

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

**Application Number:** 19/0537/FUL

**Grid Ref:** E: 319866  
N: 309680

**Community Council:** Guilsfield Community

**Valid Date:** 26.03.2019

**Applicant:** Severn Trent Water Ltd

**Location:** Land at Moelygarth Pumping Station, Laundry Lane, Moelygarth, Y Trallwng, Powys

**Proposal:** Installation of a replacement booster pumping station kiosk and parking/access area

**Application Type:** Full Application

### Reason for Committee determination

The application site is within the ownership of Powys County Council (Highway Authority).

### Consultee Responses

#### Consultee

#### Received

Natural Resources Wales (North) DPAS

12th Apr 2019

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Summary of Conditions

Condition 1 - Dormouse: No ground clearance shall take place until a Reasonable Avoidance Measures Scheme (RAMS) for Dormice and other protected species, has been submitted to and approved in writing by the local Planning authority.

#### European Protected Species (EPS)

The Ecological Constraints Report dated 2nd November 2016 by MottMac, submitted in

support of the above has identified the presence of dormice in the area and we can confirm that we also have records of this species at the site. The report also stated that trees potentially affected by the proposal presented no roosting potential for bats, of which we have multiple records in the area.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii ii. There is no satisfactory alternative and

iii iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

It is our understanding that 3 trees will need to be felled to accommodate the new pumping station and that the recommendations made in the ecological report to re-locate the proposal further north to avoid direct impact on vegetation is not possible.

Whilst we agree with the recommendation for general reasonable avoidance measures (RAM) within the ecological constraints report (section 3.2), this document fails to provide specific RAM for dormice. It is therefore our opinion that in order to make sure this protected species is not detrimentally impacted by the proposal, a comprehensive method statement will need to be submitted prior to commencement of works.

Condition 1 - Dormouse: No ground clearance shall take place until a Reasonable Avoidance Measures Scheme (RAMS) for Dormice and other protected species has been submitted to and approved in writing by the local Planning authority.

If bats/dormice are found or seen during works, all work must stop immediately, and

advice sought from NRW before works can restart.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the developer:

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Waste

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

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

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

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

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

Further guidance can be found on the GOV website here:

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

## Environmental Management

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

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

Natural Resources Wales (North) DPAS

20th May 2019

Thank you for consulting Natural Resources Wales (letter dated 02/04/2019) regarding additional information on the above.

In our response letter of 12/04/2019 (CAS-83692-C0P6) we recommended that you should only grant planning permission if you attached a condition to secure the implementation of reasonable avoidance measures for dormouse.

Condition 1 - Dormouse: No ground clearance shall take place until a Reasonable Avoidance Measures Scheme (RAMS) for Dormice and other protected species, has been submitted to and approved in writing by the local Planning authority.

New information has been received, namely:

- o o Technical Note 380854DH64 dated 18/04/2019 by MMB including a method statement for dormice.
- o o Additional information with regards to the presence of Great crested Newts (GCN) in the proximity of the proposal.

Having reviewed the above, we still have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not

meet these requirements.

## Summary of Requirements

Requirement 1 - EPS: The applicant submits an updated method statement to include an assessment of the potential impact the proposal is likely to have on Dormice and Great Crested Newts (GCN) and appropriate reasonable avoidance measures.

## Protected Species

We have reviewed the method statement included within Technical Note 380854DH64 dated 18/04/2019 by MMB and we are satisfied that this appropriately addresses the concerns we expressed in our previous response, however the presence of GCN was not considered in the Ecological Constraints Report dated 2nd November 2016 by MottMac, as information about the presence of this species in the area has only recently become available.

GCN are afforded the same protection as bats, dormice under the Conservation of Habitats and Species Regulations 2017. Whilst we do not envisage GCN surveys will be required, it is our opinion that the ecological submission needs to be updated to include the potential effects works can have on GCN and the method statement document must also include reasonable measures to avoid impacting on GCN and not only dormice. It is also important to make sure the kerb design and surface drainage scheme is amphibian friendly.

It is therefore our opinion that in order to make sure European protected species (EPS) are not detrimentally impacted by the proposal, a comprehensive method statement will need to be submitted prior to commencement of works.

Requirement 1 - EPS: The applicant submits an updated method statement to include an assessment of the potential impact the proposal is likely to have on Dormice and Great Crested Newts (GCN) and appropriate reasonable avoidance measures.

If any EPS are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Thank you for consulting Natural Resources Wales (letter dated 17/06/2019) regarding additional information on the above.

In our response letter of 20/05/2019 we recommended that you should only grant planning permission if the scheme met Requirement 1 - EPS: The applicant submits an updated method statement to include an assessment of the potential impact the proposal is likely to have on Dormice and Great Crested Newts (GCN) and appropriate reasonable avoidance measures.

We have reviewed the additional information received and we recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Summary of Conditions

Condition 1- EPS: All avoidance measures described in sections 4.2.1 and 4.2.2 of the technical note document dated 13/06/2019 by J Latchford are secured through planning conditions.

#### Protected Species

We have reviewed the technical note document dated 13/06/2019 by J Latchford which addresses the ecological constraints for the site and we are satisfied that this appropriately address the concerns we expressed in our previous responses.

Provided all the recommended avoidance measures in the above mentioned report are implemented, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend you secure their implementation via appropriately worded conditions.

Condition 1- EPS: All avoidance measures described in sections 4.2.1 and 4.2.2 of the technical note document dated 13/06/2019 by J Latchford are secured through planning conditions.

If any EPS are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation

Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

PCC-Ecologist

8th May 2019

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

The data search identified 345 records of protected and priority species within 500m of the proposed development - which include records of hazel dormice and great crested newts.

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

An Ecological Survey has been undertaken to assess the potential of the development to affect any protected species presence or habitats of ecological value.

I have reviewed the Ecological Constraints Report produced by Mott Macdonald dated 2 November 2016.

The survey consisted of a combination of desktop searches and a site visit which was undertaken on the 22nd September 2016 to carry out an extended phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species.

Habitats noted on site are bare ground, broadleaved scattered trees, broad-leaved semi-natural woodland, hardstanding, hedgerow, improved grassland and tall ruderal vegetation.

No non-native invasive flora was identified during the assessment.

The location of the new pumping station and associated parking will be impacting an area of bare ground and woodland edge which will result in the removal of a number of trees (these trees at the time of the survey were noted to be young). It is also identified that scraping away the area of hardstanding and all tall ruderal and encroaching vegetation will be required to accommodate the proposed development.

The report identifies that the habitats present and affected by the proposed works are

suitable to support nesting birds and dormice - dormice have been recorded in the area and it has been assumed that they are present. Therefore it is has been recommended that these works will need to be carried out under a Reasonable Avoidance Method Statement to avoid any negative impacts to nesting birds or hazel dormice.

A mature oak tree is located within the development boundary. Works will be carried out within the root protection zone of the mature oak tree. It has been recommended within the Arboricultural Report produced by MWA Arboriculture dated 20 March 2019 that the crown of the mature oak tree should be raised in order to facilitate the proposed developments. Two and a half years have passed since the ecological assessment has been carried out. At the time of the assessment the tree was considered to have no potential features to support roosting bats.

The assessment to raise the crown of the oak tree was carried out in 2019, therefore the ecological survey did not take into account the works proposed to the mature oak tree at the time.

Therefore, due to the time that has passed since the previous ecological survey and the proposed work to raise the crown height of the mature tree it is recommended that the ecological value of the mature oak tree is re-assessed for its potential to support protected or priority species in order to inform the current planning application.

I note from the data search that since the previous ecological survey was carried out that approximately 80 records of different bat species within 100m of the proposed development have been recorded.

Section 3.2 of the Ecological report recommends Reasonable Avoidance Methods to be adhered to during construction in order to avoid negative impact to Bat, Badger, Nesting Birds and Hazel Dormice.

However, no specific details regarding the reasonable avoidance method statement for Hazel Dormice has been submitted. From reviewing the NRW consultation response dated 12 April 2019 I agree with the recommended condition that the submission of a detailed reasonable avoidance method statement regarding hazel dormice is submitted prior to commencement of works. However, as further information has been required provision of this document at this stage would avoid the requirement of a pre-commencement condition.

In November 2016 when the preliminary ecological assessment was undertaken; some suitable terrestrial habitat for amphibians within the proposed development site boundary was identified. However, as no pond were identified within 500m of the proposed works it was considered that there was no potential for amphibians to be impacted by the

proposed works.

The data search has produced as record of great crested newt within 60m of the proposed developments -the record being submitted in March 2019.

Taking into consideration proximity of a known recent record of great crested newts, the nature of the works proposed and suitable terrestrial habitat identified it is considered that the developments may have potential to negatively impact great crested newts. In that, the proposed development may lead to the loss of potential terrestrial habitat for this species or as the result of creation of a barrier to their dispersal to surrounding suitable habitat.

Therefore, it is considered that there is insufficient information with regard to potential impacts to Great Crested Newts, a European protected species, to determine this application. Further information is required to be submitted prior to determination of the application.

It is recommended that the applicant submits an update ecological report to include an assessment of the proposed works to impact great crested newts and additional mitigation to demonstrate the proposal is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The identified hedgerow is to be retained. However, given the proximity of the works to the hedgerow, it is considered prudent to require information from the applicant as to how this feature of biodiversity importance for wildlife will be protected during the construction period of works. It is therefore recommended that a Hedgerow Protection Plan is secured through an appropriately worded condition. However, as further information has been requested the provision of a hedgerow protection plan at this stage would avoid the requirement of a pre-commencement condition.

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. A wildlife sensitive lighting plan could be secured through a planning condition, however the provisions of an external lighting scheme at this stage would avoid the need for a pre-commencement condition requiring this information.

### Maintaining Biodiversity

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 measure could include:

- oProvision of bird and bat boxes including the details of the number, type and location of these boxes;

- oProvision of wildlife friendly landscape planting.

Should biodiversity enhancement measures such as the bird nesting boxes - 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.

PCC-Ecologist

4th Jun 2019

I have reviewed the additional information along with NRW's consultation response letter dated 20 May 2019.

I agree that the recommended requirements by NRW regarding great crested newts are necessary to be submitted prior to determination of the application.

PCC Ecologist

8<sup>th</sup> July 2019

I have reviewed the submitted Technical Note produced by J Latchford dated 13 June 2019.

The survey consisted of a combination of desktop searches and a site visit which was undertaken on the 16th May 2019 to carry out a preliminary ecological assessment - to identify specific habitats and potential opportunities for protected species.

Habitats identified on and adjacent to the proposed development site include; tall ruderal vegetation, scrub, broadleaf semi natural woodland, buildings, species poor hedgerow with scattered trees, hardstanding and bare ground.

The ecological assessment considered that the proposed works to install a new pumping station kiosk and adjacent concreted parking area are anticipated to impact approximately 40m<sup>2</sup> of vegetation on the edge of semi-natural broadleaved woodland, including the

removal of two ash trees and clearance of surrounding scrub and ruderal vegetation.

The two trees that are to be removed to accommodate the proposed development are considered to be unsuitable to support roosting bats as no potential roosting features were identified.

Following the assessment of the habitats present and evaluation of the results of the data search it is considered that the proposed works may impact the following species; dormice, nesting birds, amphibians including great crested newts, badger and small mammals.

Therefore section 4.2 of the ecological report identifies that the following measures should be implemented and adhered to in order to avoid any potential impacts on any protected or priority species likely to utilise the habitats.

Recommended mitigation and avoidance measures include;

- Reasonable Avoidance Method Statement with regards to Dormice
- Reasonable Avoidance Method Statement with regards to Great Crested Newts including design of the drainage system
- Check of the site for active nesting birds 48hrs prior to commencement of works
- Provision of two bat boxes on the large oak tree
- No night time works to be carried out
- Noise to be kept to a minimum
- Ensure that any open excavations are covered overnight, or a suitable egress is provided for potential animals, such as mammals that may fall into them
- Ensure that all spoil material is fully compacted when stock-piled

I considered the recommendation within the ecological technical note report to be appropriate and acceptable. Therefore I recommend that implementation and adherence to these avoidance, mitigation and compensation measure to be secured through an appropriately worded document.

Careful consideration will need to be given to any external lighting given the presence of surrounding habitat features including trees or hedgerows. 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.

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.

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

The Reasonable Avoidance Method Statement regarding Dormice identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

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

The Reasonable Avoidance Method Statement regarding great crested newts identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

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

The Reasonable Avoidance Method Statement regarding nesting birds, bats, badgers and other mammals identified in section 4.2 of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

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

Prior to commencement of development a Tree Protection Plan in accordance with

BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 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.

The Hedgerow Protection Plan illustrated within drawing number A6W12095-PA13030 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 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.

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

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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 LDP Policies DM2, DM4, DM13 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.

Wales & West Utilities 5<sup>th</sup> April 2019

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.

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.

Wales & West Utilities - Plant Protection  
Team

14th May 2019

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.

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.

Wales & West Utilities - Plant Protection  
Team

17th Jun 2019

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. 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.

Community Council

30th Apr 2019

Guilsfield Community Council at their meeting on Wednesday 17 April resolved to support the above application.

Community Council

20<sup>th</sup> June 2019

Guilsfield Community Council at their meeting on Monday 17 June discussed the above application.

Council agreed to support the application.

Hafren Dyfrdwy

16th Apr 2019

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.

PCC Highways

4<sup>th</sup> Jul 2019

The County Council as Highway Authority for the County Unclassified Highway, U2432

**Wish the following recommendations/Observations be applied**  
**Recommendations/Observations**

The development shall be carried out in accordance with drawing numbers A6W12095-PA13020 Rev F & MMB004 Rev E.

### Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

Street Works  
Powys County Hall  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

### Representations

Following the display of a site notice, one public representation has been received and is summarised as follows:

I wish to bring to your attention the presence of Great Crested Newts in my garden, which is the property 60m to the north of the proposal. Given the nature of the proposal and the fact that Great Crested Newts were not recorded here until this Spring, so not considered by the ecological report submitted with the application, I thought it was a good idea to let you know, as the species is a European Protected Species and so may affect determination.

I have submitted three biological records of Great Crested Newts via iRecord. One for a single male GCN found in my lawn meadow on 22nd March 2019. The other two records are of individuals in my pond, which was dug in Autumn 2017; two males on 11th April 2019 and one male and one female on 16th April 2019.

In addition, a representation has been received from the Woodland Trust which is summarised as follows:

#### Loss of ancient woodland

The Woodland Trust objects to the above planning application on the basis of damage and loss to Tybrith wood (grid ref: SJ1985809656), an Ancient Semi Natural Woodland designated on the Ancient Woodland Inventory (AWI).

#### Ancient Woodland

The Ancient Woodland Inventory places woodland into one of four categories:

Ancient Semi-Natural Woodland (ASNW) – broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years

Plantation on Ancient Woodland Sites (PAWS) – sites which are believed to have been continuously wooded for over 400 years and currently have a canopy cover of more than 50 percent non-native conifer tree species

Restored Ancient Woodland Sites (RAWS) – woodlands which are predominately broadleaves now and are believed to have been continually wooded for over 400 years. These woodlands will have gone through a phase when canopy cover was more than 50% non-native conifer tree species and now have a canopy cover of more than 50 percent broadleaf.

Ancient Woodland Site of Unknown Category (AWSU) – woodlands which may be ASNW, RAWS or PAWS. These areas are predominantly in transition and existing tree cover is described as 'shrubs', 'young trees', 'felled' or 'ground prepared for planting'

#### Policy

The Welsh Government has recognised that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as a biodiversity resource through the publication of Planning Policy Wales version 10 (2018) (PPW 10).

Paragraph 6.4.26 states *“Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.”*

Paragraph 4.2.12 (Trees, Woodlands and Hedgerows of Significant Public Amenity, Natural or Cultural Heritage) of Powys County Council's Local Development Plan (2018) states: *“Trees are the largest and longest living organisms in Powys. Trees, woodlands and hedgerows offer multiple benefits, including visual amenity, defining a sense of place, providing places for relaxation and recreation, habitats for wildlife, improved health and wellbeing and mitigating the effects of climate change. To maintain these benefits, the protection and enhancement of existing tree and woodland cover is essential. Development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value.”*

4.2.13: *“Ancient woodlands and hedgerows and veteran trees are irreplaceable habitats of high biodiversity value that cannot be recreated once lost. This policy will protect them from development that would result in significant damage and developments will be expected to retain them. Where appropriate, Tree Preservation Orders will be served to protect significant trees from removal or harm. The amenity value of trees will be assessed in accordance with government guidance and nationally recognised systems of amenity evaluation.”*

#### Impacts to ancient woodland

The Woodland Trust is concerned about the following impacts:

- Direct loss of ancient woodland to facilitate the proposed development.
- Detrimental impacts of noise, light and dust pollution during construction to the remaining woodland.
- Damage to the roots of trees which form the boundary to the ancient woodland.

The Arboricultural Report provided for this application does not recognise that ancient woodland is to be impacted as part of this development. As ancient woodland is a material planning consideration, the document should be revised to reflect this.

In addition, the Trust is concerned that the applicants have not sought to determine if the large pedunculate oak tree on site is subject to a Tree Preservation Order (Ecological Constraints Report) which is again, a material planning consideration. The Council should ensure that due diligence has been undertaken by the applicants before determining this application.

### Mitigation

This development should be relocated outside of the ancient woodland and allow for a buffer zone of at least 15 metres to avoid root damage and to prevent disturbance. The Council should ensure that it is satisfied the width of the proposed buffer is adequate to protect the adjacent ancient woodland. A fence should also be put in place during construction to ensure that the buffer area does not suffer from encroachment of construction vehicles/stockpiles etc.

### Conclusion

Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Woodland Trust objects to this proposal due to the direct loss of this irreplaceable habitat.

### **Planning History**

No planning history noted.

### **Principal Planning Constraints**

- Open countryside
- Ancient semi natural woodland (known as Tybrith)
- Mineral Safeguarding Area (category 2 safeguarding for other sandstone)
- U2432 unclassified highway

### **Principal Planning Policies**

#### National Policy

Planning Policy Wales (2018)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (2014)

#### Local Policy

Powys Local Development Plan (2018)

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM8 – Minerals Safeguarding

DM13 – Design and Resources  
T1 – Travel, Traffic and Transport Infrastructure

Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance  
Biodiversity and Geodiversity (Adopted October 2018)

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

#### Site Location and Description

The application site is located approximately 4km northwest of Welshpool and approximately 3km southwest of Guilsfield. The proposed development would be located within the western verge of Laundry Lane (U2432 highway) to the south east of a property known as Two Acres. The proposal involves the following works:

- Installation of a new reinforced plastic holly green pumping station kiosk (approximately 3.5m x 3.5m x 2.6m high);
- Infill of the ground immediately surrounding the new pumping station kiosk with type-1 aggregate;
- Conversion of the existing hardstanding area to a larger parking area of fibre reinforced concrete with flat kerb edging; and
- Removal of two Ash trees and one Sycamore tree (already occurred during the processing of the application) and clearance of surrounding scrub vegetation immediately behind the proposed location of the new pumping station kiosk (approximately 40m<sup>2</sup> of vegetation clearance expected).

#### Principle

Planning Policy Wales, edition 10 (2018) recognises that adequate and efficient infrastructure is crucial for economic, social and environmental sustainability and the Local Development Plan (2018) sets out that *'Utility companies serving Powys are encouraged to undertake necessary improvement and operational developments throughout the plan area. Where the Council is consulted on operational works or planning permission is required by the Council, it will emphasise the need to safeguard and protect both the built and natural environment ... These developments need to*

*balance service provision needs with the protection of the environment and area subject to the relevant Development Management Policies of this plan' (paragraph 4.2.87).*

The application details that the scheme is part of the Asset Management Plan for Severn Trent Water and the submission states that the proposed works are necessary to maintain water supply to customers in the surrounding area, whilst enabling workers to safely conduct maintenance on the existing and proposed infrastructure. In principle, the development is acceptable and accords with the objectives of Planning Policy Wales and the Local Development Plan subject to the material considerations below.

### Design and Landscape Impact

All development proposals are required to demonstrate a good quality of design which will complement or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing in accordance with Criterion 1 of Policy DM13 of the Powys Local Development Plan.

The proposal is in respect of a replacement kiosk that would be green in colour and would be sited on highways 'verge' land which is a woodland edge being grassy with scrub. The development has a functional design, typical of such utility equipment seen widely and given its scale and the use of green, it is not considered that the proposal would undermine LDP Policy DM13.

In terms of landscape impact, LDP Policies DM4 and SP7 require that proposals for new development in the open countryside must not individually or cumulatively have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. All proposals will need to be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics of the landscape and for this site shall have regard to LANDMAP and the visual amenity enjoyed by users of Powys landscapes and adjoining areas.

The LANDMAP System classifies the aspect areas as follows:

Geological Landscape – Outstanding  
Landscape Habitat – Moderate  
Visual and Sensory – High  
Historic Landscape – Outstanding  
Cultural Landscape – High

The site sits within a rural landscape with the Visual and Sensory aspect area summarised by the LANDMAP system as *'An extensive area of rolling hillsides and pasture land with rounded hill tops. Vegetation is predominantly oak/mixed broadleaf woodland patches with well defined small field parcels with a high incidence of overgrown/mature hedgerow trees. Strong sense of place with settled, domestic quality to the setting and displaying a traditional farmed landscape. Traditional farming*

*techniques are evident ie hedge laying and general farming practice is extensive rather than intensive’.*

The application site is located within an area which is typical of the abovementioned landscape being in the open countryside amongst rolling hills and pasture land and located on the edge of a semi-natural broadleaf woodland. The development would be a new feature in the landscape and would be visible to users of the public highway in close proximity as well as users of the public rights of way in the locality, the closest of which is approximately 65 metres distant in a northerly direction. In addition, the proposal has involved the removal of some scrub, two Ash trees and one Sycamore tree located within the semi-natural broadleaf woodland. However given the siting on highways verge and adjacent to an area of woodland together with the scale and design of the proposal, in particular the colour, it is not considered that the proposal would have an unacceptable landscape impact in accordance with LDP Policies SP7 and DM4.

#### Impact upon neighbouring uses

Criterion 11 of LDP Policy DM13 states that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affect by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed development would be sited approximately 45 metres to the south east of a residential dwelling known as Two Acres. Occupants of the dwelling are likely to be able to see the development from the south eastern window of the property, however taking into account the scale and siting of the proposal, it is not considered that there would be any unacceptable impact with regards to amenity. Therefore, the proposal is considered to comply with Part 11 of LDP Policy DM13.

#### Ecology

##### *Protected Species*

LDP Policy DM2 states that development proposals shall demonstrate how they protect, positively manage and enhance biodiversity interests. In terms of protected species in particular, Criterion 1B of policy DM2 states that development proposals which would impact on the identified natural environment assets will only be permitted where they do not unacceptably adversely affect European Protected Species. Development proposals likely to have an adverse effect on a European Protected Species will only be permitted where it can be demonstrated that:

- i. The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and
- ii. There is no satisfactory alternative; and
- iii. The action authorised will not be detrimental to the maintenance of the habitat or

population of the species concerned at a favourable conservation status in their natural range.

A public representation has alerted attention to the presence of Great Crested Newts in their garden. Ecological information supports the submission and following the assessment of the habitats present and evaluation of the results of the data search it is considered that the proposed works may impact the following species; dormice, nesting birds, amphibians including great crested newts, badger and small mammals. The ecological information recommends mitigation and avoidance measures to avoid any potential impacts on any protected or priority species likely to utilise the habitats.

The Council's Ecologist and NRW considers the recommendations within the ecological information to be appropriate and acceptable and recommends the implementation and adherence to these avoidance, mitigation and compensation measures should be secured through an appropriately worded condition. Natural Resources Wales have also advised that provided that all the recommended avoidance measures in the above mentioned report are implemented, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In terms of the three tests set out above and contained within LDP Policy DM2, it is considered that the proposed development would preserve public health by maintaining water supply and comply with Criterion i. The agents have confirmed that the booster pump station is required to replace the existing booster pump station which is old and deteriorating. Severn Trent require the new kiosk to meet current design standards, which needs to allow space in the kiosk for a generator switchover panel for a standby generator – this is not currently available within the existing kiosk. The new pump kiosk design is therefore larger than the existing kiosk but will provide more resilience, securing water supply to customers.

In terms of Criterion ii (alternatives to the development) the agents have also advised that there is not enough space in the highway verge near the position of the existing kiosk to provide the new kiosk and layby. It is also not possible to replace the existing kiosk with the new kiosk (on the same footprint) as the existing kiosk needs to remain in operation whilst the new kiosk is being constructed to continue the supply of water to the nearby reservoir. The kiosk cannot be located in the highway verge to the north west of the existing kiosk as this has a rising ground profile. This will reduce the suction pressure available to the pump and has an impact on the hydraulics. The flow direction is from south to north. To avoid blocking the entrance to the field to the north west of the proposed site, the new kiosk and layby have been sited to the south of the field gate, in an area of highway verge big enough to accommodate the new kiosk and layby. The positioning of the proposed kiosk is as close as possible to the existing chlorination dosing kiosk, which is where chlorine is dosed into the pipework prior to the new pumps, which will be inside the new kiosk, to ensure safe drinking water. By locating the new pump kiosk close to the existing chlorination kiosk, it enables the control system to work properly. If the two kiosks were sited further away from one another, the chlorination

kiosk would need to be re-sited alongside the proposed pump kiosk. The proposed solution therefore minimises the amount of development required. On the basis of this information, it is considered that this is sufficient justification in relation to Criterion ii of LDP Policy DM2 Criterion 1B.

Natural Resources Wales have confirmed that subject to the use of conditions in terms of reasonable avoidance measures that the proposed development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range in compliance with Criterion iii of LDP Policy DM2 Criterion 1B.

On the basis of the advice from the Council's Ecologist and NRW, subject to the use of conditions it is concluded that the proposed development would comply with all three requirements of Criterion 1B of LDP Policy DM2 in respect of protected species.

#### *Ancient woodland*

The site is located within an area designated as an Ancient Semi-Natural Woodland which are generally broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years.

An Arboricultural Report accompanies the application which identifies that three trees would be removed to accommodate the development; two Ash trees and one Sycamore tree. The agent has confirmed that these three trees have already been removed following the submission of the application. The Arboricultural Report also identifies that trees overhanging the access route from the north will require target pruning to ensure clearance for the mobile crane during construction. The trees to the north are not located within the ancient woodland designation. The report concludes that the impact upon the woodland trees is negligible but in order to safeguard an identified further Ash tree, it is advised that mitigation measures including excavation undertaken within the Root Protection Area to be supervised by a competent arboriculturalist, any root pruning is undertaken appropriately and that the storage of materials, the site compound and welfare facilities are set up using a location outside of the Root Protection Area. A revised Tree Protection Plan has been submitted which indicates that temporary fencing would be used to protect the root protection area of the Oak tree to the north of the existing kiosk and the Ash tree to the south of the proposed kiosk.

Natural Resources Wales have not provided advice on the impact of the development on the ancient woodland, however the Council's Ecologist has provided advice. In addition, the Woodland Trust has objected to the proposal due to the direct loss of this irreplaceable habitat with the following concerns:

- Direct loss of ancient woodland to facilitate the proposed development.
- Detrimental impacts of noise, light and dust pollution during construction to the remaining woodland.
- Damage to the roots of trees which form the boundary to the ancient woodland.

Criterion 2 of LDP Policy DM2 states that important habitats afforded levels of protection in line with national policy and legislation and which are likely to have an adverse effect on the conservation value of nationally protected habitats (including broadleaved woodland) will only be permitted where it can be demonstrated that:

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

In addition, Criterion 5 of LDP Policy DM2 includes protection for individual trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage. This includes ancient woodland and veteran trees. Paragraph 6.4.26 of Planning Policy Wales (Edition 10) states '*Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.*'

Whilst the woodland is identified on the Ancient Woodland Inventory, none of the individual trees affected by the proposal are identified on the Ancient Tree Inventory and none are the subject of a Tree Preservation Order.

Given that trees have been lost as a result of the proposed development it could be considered that the proposal has had a direct adverse effect on the conservation value of nationally protected sites, habitats or species contrary to Criterion 2 of LDP Policy DM2. This section of the policy states that such proposals will only be permitted where they comply with Criteria i or ii above. The justification provided for the proposal, as discussed above is considered sufficient to demonstrate that the site is the only possible place for the proposal. The size of woodland area and location in terms of the loss of three trees (one being a Sycamore) on the edge of the woodland and being a highway verge are also considered to be other contributing factors to its acceptability. Hedgerow and tree protection plans also accompany the application which provide measures to protect the hedgerow which is connected to the woodland and the remaining Ash tree within the Ancient Woodland and within the vicinity of the development. Access to the woodland would not increase significantly as a result of the proposal. In addition the impacts upon biodiversity and protected species are known as ecological reports have accompanied the application and have been assessed as acceptable by NRW and the

Council's Ecologist with conditions recommended in relation to protected species, lighting and hedgerow and tree protection.

Taking into account the factors discussed above and the advice received from the Council's Ecologist, whilst three trees from an ancient woodland have already been lost, subject to the use of conditions, it is not considered that the proposal would lead to the further significant deterioration of the ancient woodland. The comments from the Woodland Trust are noted, however it is considered that such impacts have been addressed via the submission of the hedgerow and tree protection plans, adherence to which is recommended to be conditioned. Overall, it is concluded that the proposal would not conflict with Criterion 2 of LDP Policy DM2.

### *Lighting*

LDP Policy DM7 states that development proposals involving external lighting will only be permitted when a lighting scheme has been provided that demonstrates that the lighting will not individually or cumulatively cause an unacceptable disturbance to protected species.

As noted above, the Woodland Trust have raised concern over the impact of lighting upon the remaining woodland during the construction phase. The Council's Ecologist has advised that careful consideration will need to be given to any external lighting design provided through the proposed development given the presence of surrounding habitat features including trees or hedgerows. 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 in accordance with LDP Policy DM7.

### *Landscaping*

The Council's Ecologist has advised that 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. Whilst trees have been lost as a result of the development, given the discussion above in respect of design and particularly in terms of the scale of the proposed development, it is considered that there is sufficient remaining tree and hedgerow cover remaining (potential damage to which would be mitigated against by the recommended conditions) such that no further landscape planting is required.

### Highways

Criterion 10 of LDP Policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse

impacts from the development. In addition LDP Policy T1 requires development proposals to incorporate safe and efficient flow of traffic for all transport users, management of any impacts to the network and minimisation of demand for travel by private transport and encourage sustainable forms of travel.

Following the receipt of amended plans which demonstrate that vehicles would be able to pull off the public highway when attending the kiosk, the Highway Authority has advised that they have no objection to the application. Taking into account the amended plans and the comments from the Highway Authority, subject to the suggested informative being attached to any consent granted, it is considered that the proposed development meets the highways criteria contained within LDP Policies DM13 and T1.

### Minerals Safeguarding

The application site is located within a Minerals Safeguarding Area designated as a category 2 safeguarding for other sandstone. LDP Policy DM8 states that non-mineral developments proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated that the development is of a very minor nature. The supporting text to Policy DM8 states that the policy is to ensure that mineral resources are not needlessly sterilised by other development, so that they remain accessible to future generations in accordance with Planning Policy Wales and the Minerals Technical Advice Notes. It does not give a presumption that the mineral will be worked. Rather, the Mineral Safeguarding Areas should be considered as a form of constraint area to ensure that the presence of mineral resources is adequately and effectively considered in planning decisions.

Given the scale of the development which is considered to be of a very minor nature and that the mineral is classified as category 2, it is considered that the proposed development would not prejudice mineral extraction and therefore would not conflict with LDP Policy DM8.

### **RECOMMENDATION**

The proposal relates to the installation of a replacement pump station kiosk and hardstanding for Severn Trent Water. The development is considered acceptable in principle and on the basis of the above discussion and subject to the use of conditions and informatives, it is concluded that the proposal would not have any unacceptable detrimental design, landscape, amenity, highways or ecology impacts. The application is therefore recommended for approval subject to the conditions below

### **Conditions**

1. The development shall begin not later than five years from the date of this decision.

2. The development shall be carried out in accordance with the following approved plans and documents: Planning, Design & Access Statement revision 001 dated March 2019, Ecological Constraints Report by Mott Macdonald dated 2 November 2016, Arboricultural Report by MWA Arboriculture Ltd dated 20.03.2019, Technical Note prepared by J Latchford dated 13 June 2019 reference number 380854PH64, Technical Note prepared by Laura Boggeln dated 18/4/19, Arboricultural Report by MWA Arboriculture DEV190227-361 dated 20.03.2019, MWA TPP 001 Tree Constraints Plan, MWA TPP 001 Tree Protection Plan dated 15/07/2019, A6W12095-PA13000 Rev C, A6W12095-PA13030 Rev B, A6W12095-XA13000 Rev C, A6W12095-PA13020 Rev F, MMB004 Rev E.

3. The construction of the development hereby permitted shall be carried out full in accordance with the Tree Protection Plan illustrated within drawing number MWA TPP 001 dated 15/07/2019.

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

5. The Reasonable Avoidance Method Statement regarding Dormice identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter.

6. The Reasonable Avoidance Method Statement regarding great crested newts identified in section 4.2 and Appendix B of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter.

7. The Reasonable Avoidance Method Statement regarding nesting birds, bats, badgers and other mammals identified in section 4.2 of the Technical Note Document reference number 380854PH64 by J Latchford dated 13 June 2019 shall be adhered to, implemented in full, and maintained thereafter.

8. The Hedgerow Protection Plan illustrated within drawing number A6W12095-PA13030 Rev B shall be adhered to, implemented in full, and maintained thereafter.

## **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.

2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3. To comply with Policies DM2 and DM4 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
4. To comply with Policies DM2, DM7 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, November 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act.
5. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Policies DM2 and DM4 of the Powys Local Development Plan (2018) in relation to The Natural Environment and to meet the requirements of Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

## **Informatives**

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

- b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Please note the advice from 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. 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.

Please note the advice from Natural Resources Wales (NRW):

If any European Protected Species (EPS) are found or seen during works, all work must stop immediately, and advice sought from NRW before works can restart.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

## Waste

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

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

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

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

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

Further guidance can be found on the GOV website here:

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

## Environmental Management

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

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

from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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