

Biological Enhancement

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 will therefore need to be demonstrated as to how the proposed development will 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;

- oA wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- oProvision of wildlife friendly landscape planting.

As the application has not indicated any proposed biodiversity enhancements I recommend that a condition is included to secure the submission of a biodiversity enhancement plan.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

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

External lighting at the site shall be undertaken strictly in accordance with the details

identified in the Lighting Design Scheme document produced by Roger Parry & Partners. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 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.

Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's Policies LDP 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.

Environmental Protection

6th May 2020

The agent has provided further information in relation to my previous enquiry about noise and artificial light.

The locations of the nearest noise sensitive properties have been identified. It has also been confirmed that there will be no external noise-emitting plant. I am satisfied that any noise from the development, including deliveries, will be during the day. It has also been confirmed that artificial lighting will only be used during operational hours (daytime).

Therefore I have no objection to the application.

Hafren Dyfrdwy

25th Oct 2019

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-(N) Highways

15th Nov 2019

The Highway Authority objects to the above-named application for the following reasons.

A full application such as this should include full access details, such as the full visibility splays in accordance with the relevant guidance, access width, gradient, radii, surfacing and means of draining the access. However, no such detail has been submitted for consideration.

No detail of the current and proposed movements has been submitted for consideration. It was noted during our site visit that the farm currently operates a dairy unit, however, the applicant has failed to mention this in the submission.

The access width is 3.5m which is insufficient to allow two vehicles to be in the area of the access at the same time, therefore, this will lead to stacking on the County Class I Highway.

Perceived speeds on this section of the A490 are in excess of 50mph, therefore visibility splays of at least 160m are appropriate. However, the proposed visibility splays shown on drawing number RJC-MZ431-03 of 70m, suggest a road speed of 30mph - TAN18 Table 2. The applicants use of TAN18 demonstrates that they acknowledge the visibility splays onto the A490 should be assessed against the Welsh Government guidance document.

Should the applicant wish to submit revised drawings which address the above points we

shall certainly review any such submission. Any revised drawing should be at a suitable scale of 1:500 preferably @ A3.

Environmental Protection

8th Nov 2019

The application site is located in a rural area with existing nearby residential properties. Please can the applicant/agent provide further information on the following, so that the potential impacts upon amenity can be assessed?

Noise & artificial light

In order to be able to determine whether the development will have a detrimental impact on amenity, please can the applicant/agent provide the following information with relation to the potential for noise and artificial light disturbance:

- The proposed operating hours of the building;
- The proposed collection/delivery times to and from the building;
- Details of any other noise-emitting activities or plant associated with the development;
- Details of the lighting scheme (including intended hours of operation)?

Without this further information I must object to the application at this time on the basis of insufficient information.

PCC-Ecologist

14th Nov 2019

Thank you for consulting me with regards to planning application 19/1572/FUL which concerns an application for the change of use of agricultural building to B1/B8 use (storage and distribution) and all associated works at Pontypentre, Llansantffraid-Ym-

Mechain.

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

The data search identified 355 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include lesser horseshoe bat, badger, house sparrow and tree sparrow.

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

The proposed development is located on the site of an existing agricultural barn and is likely to impact areas of hard standing, a habitat considered to be of low ecological value.

Given the nature of the habitats present and affected by the proposed development it is considered that the site affected has very limited potential to support protected or priority species, no features of significant importance for biodiversity would be lost as a result of the proposed development. It is therefore considered that the proposed development will not result in any loss of biodiversity.

Wildlife Sensitive Lighting Plan

Given the rural location of the proposed development careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. If external lighting is proposed then 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 taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is

secured through an appropriately worded condition.

Subject to inclusion of the recommended condition it is considered that the proposed development would not result in any negative impacts to biodiversity at the site or in the wider environment.

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

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 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:

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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.

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

PCC-(N) Highways

16th Apr 2020

Wish the following recommendations/Observations be applied

Recommendations/Observations

The development shall be carried out in accordance with drawing number RJC-

MZ2431-03/1 & RJC-MZ2431-03/2.

Notwithstanding the submitted details on drawing numbers RJC-MZ2431-03/1 & RJC-MZ2431-03/2 the Highway Authority wish the following conditions to be applied to any consent given.

1. No development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
2. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
3. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
4. Prior to the commencement of any works on the development site, detailed drawings for the method of intercepting and disposing of access surface water adjacent to the A495 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of 4 commercial vehicles and 100m² circulation area together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking, circulation and turning areas shall be

retained for their designated use for as long as the development hereby permitted remains in existence.

6. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

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 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.

Representations

The application was advertised through the erection of a site notice.

Planning History

App Ref	Description	Decision	Date
No relevant history			

Principal Planning Constraints

Mineral Safeguarding Sand_Gravel Cat 1
Mineral Safeguarding Sand_Gravel Cat 2
Mineral Safeguarding Slate Cat 2
B Floodzone

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
TAN12	Design		National Policy

TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP2	Employment Growth	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
E7	Home Working	Local Development Plan 2011-2026
PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy

SPG Landscape
SPG Biodiversity

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within an area of open countryside within the Community of Llansantffraid as defined by the Local Development Plan. The closest large village, Llansantffraid, is located approximately 500 metres to the north east of the development.

The application seeks full planning permission for the change of use of an agricultural building to a B1/B8 use and associated works.

The application site is accessed from the county A class highway A495 to the west. To the north of the site is a wooded area with agricultural land beyond, to the east and south east is the farm holding known as Pontyentre with agricultural land beyond. To the south of the site is an access track with agricultural land beyond.

Principle of Development

In encouraging the re-use of buildings in the countryside, the Council and Welsh Government recognises that there are sustainable arguments both for and against such developments. On the positive side, conversions can breathe new economic and social life into rural communities, and they re-use existing buildings and building materials which reduces the need to construct on greenfield sites and for processing new construction materials. However, on the down-side, conversions can create a dispersed pattern of settlement that is likely to generate new and longer trips, as existing buildings are typically remote from shops and other services.

Technical Advice Note (TAN) 23 part 3.2.1 Re-use and Adaptation of Existing Rural Buildings further emphasises this and states that a positive approach should be taken to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes on the basis of the following:

- They are suitable for the specific use;
- Conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- Their form, bulk and general design are in keeping with their surroundings;

- Imposing conditions on a planning permission overcomes any planning objections which would otherwise outweigh the advantage of re-use;
- If the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- Conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and / or architectural interest.

In this instance the proposed development seeks consent in full for the conversion of an agricultural building that has ceased its use to be converted for a B1/B8 (Business and Storage and Distribution). Therefore in line with TAN 23 part 3.2.2 the proposed development is in compliance subject to it being assessed on its impact upon the fabric and character of historic buildings. The building to be converted is a relatively modern agricultural building that offers little in terms of historic character to the area. No alterations are offered as part of the development, as such it is considered that there would not be in impact on the character of the building to be converted.

It is therefore considered that the principle of development fundamentally complies with both national and local planning policy.

Design, Character and Appearance

Policy DM13 and DM4 of the Powys Local Development Plan indicate that development proposals will only be permitted where the scheme complements and wherever possible enhances the character and appearance of existing buildings and the surrounding area.

The existing building is a relatively modern agricultural building comprising of corrugated walls and roof.

The proposed change of use utilises the existing footprint of the building. No external alterations are proposed as part of the change of use.

It is considered that the proposed change of use scheme fundamentally retains the rural character and appearance of the application buildings and thus assimilates within the immediate context and surrounding landscape.

In light of the above observations, it is considered that the proposed development is in accordance with relevant planning policies, particularly Powys Local Development Plan policies DM4 and DM13.

Highway Safety

Policy T1 requires that development proposals should follow the principal requirement that a safe and efficient flow of all transport users is available. Policy DM13 part 11 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

Powys County Council Highways Authority has been consulted on the proposed development and have raised concerns regarding the proposed development. In their response they state that the application should include full access details, however no detail had been submitted. The officer also raised concerns regarding the width of the existing access and whether there would be sufficient space to allow two vehicles to pass. However, the Officer has stated that should the applicant submit revised drawings which addressed their concerns the highways authority would review any such submission.

Following the submission of additional information and amended plans the PCC Highways Officer is satisfied with the proposed development, subject to the inclusion of a number of conditions to ensure the development is carried out to an acceptable standard and maintained thereafter.

In light of the above and subject to the inclusion of the recommended conditions and informative notes it is considered that the proposed development complies with Local Development Plan (2018) policies T1 and DM13.

Environmental Health

Policy DM13 part 11 requires that the amenities enjoyed by occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air, pollution, litter, odour and hours of operation.

Policy DM7 also requires that unacceptable levels of light pollution in the countryside is strictly controlled to ensure that there are no impacts on amenity, visibility of the night sky and protected species.

Powys County Council's Environmental Health Officer has been consulted on the proposed development in relation to its potential impact on neighbouring properties.

Following consultation the Environmental Health Officer stated that insufficient information had been submitted to determine whether the proposed development would have a detrimental impact on the amenity of the area with regards to noise and artificial lighting. As information regarding the hours of operation, the collection and delivery times, details of noise emitting activity and details of lighting had not been included Environmental Health could not determine whether there would be a detrimental impact and as such objected to the proposed development.

Additional information and amended plans were submitted in order to try to alleviate the concerns of the PCC Environmental Health Officer. The information submitted confirms that the locations of the nearest noise sensitive properties have been identified. It has also been confirmed that there will be no external noise-emitting plant. The Officer is therefore satisfied that any noise from the development, including deliveries, will be during the day. It has also been confirmed that artificial lighting will only be used during operational hours (daytime).

Therefore, the Officer has confirmed that they have no objection to the application.

In light of the above, it is considered that the proposed development complies with Local Development Plan (2018) policies DM7 and DM13.

Ecology

With respect to biodiversity, specific reference is made to Technical Advice Note 5 and Local Development Plan policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

As part of this proposal Natural Resources Wales and the PCC Ecologist have been consulted. NRW have stated that from reviewing the information provided they do not consider that the proposed development affects a matter listed on its Consultation Topics and therefore do not have comment to make on this application. The PCC Ecologist has also reviewed the proposed development and noted that no statutory or non-statutory designated sites were identified within 500m of the proposed development. The proposed development is located on the site of an existing agricultural barn and is likely to impact areas of hard standing, a habitat considered to be of low ecological value and limited potential to support protected or priority species. The PCC Ecologist is satisfied with the proposed development subject to the inclusion of a suitably worded condition to secure an external lighting plan and informative notes.

An external lighting plan has since been received and assessed by the PCC Ecologist who considers the lighting plan to be appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment and avoid conflicts with the identified mitigation measures. The PCC Ecologist has therefore requested the lighting plan to be secured through an appropriately worded condition as well as to condition a biodiversity enhancement plan.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development complies with Local Development Plan (2018) policy DM2 as well as 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.

Conclusion

In light of the above, and subject to the inclusion of an appropriately worded conditions, it is considered that the proposed development complies with relevant Local Development Plan (2018) policies as well as National Planning Policies.

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; RJC-MZ2431-03/1, RJC-MZ2431-03/2,

3 No development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence

4 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

5 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

6 Prior to the commencement of any works on the development site, detailed drawings for the method of intercepting and disposing of access surface water adjacent to the A495 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority. The method of intercepting and disposing of access surface water shall be fully completed and operational prior to the beneficial use of the development. Development shall be carried out in strict accordance with the approved details.

7 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of 4 commercial vehicles and 100m² circulation area together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking, circulation and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

8 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to

this standard for as long as the development remains in existence

9 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

11 External lighting at the site shall be undertaken strictly in accordance with the details identified in the Lighting Design Scheme document produced by Roger Parry & Partners. The measures identified shall be adhered to and implemented in full and maintained thereafter.

12 Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancements shall be implemented as approved prior to the beneficial use of the building maintained as such in perpetuity.

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 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

11 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

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

2 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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.

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

4 No public rights of way should be obstructed during the development process

and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.