The application site lies within the open countryside as defined by the Powys Unitary Development Plan (2010). It is located northwest of Welshpool approximately 600 metres from the designated settlement boundary for Welshpool and approximately 120 metres north of the Buttington Cross Enterprise Park. The site is to be accessed by a new access point off the county highway (U2209) to the south. The nearest neighbouring residential properties are located approximately 18 metres to the south. The site has neighbouring dwellings to the south with agricultural fields surrounding.

This application represents a departure from the current Unitary Development Plan and seeks outline consent for the erection of a dwelling and detached garage, formation of vehicular access and all associated works. This outline application is made with all matters reserved. An indicative layout of the site and scale of the dwelling proposed are given. The proposed site adjoins the recently approved residential dwelling, P/2017/0647.

Consultee Response

Welshpool Town Council-

The Council objects to this application on the following grounds:

The development is outside the development boundary with no exceptions reasons to suggest that this policy should not be upheld.

The approval of the site adjacent has set a precedent which is wrong and has led to further 'ribbon development'

If more plots are developed it will create more traffic on a road which is unsuitable taking into account the hump back bridge over the canal.

PCC - Highways

24th November 2017 –

The County Council as Highway Authority for the County Unclassified Highway, U2209

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be deferred.

Reasons for Deferral

Whilst the Highway Authority do not object to the principle of development, we do note that the applicant seeks to stop up an existing field gate and relocate this internally within the development, with the latter being excluded from the red line application site. A revised plan should be submitted showing the proposed field gate within the red line.

The proposed access will require alteration over that conditioned under P/2017/0647 to reflect the addition of the agricultural access.

Any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for both the proposed residential and agricultural accesses.

To ensure that adequate provision is made for highway access onto the County Highway to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Additional comments received 11th January 2018 –

The County Council as Highway Authority for the County Unclassified Highway, U2209

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the occupation of the dwelling any entrance gates 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.

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.

The centre line of the first 10 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.

Prior to 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.

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 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.

Prior to the occupation of the dwelling, 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 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.

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.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 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.

Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course 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,

Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall 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.

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

Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

PCC - Building Control

Building Regulations application required.

Wales and West Utilities

Wales & West Utilities have been made aware of a planning application on 09.11.2017 , advising us of the proposals at:

Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive_list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its_role as a Licensed Gas Transporter (GT).Gas pipes owned by other GT's and also privately owned pipes may be_present in this area. Information with regard to such pipes should be obtained from the owners. The information shown_on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes,_valves, syphons, stub connections, etc., are not

shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities apparatus may be directly affected by these proposals and the Information you have provided has been forwarded to Asset Management for their comments. If Wales and West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

You must not build over any of our plant or enclose our apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

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.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Cllr Francesca Jump

As the local county councillor I support this application. The application site lies within the settlement of Buttington. The new grass verge will improve the safety of drivers using Rhaltt Lane by increasing visibility.

Built Heritage

Thank you for consulting me on the above application. I note the recently approved outline application adjoining the application site P/2017/0647

The proposal is for outline consent with all matters reserved on land adjacent to a number of listed buildings namely;

Bridge 115 over the Montgomeryshire Canal Cadw ID 16752 included on the statutory list on 29/02/1996

Buttington Limekilns Cadw ID 16753 included on the statutory list on 29/02/1996

Mount Pleasant Cadw ID 16754 included on the statutory list on 29/02/1996

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

"Conservation principles" establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The application site is currently steeply sloping grassland.

The listed canal bridge and the limekilns are evidently linked to the lime kilns that were erected adjacent to the Montgomery Canal. The unlisted properties opposite the site are called Canal Cottages and presumably associated with the canal.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

The site appears to have been undeveloped for some time as the Historic Environment Record for the area identifies the site or adjacent to the site as being part of a medieval field system. (PRN64692)

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The site is an undeveloped field in close proximity to the Montgomeryshire Canal and the canal and its associated historic assets are a valuable academic resource relating to the history of transport and agricultural improvement of this part of Montgomeryshire, while its setting and appearance evoke a sense of the past.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The canal and its towpath can be accessed by visitors to the canal and the towpath is a leisure route for locals and tourists alike. The limekilns are available to view from the exterior adjacent to a car park where the canal a bridge and the lime kilns form an interesting collection of canal related structures available for the public to visit.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that

has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The listed canal bridge and lime kilns are set at a lower level than the application site. The steeply sloping field to which the application relates means that the proposed dwelling will be elevated above the canal.

The site is on lower ground than Mount Pleasant and from the public road that serves Mount Pleasant the new dwelling and the listed building will be both visible from a single viewpoint. However the proposed new dwelling will be roughly associated with the Canal Cottages by virtue of their proximity.

The proposed access requirements require a large proportion of the hedgerow to be removed to provide visibility splays which will have some impact on the local character, however I note that the hedgerow adjacent to the listed canal ridge and limekilns are to be retained.

As the application is made in outline it is the principal of the development that is being considered and not the design which is a reserved matter. The proposal has the potential to affect the setting of the listed buildings by an inappropriate design for the location. However it also has the potential to enhance the character and appearance of the area by an appropriate design.

In this instance given the listed buildings are associated with the canal and the Design and Access Statement has indicated that the design of the proposed property will respect and reflect the local style and character of the surrounding properties which with the exception of Mount Pleasant were associated with the canal, the proposal if designed to respect and reflect the local style and character could enhance the local character.

As such I would not wish to object to the proposal on the setting in respect of the setting of listed buildings.

PCC - Environmental Health

15th November 2017 –

It is important to establish, even for outline applications, that the ground conditions at the site are going to be suitable for the type of foul drainage system that is being proposed. Therefore, please can the applicant/agent submit percolation test results in order to demonstrate that the ground conditions are suitable for a foul drainage field, and to determine the area of land required to accommodate it? The tests should be carried out in accordance with the methodology in document H2 of the Building Regulations.

Additional comments received 2nd January 2017 –

Thank you for forwarding the percolation test results for the foul drainage. I am satisfied that the ground conditions are suitable, therefore I have no objection to the application.

Canal & River Trust

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr Cymru has reviewed consultation. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have no comment to make.

PCC - Ecologist

Planning Application Reference	P/2017/1266
Project Name / Description	Outline: Erection of one detached dwelling and garage, creation of new vehicular access and installation of septic tank (all matters reserved) at Land forming part of Rhallt Field Rhallt Lane, Buttington, Powys.
Consultation Deadline	29/11/2017

Ecological Topic		Observations
EIA Screening Opinion needed?	No	Whilst the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 it does not exceed the applicable thresholds and criteria specified in the Regulations.
Ecological Information included with application?	Yes	An extended Phase 1 Habitat Survey by Arbor Vitae Environment Ltd. (2017) has been submitted with the application. These observations are based on an interpretation of the plans provided and available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service. The proposed development site is described as being an area of permanent, improved grassland used for grazing cattle, bounded by an unmanaged native mixed species hedgerow.
Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	There are historical records of various bat species within 1km of the proposed development, including pipistrelle bats (1000m) and brown long-eared bats (650m). Other European species recorded within 1km of the proposed development are otters (65m) and Great Crested Newts (800m).

		<p>The Phase 1 Extended Habitat Survey confirms that there are no breeding sites for Great Crested Newts within 250m of the proposed development and confirms that this species would not be affected by the proposal.</p> <p>Otters have been recorded within 65m of the proposed development site. However, other than hedgerows along the public road, the report confirms that there is no suitable lying up habitat within the development site, and it is confirmed that it is unlikely that otters would use the site, and therefore confirms that it is unlikely that otters would be affected by the proposal.</p> <p>With regard to bats, the report confirms that there are no trees on site which contain suitable features for bats. However, the hedgerow provides suitable foraging and commuting habitat, and is likely to be used by bats. Significant removal of the hedge and/or increased illumination on site would affect bat behaviour.</p> <p>It is recommended that artificial external lighting should be designed to minimise illumination of the roadside tree line and hedgerow. Any external lighting scheme proposed as part of the development should be approved by the LPA before works starts.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are historical records of a variety of bird species within 1km of the proposed work including Song Thrush (800m), <u>Dunnock</u> (300m) and Bullfinch (300m). There are also historical records of badgers within 1km of the proposed work, with the closest record being within 770m.</p> <p>It is likely that birds will be using the hedgerows on site for nesting during the breeding season (March to August inclusive). I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The Extended Phase 1 Survey Report (<u>Arbor</u> Vitae Environment Ltd, 2017) confirms that there are no badger setts located within 50m of the proposed site and that there is no evidence of badgers using the proposed development site.</p>

		<p>Although there are no historical records, the hedgerow that borders the site could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.</p>
	<p>Section 7 Species & Habitats <input checked="" type="checkbox"/></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>A section of hedge will need to be removed in order to create an access to the plot. Hedgerow is a Section 7 habitat of principal importance for the purpose of conserving biodiversity in Wales. Therefore, in order to keep the established hedge and associated ground flora, translocation of existing hedgerows should be considered, and the amount of hedge affected should be kept to a minimum.</p> <p>To ensure that there is no net loss in biodiversity a new hedgerow should be planted around the boundary of the proposed development as indicated in the proposed site plan (RPP/RC-JOB55/2-03). No specification for the site planting has been provided, and this should be submitted for approval prior to commencement of development. Whilst additional planting will provide additional nesting habitat in the long-term, in the short-term it is recommended that bird boxes are installed. As a further enhancement measure bat boxes should be installed on adjacent retained trees, as recommended in the Extended Phase 1 Survey Report. These biodiversity mitigation / enhancement measures should be incorporated into a biodiversity enhancement plan and submitted to the LPA for approval.</p>
	<p>LBAP Species & Habitats <input checked="" type="checkbox"/></p>	<p>Please see the comments above.</p>

Protected Sites	International Sites (within 1km) <input checked="" type="checkbox"/>	<p>Montgomery Canal SAC is located approximately 60m south-east of the proposed development. Given the proximity of the development to this designation, the potential for construction and operational phases of the development to result in a Likely Significant Effect on Montgomery Canal SAC and/or its associated features has been considered.</p> <p>Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal SAC and/or its associated features – a copy of the HRA Screening Report is attached.</p>
	National Sites (within 1km) <input checked="" type="checkbox"/>	<p>Montgomery Canal SSSI is also located approximately 60m south-east of the proposed development. Montgomery Canal SSSI is encompassed by Montgomery Canal SAC. See above.</p>
	Local Sites (within 500m) <input type="checkbox"/>	<p>There are no Local Sites within the search area.</p>
Invasive Non-Native Species	No	<p>None identified in the Extended Phase 1 Survey Report.</p>
Recommendations		<p>It is recommended that artificial external lighting should be designed to minimise illumination of the roadside tree line and hedgerow. Any external lighting scheme proposed as part of the development should be approved by the LPA before works starts.</p> <p>It is likely that birds will be using the hedgerows on site for nesting during the breeding season (March to August inclusive). I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The hedgerow that borders the site could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological</p>

	<p>supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.</p>
Further information required prior to determination of application	<p>Sufficient information has been provided to determine the application.</p>
Recommended Conditions	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to first occupation of the dwelling, the Recommendations identified in Section 6 of the Extended Phase 1 Habitat Survey Report produced by Arbor Vitae Environment shall be implemented and maintained thereafter.</i></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 Part 1 Section 6 of the Environment (Wales) Act 2016.</p> <p><i>No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall identify measures to avoid impact on nocturnal wildlife. The development shall be carried out in accordance with the approved detailed.</i></p> <p>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.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless</i></p>

	<p>otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to the commencement of development a detailed method statement for the realignment of the hedgerow which bounds the site along Rhallt Lane shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall also include a timetable for the proposed works and all realignment works shall take place in accordance with the approved details.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>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.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 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.</p> <p><i>Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature</p>
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	<p>Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><u>Informatives</u></p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass</p>
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	snake, and adder are protected against deliberate or reckless killing and injury All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species

Document Author	Eifion Glyn Davies	Approved by	Chris Jones
Version	1	Approved Date	07/12/2017

Representations

Following the display of a site notice on 23rd November 2017, there have been no public representations received.

Planning History

P/2017/0177 - Outline - Erection of a detached dwelling, formation of vehicular access and all associated works, Refused

P/2017/0647 - Outline: Erection of a dwelling and detached garage, formation of vehicular access and all associated works, Conditional Consent 25/08/2017

Principal Planning Constraints

None as per GIS

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 - Joint Housing Land Availability Study (2015)
 Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
 Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
 Technical Advice Note (TAN) 12 - Design (2016)
 Technical Advice Note (TAN) 18 – Transport (2007)
 Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)
 Technical Advice Note (TAN) 23 - Economic Development (2014)
 Technical Advice Note (TAN) 24 – The Historic Environment (2017)

Local Policies

SP2 – Strategic Settlement Hierarchy
 SP4 – Economic and Employment Developments

SP5 – Housing Developments
SP6 – Development and Transport
GP1 – Development Control
GP2 – Planning Obligations
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV14 – Listed Buildings
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP8 - Affordable Housing Adjoining Settlements with Development Boundaries
DC3 – External Lighting
DC8 – Public Water Supply
DC11 – Non Mains Sewage Treatment
DC13 – Surface Water Drainage

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

Officer Appraisal

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

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

Principle of Development

The application site lies outside of any development boundaries identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*’

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The development site is approximately 0.5 mile northeast of Welshpool which is identified in the UDP as an Area Centre. Welshpool is served by a wide range of community services and facilities including a hospital, secondary school, primary schools, leisure centre, library, museum, numerous shops and public houses. It is also easily accessible by public transport with regular bus services and a main line railway station.

In light of the range of services located within a short travelling distance of the development site, officers consider that there is an argument to support the principle of residential development. Therefore, the proposed site is considered to be a sustainable location for residential development.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating a dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

The site layout is a reserved matter and not to be determined at this stage; however, the indicative site layout plan indicates that the proposed dwelling will be located approximately 18.5 metres from the nearest neighbouring residential dwelling to the southeast with the county highway between. The proposed dwelling will be located approximately 22 metres away from the previously approved dwelling.

This layout is for indicative purposes only and the layout of the site could be altered to increase the distances between the properties if deemed necessary at any reserved matters application stage. The indicative layout is considered to be appropriate and would comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

In terms of landscaping the submission includes the planting of additional trees and new hedgerows on the front and rear boundaries of the site. Landscaping is a reserved matter and therefore detailed proposals would be considered at a later date.

Whilst the site would be visible from public vantage points including the public highway and the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location opposite to existing dwellings within the area, that landscaping measures would reduce the visual impact of the proposed dwelling on the surrounding area. The proposed dwelling will be sited adjacent to the recently approved dwelling under planning reference P/2017/0647 which will also help reduce the dwellings impact on the landscape.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking. Access to the site would be gained off the C2058 via an existing access.

The Highway Authority has been consulted on this application and requested a revised plan should be submitted showing the proposed field gate within the red line. The Highways officer noted any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for both the proposed residential and agricultural accesses.

The agent sent in amended plans addressing the alterations requested by the Highways officer. The Highway Authority was consulted on the amended plans and raised no objections to the development but have suggested a number of conditions regarding entrance gates, parking provision and access construction methods and materials. The application is made with all matters reserved with the site layout plan being provided for indicative purposes only and, as such, the details of the access are not to be determined at this stage. It is, therefore, not necessary to include the suggested highways conditions on this application.

In light of the Highway Officer's comments it is considered that a safe access can be achieved and the proposed dwelling, therefore, fundamentally complies with Policy GP4 of the Powys Unitary Development Plan 2010.

Ecology

With respect to Biodiversity, specific reference is made to UDP policies ENV3 and ENV7. An extended Phase 1 Habitat Survey by Arbor Vitae Environment Ltd. (2017) has been submitted with the application. The proposed development site is described as being an area of permanent, improved grassland used for grazing cattle, bounded by an unmanaged native mixed species hedgerow.

With regard to bats, the report confirms that there are no trees on site which contain suitable features for bats. However, the hedgerow provides suitable foraging and commuting habitat, and is likely to be used by bats. The Ecologist noted the significant removal of the hedge and/or increased illumination on site would affect bat behaviour.

The Extended Phase 1 Survey Report (Arbor Vitae Environment Ltd, 2017) confirms that there are no badger setts located within 50 metres of the proposed site and that there is no evidence of badgers using the proposed development site.

Montgomery Canal SAC is located approximately 60 metres south-east of the proposed development. The Ecologist noted given the proximity of the development to this designation, the potential for construction and operational phases of the development to result in a Likely Significant Effect on Montgomery Canal SAC and/or its associated features has been considered.

The Ecologist noted having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the

Montgomery Canal SAC and/or its associated features as evidenced within the HRA Screening Report which has been produced.

No objection has been raised by the Ecologist; however the inclusion of several conditions has been recommended to secure the recommendations identified in the Habitat Survey, and submission of a Landscaping and Management Plan, an External Lighting Design Scheme, and a detailed method statement for the realignment of the hedgerow. In terms of the landscaping plan it is noted that this is a reserved matter and, as such, these details will be considered at a later stage. It is, therefore, not necessary to condition the submission of a detailed landscaping scheme on this application.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

Built Heritage

The planning authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Three listed buildings/structures have been identified within 400 metres of the application site: The bridge over the Montgomeryshire Canal, Buttington Limekilns, and Mount Pleasant.

As part of this application process the Powys Built Heritage Officer has been consulted following a site visit and has provided the comments as above. The Built Heritage officer noted given the listed buildings are associated with the canal and the Design and Access Statement has indicated that the design of the proposed property will respect and reflect the local style and character of the surrounding properties which with the exception of Mount Pleasant were associated with the canal, the proposal if designed to respect and reflect the local style and character could enhance the local character. The Built Heritage officer raised no objection to the proposed development

In light of the above and the Built Heritage Officer's comments it is considered that the development fundamentally complies with policy ENV14 of the Powys Unitary Development Plan (2010), Planning Policy Wales (9th Edition, 2016) and Technical Advice Note 24 – The Historic Environment (2017).

Surface Water Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding.

In respect of surface water disposal, the submission indicates that this would be disposed of through the use of soakaways. As part of this application process percolation test results have been submitted and the Council's Environmental Health Officer has been consulted. The Officer has no objections to the drainage as proposed.

It is considered that, in light of the Land Drainage Officer's comments, the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010 in respect of surface water drainage.

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. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Welshpool has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census the Welshpool Gungrog Ward reported that 11.8% of the population spoke Welsh. This is a decrease from the 2001 census which stated that 13.8% of the population of Welshpool Gungrog spoke Welsh. Whilst there are limited facilities in the area the development of a single dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as categories 3b and 4 agricultural land; these categories are defined as moderate quality and poor quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

"In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

In light of the lands classification of categories 3b and 4 it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

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.

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 – Conditional Consent

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is on balance one of conditional consent.

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 strictly in accordance with the plans stamped as approved on XXXXXX in so far as the extent of the application site is drawn.

5. Prior to first occupation of the dwelling, the Recommendations identified in Section 6 of the Extended Phase 1 Habitat Survey Report produced by Arbor Vitae Environment shall be implemented and maintained thereafter.

6. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall identify measures to avoid impact on nocturnal wildlife. The development shall be carried out in accordance with the approved detailed.

7. Prior to the commencement of development a detailed method statement for the realignment of the hedgerow which bounds the site along Rhallt Lane shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall also include a timetable for the proposed works and all realignment works shall take place in accordance with the approved details.

8. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

6. 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.

7. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 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.

8. 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.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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