

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

**Application No:** P/2017/1421

**Grid Ref:** 300529.02 251422.84

**Community Council:** Cilmerly

**Valid Date:** 06/12/2017  
**Officer:** Thomas Goodman

**Applicant:** Mrs Eileen Cheffers, 9 The Crescent, Llanelwedd, Builth Wells, Powys, LD2 3TR

**Location:** Land adj Morgannwg, Cilmerly, Builth Wells, Powys, LD2 3NU

**Proposal:** Outline: Residential use of 4 self build plots (all matters reserved)

**Application Type:** Application for Outline Planning Permission

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

### Site Location and Description

Consent is sought for outline permission for the erection of 4 dwellings with all matters reserved. The details relating to access, appearance, landscaping, layout and scale are all reserved for future consideration.

To the north of the application site runs the A483 trunk road, to the east and south is agricultural land and to the west the development adjoins the settlement development boundary of Cilmerly.

### Consultee Response

#### Cilmerly CC

No response received at the time of writing this report.

#### PCC Building Control

Building Regulations approval will be required for this proposal.

#### Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

### PCC Environmental Health

*Consultation response received 22/12/2017:*

Clarification is sought on the disposal scheme for sewage prior to my response. Is the development intended to join mains, if in the area, or will a private treatment package be used and if so we would require confirmation that the land is suitable for such a plan.

### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1421 which concerns the outline application for residential use of 4 self-build plots (all matters reserved) on land adjacent to Morgannwg, Cilmery, Builth Wells.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 45 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory or non-statutory designated sites within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland which is considered a habitat of low ecological value. However, the hedgerows on the northern boundary is considered to be of moderate ecological value.

#### Hedgerow Replacement Plan

From the plans submitted it appears that sections of the hedgerow will be removed to accommodate the proposed access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any hedgerow - a Hedgerow Replacement Plan will need to be secured through an appropriately worded condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be

identified – species used will need to be native and reflect the hedgerows present in the local area.

#### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

#### Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

#### Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommended that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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

Prior to commencement of development a Hedgerow Replacement 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 Part 1 Section 6 of the Environment (Wales) Act.

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

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

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

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

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on 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.

Welsh Government Transport

I refer to your consultation of 18 December 2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 17/006/02 Revision B).

- 1) The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 2) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
- 3) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
- 4) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
- 5) The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following points should be brought to the attention of the applicant:

- 1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- 4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

- 5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic\\_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx)

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@gov.wales](mailto:NorthandMidWalesDevelopmentControlMailbox@gov.wales)

*Consultation response received 06/02/2018:*

The proposed arrangement is seen as a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant.

Cllr David Price

The feeling locally seems to be that there is general support for the principal of the development. However, there are concerns regarding the loss of the highway lay-by. Can you please give your thoughts on that element? I assume the issue of the old phone-box would be matter outside of planning? But as it now belongs to the Community Council, should they refuse to allow it to be relocated, this could present a problem in achieving the access?

## **Representations**

Following the display of a site notice and press advertisement, 5 letters of objection have been received from members of the public, which in summary raise the following matters:

- Removal of existing lay-by, which is used for parking for walkers, access to the post-box and provision of the bus-stop
- Whether or not the development is in a sustainable location
- Lack of walking/cycling

## **Planning History**

P/2015/0638 - Full: Erection of a bungalow and double garage and all associated works – Conditional Consent – 16/09/2015

P/2017/0609 - Outline: Erection of 4 dwellings, each with detached garage, and all associated works – Application Withdrawn.

## **Principal Planning Constraints**

Open Countryside

## **Principal Planning Policies**

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)

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) 23 – Economic Development (2014)

### Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability  
SP5 – Housing Developments  
GP1 – Development Control  
GP3 – Design and Energy Conservation  
GP4 - Highway and Parking Requirements  
HP1 – Shire Housing Allocations  
HP3 – Housing Land Availability  
HP4 - Settlement Development Boundaries and Capacities  
HP5 – Residential Developments  
HP6 – Dwellings in the Open Countryside  
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries  
ENV 2 - Safeguarding the Landscape  
ENV 3 - Safeguarding Biodiversity & Natural Habitats  
ENV 4 - Internationally Important Sites  
ENV 5 - Nationally Important Sites  
ENV 7 - Protected Species  
ENV 8 - Tree Preservation Orders  
ENV 14 - Listed Buildings  
ENV 17 - Ancient Monuments & Archaeological Sites  
ENV 18 - Development Proposals Affecting Archaeological Sites  
DC11 – Non-mains Sewage Treatment  
TR2 – Tourist Attractions and Development.

Powys Residential Design Guide (October 2004)

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 lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

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 latest Powys Joint Housing Land Availability Study (JHLAS) 2015 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".

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

### Sustainability

In considering the proposed development, Members are asked to consider whether the provision of four dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Cilmery is classified as a small village within the Powys Unitary Development Plan (2010). Although Cilmery has very limited facilities the village does contain a public house. Cilmery is also within close proximity to the settlement of Builth Wells where additional services can be found. Builth Wells is considered as an area centre within the Powys Unitary Development Plan. Cilmery is located upon the A483 leading to Builth Wells approximately 2.3 miles away. There are no cycle routes or pathways that lead directly to Builth Wells and therefore the only method of travel to facilities such as shops would be via public transport or motor vehicles.

### Highway Safety



Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Access and Layout is reserved for future consideration, however, the Welsh Government Trunk Road Agency (TRA) have been consulted in relation to the development in order to establish whether or not an appropriate access and visibility splays can be achieved. The TRA have confirmed that the proposed development can provide an appropriate access and visibility splays and have recommended conditions to be attached to any granting of consent that would ensure that appropriate access and visibility splays are constructed to an agreed standard.

Concerns have been raised regarding the loss of the lay-by and the relocation of the phone-box. However, as access is a reserved matter and the consultation response received from the Welsh Government TRA it has been confirmed that the proposed development will result in a betterment in terms of highway safety as it removes two non-compliant assets and installs one that is fully compliant. Furthermore, it is considered that should the phone-box not be re-located, appropriate visibility splays could still be achieved.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that the proposed development will not have a detrimental impact upon highway safety. Therefore the proposed development complies with policy GP4 of the Powys Unitary Development Plan (2010).

#### Appearance, Layout and Scale

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.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating four dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

#### Affordable Housing

Given the scale of the development (four houses and below 0.3 hectares) affordable housing is not proposed.

#### Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. The Ecologist has carried out a data search which identified 45 records of protected and priority species within 500 metres of the proposed development, however, none have been recorded

for the site itself. The site is considered to be improved grassland with a low ecological value. However, the Ecologist has confirmed that the hedgerows along the northern boundary are of moderate ecological value. Therefore, the Ecologist has requested that a hedgerow replacement plan is submitted prior to the commencement of development as well as an appropriate landscaping scheme which will include details of existing and proposed trees and hedgerows. The Ecologist has also requested that a sensitive lighting plan is submitted prior to the commencement of development in order to ensure nocturnal species are not detrimentally impacted upon.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development will not have a significant negative impact upon protected species and their habitats and therefore comply with policy ENV3 and ENV7 of the Powys UDP.

### Environmental Health

Powys County Council's Environmental Health Officers have been consulted in relation to the means of foul drainage. The Officer has requested clarification as to the disposal scheme for sewage. Confirmation has been received from the agent that the disposal of foul drainage will be connected to the mains. Therefore it is considered that an appropriate scheme of drainage is being provided and no further information is required.

### Agricultural Land Classification

Policy ENV1 of the Powys Unitary Development Plan states that when considering proposals for development, the best and most versatile agricultural land will be safeguarded wherever possible. Agricultural land classed as 1, 2 and 3a is considered to be the best and most versatile and development proposals should be restricted in these locations. In this instance the proposed development is situated on agricultural land that is classed as 3b which is moderate quality land.

The proposed development therefore complies with policy ENV1 of the Powys Unitary Development Plan (2010).

### 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**

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.

## **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 XX/XX/XX (drawing no's: 17/006/01 & 17/006/02).
5. Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter
7. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
9. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
10. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.
11. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

## **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 the interest of the protection and preservation of biodiversity in accordance with policy ENV3, ENV6 and ENV7 of the Powys Unitary Development Plan.
6. To comply with Powys County Council's UDP Policies SP3, ENV3 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.
7. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

## 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.

### *Highway Safety*

1) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

2) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

3) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

4) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

5) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic\\_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx)

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Case Officer: Thomas Goodman- Planning Officer  
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