

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1568/FUL

Grid Ref: E: 307404
N: 300702

Community Council: Dwyriw Community

Valid Date: 30.09.2019

Applicant: Powys County Council

Location: Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX

Proposal: Erection of two agricultural buildings, to include the demolition of one existing

Application Type: Full Application

The reason for Committee determination

This application is made by Powys County Council in regards to land forming part of the council's farm estate.

Consultee Responses

Consultee

Received

Community Council

28th Oct 2019

The Council is happy to support this application.

Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

No comments received at the time of writing this report.

Highway Authority

18th Nov 2019

The County Council as Highway Authority for the County Unclassified Highway, U2381

Does not wish to comment on the application

Hafren Dyfrdwy

11th Oct 2019

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

If you would like a copy of this in Welsh, please let us know.

County Ecologist

21st Nov 2019

Thank you for consulting me with regards to application 19/1568/FUL which concerns an application for Erection of two agricultural buildings, to include the demolition of one existing at Pen Y Gelli, Llanwyddelan, Adfa, Newtown. Powys.

I have reviewed the proposed plans and supporting information submitted with the application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 6 records of protected and priority species within 500m of the proposed development, no records were identified for the site itself. Protected and Priority species recorded within 500m include hare, house sparrow, dunnock and starling.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

As the application concerns the demolition of an existing structure a bat survey has been undertaken to inform the application, I have reviewed the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019, I consider that the survey effort and methods used were in accordance with current best practice and

guidelines and that the information provided is appropriate and sufficient to enable the LPA to assess the impact of the proposed demolition to biodiversity.

Surveys including day time inspection and dusk/dawn activity surveys were undertaken to determine the presence or absence of roosting bats and to establish the nature and size of any roosts identified to be present. The daytime inspection was conducted in May 2019, the surveyors noted locations where bats may gain access to the structure proposed to be demolished and identified several area of foraging and flight lines surrounding the property. No evidence of bats was observed during the internal inspection. Three activity surveys were undertaken, two dusk bat emergence/activity observations were carried out in May, and June 2019 and a single dawn observation was carried out in July 2019.

The activity surveys established that the building proposed for demolition is a bat roost. During the first dusk observation no bats were observed emerging or accessing the building. Occasional bat foraging activity – pipistrelle species - was recorded around the site during the survey.

During the second dusk observation three common pipistrelle bats emerged from 3 area of the northern gable and a fourth common pipistrelle emerged from the eastern aspect of the southern gable.

During the dawn re-entry observation two common pipistrelle bats were observed accessing the building beneath the bargeboard on the northern gable. A further common pipistrelle was observed flying at the damaged eastern aspect of the southern gable but did not access the barn.

The activity surveys were supplemented with static detectors positioned inside and outside the building these picked up relatively low levels of bat activity and recorded the same species that had been observed during the manned activity surveys as well as brief passes by soprano pipistrelle and Noctule bats. The report concludes that based on the number of bats observed roosting in the barn and levels of activity the building supports an occasional summer non-breeding females and/or solitary males roost for common pipistrelle bats.

The report identifies that a European Protected Species (EPS) licence will be required from Natural Resources Wales (NRW), prior to any works commencing on the building.

The report identifies a scheme of mitigation and enhancement which includes the following principles:

- Provision of 3 double crevice boxes erected on the exterior of suitable buildings/trees prior to any demolition works commencing;
- Erection of 3 interior bat boxes positioned within the oak timber framed barn across the lane to the north-east of the farmyard;
- Sensitive design of any external lighting associated with the new barn structures;
- Timing of works to minimise risk of disturbing roosting bats;

The proposed measures and identified mitigation are considered to be appropriate and achievable. Subject to adherence to the identified mitigation strategy it is considered that the proposed demolition would not result in negative impacts to the favourable conservation status of bat species identified as roosting in the building.

In addition to bats consideration was given to the potential for the proposed demolition to impact nesting birds, a thorough search for evidence of barn owl activity or other nesting birds was undertaken. No evidence of barn owl or other nesting birds was found during the surveys.

Subject to the mitigation measures identified within the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019 being adhered to it is considered that there would be no likely detrimental impacts to the favourable conservation status of bat species identified as roosting at the site and that the application also provides details of biodiversity enhancements in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

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

The demolition shall be carried out strictly in accordance with the mitigation and enhancement measures identified with regards to bats in Section 12. Mitigation of the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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

No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.

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

In addition I recommend inclusion of the following informatives:

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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.

Environmental Protection

16th Oct 2019

I have no objection to the application.

CPAT

22nd Oct 2019

Thank you for the consultation on this application.

The barn proposed for demolition is unrecorded on the Historic Environment Record but appears from the images in the ecological report to be a traditional stone barn with timber internal fabric that is of at least local architectural importance. The building is clearly in a poor state of preservation with some collapse evident. The demolition will completely remove all components of this building and we would therefore require an appropriate level of recording in advance of demolition to secure a record of its current form and layout.

I would therefore recommend that if planning permission is given a Level 2 building survey is completed of the stone barn structure in accordance with TAN 24 (May 2017) and Planning Policy Wales (Edition 10, Dec 2018) to provide a permanent record of the original buildings. The Level 2 survey in this case would include a detailed photographic survey, descriptive text and annotated architects survey plans. The survey must be completed by an archaeological contractor.

In this case the condition would be:

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration

No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local

planning authority. The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason:

To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

I have attached an information sheet providing sources for archaeological contractors who may be able to complete this work. I have also attached a brief for the Level 2 study. Please forward these to the applicant so that they are fully informed about what is required.

Representations

Following the display of a site notice on 21/10/2019, no public representations have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
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N/A

Principal Planning Constraints

N/A

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy

TAN4	Retail and Commercial Development	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Communities	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

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 proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018).

The sites A and B are located adjacent to the U2381 from which access is gained with site A forming part of the agricultural farm yard and site B being situated in the agricultural field, north-east of the farm compound. Site A is situated adjacent to existing agricultural buildings and the main farm dwelling of Pen Y Gelli and on the footprint of an agricultural building to be demolished to accommodate the proposed building. Site B is adjacent to the existing farm compound on agricultural land, in close proximity to the main farm compound. The sites are bound by agricultural land to the north, south, east and west and situated approximately 3km north-west of Tregynon.

The application seeks consent for the construction of two agricultural buildings to include the demolition of an existing agricultural building.

Agricultural building 'A' will measure approximately 9.14 metres in width and 18.28 metres in length with a height to the eaves of 3.65 metres and 4.9 metres to the ridge height. The materials proposed include box profile sheeting walls and a polybox profile roof.

Agricultural building 'B' will measure approximately 18.2 metres in width and 35.5 metres in length with a height to the eaves of 3.65 metres and 5.6 metres to the ridge height. The material proposed include 1.2 metre concrete panels with Yorkshire boarding walls for the sides and box profile sheeting on the front and rear of the building.

Principle of Development

TAN 6 relates to planning for sustainable rural communities and includes agricultural and forestry development as well as rural diversification. TAN 6 states that the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings should be considered.

TAN 6 highlights the scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

Local Development Plan policies DM4 and DM13 set out the general requirements applied to all agricultural developments such as this proposal. The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effect on Powys landscape. Other planning considerations to take into consideration are design and building materials.

In light of the above it is considered that the principle of the proposed development complies with relevant planning policy subject to the following;

Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

Consent is sought for the construction of two agricultural buildings to include the demolition of an existing agricultural building.

The design of the proposed buildings are considered to reflect the agricultural nature of the surrounding area with the proposed scale of each building considered to be appropriate. The materials proposed are considered to be typical in the construction of agricultural buildings.

In light of the above, it is considered that the proposed development complies with relevant planning policy.

Landscape Impact

Policy DM4 of the Powys Local Development Plan (2018), states that development proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

With regards to Landmap, the application site has very similar rolling hills and slopes to the Tregynon Rolling Farmlands with a succession of steeper sided ridgelines rising to higher upland grazing at Esgair Cwmowen in the west. Field boundaries are still very well defined with a lower incidence of wooded areas - tree cover is confined to hedgerow boundaries. Relatively open aspect due to lesser amount of tree cover, settled, traditional farmed landscape. Mynydd y Clogau turbines are visible on the adjacent upland, sometimes on the skyline, from valley sides.

The proposed site is located within the open countryside, however has links to classified roads. The proposed development site is located adjacent to existing agricultural

buildings on an existing farm complex and will be considered as one grouping already present within the landscape.

Therefore, it is not considered that the proposed development will adversely affect the character of the landscape as defined by LANDMAP.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy.

Amenities enjoyed by occupier of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The proposed development is not considered to offer any impact upon loss of daylight or considered to offer any adverse impact to any neighbouring properties in terms of loss of privacy. The proposed buildings will be used in the normal course of agriculture i.e. storing of machinery, fodder, cattle and sheep and would not be considered to detrimentally impact the amenity of the area by way of noise or odour other than those associated with normal agricultural practices.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy

Highways

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicates that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon network and mitigate adverse impacts.

As part of the application process the Highway Authority has been consulted however it did not wish to comment on the application.

In light of the above, it is considered that the proposed development is in accordance with policy.

CPAT

As part of the application process, CPAT has been consulted on the application and notes that the proposed barn to be demolished is unrecorded on the Historic Environment Record which may be of some local archaeological importance. Therefore, CPAT has requested that a Level 2 building survey is completed of the stone barn structure to provide a permanent record of the original buildings.

Due to the local archaeological importance of the building, officers consider it would be appropriate to attach a condition to the granting of any planning permission to secure the appropriate surveys are undertaken.

In light of the above, it is considered that the proposed development is in accordance with policy.

Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

As part of the application process the Ecologist has been consulted and notes that the application concerns the demolition of an existing structure and therefore a bat survey has been undertaken to inform the application. The Ecologist, having reviewed the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019 considers that the survey effort and methods used were in accordance with current best practice and guidelines and that the information provided is appropriate and sufficient to enable the LPA to assess the impact of the proposed demolition on biodiversity.

As stated within the Ecological Survey Report, a European Protected Species (EPS) license will be required from Natural Resources Wales (NRW) prior to any works commencing on the building. Furthermore, the Ecologist notes the scheme of mitigation identified with the report and enhancements which are considered to be appropriate and achievable. The Ecologist considers that subject to adherence to the identified mitigation strategy, it is considered that the proposed demolition would not result in a negative impacts to the favourable status of bat species identified as roosting in the building.

The Ecologist has also given consideration to the impact on nesting birds in regards to the proposed demolition, however no evidence of barn owl or other nesting birds was found during surveys.

The Ecologist considers that in light of the evidence presented, conditions in respect of mitigation measures and external lighting should be attached to any granting of planning permission. Based on the location and nature of development which involves the demolition of an existing building, officers consider the proposed conditions to be suitable and should be attached to any granting of planning permission.

In light of the above, it is considered that the proposed development is in accordance with policy.

RECOMMENDATION

Approve

Conditions

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's:307404/300702, Pengelli – Shed A dated 02/09/2019, Pengelli – Shed B dated 02/09/2019 & Pen Y Gelli – Floor Plan).
3. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
4. The demolition shall be carried out strictly in accordance with the mitigation and enhancement measures identified with regards to bats in Section 12. Mitigation of the Ecological Survey Report produced by Jon Sloan Ecological Consultants dated August 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.
5. No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.
6. The use of the buildings as detailed on plan 307404/300702 to which this permission relates, shall be limited to the information provided in an email dated 22/11/2019 restricting the use to the housing of livestock (sheep and cattle in the normal course of farming – non intensive), machinery and fodder.

Reasons

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

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To allow an adequate analytical record of the building to be made, before they are demolished, to ensure that the building's origins, use and development are understood and the main features, character and state of preservation are recorded.
4. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. In order to safeguard amenity in accordance with policy DM13 of the Powys Local Development Plan (2018).

Informative Notes

Sustainable Drainage

Having assessed the Planning Application Ref 19/1568/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement for to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

Biodiversity

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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.

Case Officer: Richard Edwards, Planning Officer
Tel: 01597 827218 E-mail: richard.edwards2@powys.gov.uk