

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/2055/FUL **Grid Ref:** E: 289141
N: 245083
Community Council: Llangammarch Community **Valid Date:** 18.12.2019

Applicant: Col (ret'd) T Van Rees

Location: Pantoityn, Tirabad, Llangammarch Wells, LD4 4DP,

Proposal: Conversion of barns to two dwellings, removal of nearby agricultural sheds, installation of sewage treatment plant and associated works

Application Type: Full Application

The reason for Committee determination

The applicant is a member of Council.

Consultee Responses

Consultee

Received

PCC-Building Control

2nd Jan 2020

19/2055/FUL - Building Regulations approval will be required for this proposal.

Wales & West Utilities - Plant Protection
Team

Ward Councillor

PCC-Ecologist

12th Mar 2020

Thank you for consulting me with regards to the additional information submitted in relation to planning application 19/2055/FUL which concerns an application for the conversion of barns to two dwellings, removal of nearby agricultural sheds, installation of sewage treatment plant and associated works at Pantoityn, Tirabad, Llangammarch Wells.

I have reviewed the revised Bat Assessment produced by Ecology Planning dated February 2020. It is considered that the revisions in the report address the concerns raised in my response dated 13/02/2020. I also note that NRW are satisfied with the information provided as stated in their response dated 28/02/2020.

Subject to the identified revised mitigation measures being implemented it is considered that the proposed development would not result in a negative impact to the favourable conservation status of bats roosting at the site. It is therefore recommended that the identified mitigation measures to minimise impacts to bats are secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

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.

Landscape Planting Scheme

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

Biodiversity Enhancements

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.

Measures identified in the ecological report are considered to be necessary mitigation for the loss of roosting and nesting features therefore I recommend that a condition is included to secure the submission of a biodiversity enhancement plan.

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

The development shall be carried out strictly in accordance with the mitigation measures and recommendations identified in the Bat Assessment 1593/01 b produced by Ecology Planning dated February 2020. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and 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 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 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 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. The development shall be

carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and 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.

In addition I recommend the 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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:

- 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.

Natural Resources Wales (North) DPAS

7th Feb 2020

We have reviewed the mitigation strategy for bats dated 27.01.2020 and we still have concerns with regards to the detail of mitigation provided.

The two main outbuildings illustrated on the document appear to be large modern metal outbuildings. This sort of structure is not normally considered appropriate for bat roosting especially if they are actively used for agricultural purposes, such as storage of machinery and intensive livestock rearing.

Considering the outbuilding proposed for conversion hosts at least three different species of bats, one of which (Natterer's) has more specific roosting requirements than the more common pipistrelle bats, we would recommend that the location of the replacement roost for Natterer's is clearly identified at this stage and an appropriate mitigation plan is submitted for your consideration prior to determination.

A comprehensive mitigation plan will be required for the licence application and therefore an effort to identify an appropriate roosting alternative for bats remains a requirement for establishing any likely significant impact of the species in consideration. Positioning of any exterior lighting will also be required at licensing stage in line with the report recommendations. If details of lighting provisions are not made available to you prior to determination, we would be happy for the lighting scheme to be secured via appropriately worded planning condition.

We are still unable to confirm the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We will be able to review our position upon receipt of additional information as requested above.

PCC-Ecologist

13th Feb 2020

Thank you for consulting me with regards to planning application 19/2055/FUL which concerns an application for the conversion of barns to two dwellings, removal of nearby agricultural sheds, installation of sewage treatment plant and associated works at Pantoityn, Tirabad, Llangammarch Wells.

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

The data search identified 32 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 barn owl and starling.

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 farmyard and is likely to impact areas of hard standing and amenity planting, habitats considered to be of relatively low ecological value.

Bats - European Protected Species

The proposed development requires the conversion of an existing barn, consideration therefore has been given to the potential for the building to support roosting bats - bats being a European protected species - and for the proposed development to impact roosting bats.

I have reviewed the Bat Assessment Report produced by Ecology Planning dated November 2019.

The survey undertaken included internal and external inspections of the building affected by the proposed development to identify any potential features suitable to provide access into the structure and/or to support roosting bats.

The preliminary survey which was undertaken on 9th July 2019 identified possible roosting sites in gaps in the stonework and signs of bats in the form of droppings in the rear lean-to structure.

Two activity surveys were undertaken on 9th July (dawn re-entry) 2019 and 11th August 2019 (dusk emergence). Surveys confirmed that the existing barn is being utilised by common pipistrelle, Natterer's and brown long-eared bats.

Following the findings of the activity surveys - the report identifies that the proposed development will result in the disturbance, loss of roost locations and destruction of resting places, as such a European Protected Species Development Licence will be required.

Necessary mitigation measures have been identified in sections 1.64-1.79 of the report. Measures include;

- o Timing of works
- o Works impacting any stonework is to be undertaken OUTSIDE the hibernation

period (November to march inclusive)

- o Appointment of an Ecological Clerk of Works (ECW)
- o All possible roost features are to be inspected by a suitably qualified ecologist prior to commencement of works
- o Workers are to receive a 'Tool Box Talk' prior to commencement of works
- o Retention of roost sites in the existing stone work (to be determined by the ecologist)
- o Installation of new roosting features in the design of the conversion to include;
- o Two bat tubes
- o Four Slimline bat boxes
- o Four Improved cavity bat boxes
- o Three Schwegler bat boxes (to be erected on trees on the development site)
- o Adoption of a wildlife friendly lighting scheme

Whilst details of bat mitigation have been provided within the report these measures do not appear to have been incorporated on any of the proposed plans, I note that NRW have also raised concerns and have requested further information and amended proposed drawings to incorporate appropriate design features for bat mitigation in their response dated 20/01/2020. I agree with the comments made by NRW therefore, it is considered in the absence of detailed plans indicating the proposed mitigation that there is insufficient information to demonstrate that the potential impacts would not result in a negative impact to the favourable conservation status of all species of bats identified as roosting at the site, bats being European protected species and material consideration in the planning process, to determine this application.

Biodiversity Enhancements

Given the number of bat species found on the proposed development site it is considered that the above measures are considered necessary to ensure that there will be negative impact to the favourable conservation status of bats roosting at the site i.e. the proposed measures are mitigation for the impact of the development. In order to comply 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 - therefore further information regarding proposed enhancement measures will be required.

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 - these would need to be in addition to any features identified as mitigation for the proposed development;

- 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.

Details of any proposed biodiversity enhancements will need to be included with any submitted application, the features proposed will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

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>

Wildlife Sensitive Lighting PlanCareful 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. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) full details can be found at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed

Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Community Council

No comments received at the time of writing this report.

Natural Resources Wales (North) DPAS

28th Feb 2020

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o Ecology Planning, 1593/01 b, 11 February 2020, Bat Assessment.

Protected Species

We have reviewed the amended 'Bat Assessment' report and note that additional information and bat mitigation plans have been included in the document.

We welcome the proposed retention of bat roosting opportunities for Myotis and pipistrelle species in dedicated bat boxes within the wall structure of the converted barn, and the inclusion of additional mitigation measures within the remaining agricultural buildings.

On the basis of the amended report, 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 provided all the recommendations made in the bat report are secured via appropriately worded condition and implemented.

Ein cyf/Our ref: CAS-109012-H6N7

Eich cyf/Your ref: 19/2055/FUL

Swyddfa Llywodraeth Cymru/Welsh

Government Building,

Rhodfa Padarn,

Llanbadarn Fawr,

Aberystwyth

SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk

03000 654696

In line with the letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: An 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 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>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

PCC-Contaminated Land Officer

10th Jan 2020

In relation to planning application, the following advice is provided for the consideration of Development Control.

Advice

1. The application proposal involves the conversion of an agricultural building to form a residential unit. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any

building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment". Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is stated: "The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course."

4. Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

Potential Contamination

In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Welsh Water

7th Jan 2020

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

PCC-(S) Highways

21st Jan 2020

Thank you for consulting the Highway Authority (HA) on this planning application, which seeks to convert an existing agricultural building to provide an additional two dwellings at Pantoityn, Llangammarch Wells.

This site is served from a private access track which connects to the C0028 county highway. The C0028 county highway connects Cefn Gorwydd to Tirabad and beyond and is well used. Access visibility from the private access along the C0028 is severely constrained by the adjoining hedgerows, which limits the available visibility to circa 10m in each direction from a 2.4m setback, which is suitable for speeds of just 10mph.

It is noted that the existing farm operations will not be affected by the proposals and as such, the additional dwellings will likely generate circa 12-20 additional vehicular movements to and from the access and along the C0028 county highway, on a daily basis. The HA contends that the existing access is not suitable to accommodate those additional vehicular movements, unless a modest access visibility improvement is incorporated into the scheme. From the information supplied, it would appear that sufficient land is available to provide a 2.4m x 59m visibility improvement in each direction, which is suitable for speeds of 37mph.

I trust these measures can be incorporated into the scheme before the application is determined.

PCC-Rights Of Way Senior Manager

7th Jan 2020

The applicant is advised that public footpath 15 runs through the development and the Service therefore provides the following advice regarding the footpath should the development receive planning permission.

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc.
- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- o Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

Environmental Protection

3rd Jan 2020

Environmental Protection have no objections to the application however the applicant should note the following:

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system

Natural Resources Wales (North) DPAS

20th Jan 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 02/01/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.

Requirement 1 - bats: The submission of additional information and amended proposed drawings to incorporate appropriate design features for bat mitigation.

Protected Species

We note that the bat report submitted in support of the above application (Bat Assessment dated 15 November 2019 by Ecology Planning) has identified that three species of bats (Natterer's, Common pipistrelle and Brown Long-eared) are present at the application site.

In this case, the bat report concludes that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence.

Bats 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. 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. There is no satisfactory alternative and

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 bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Although a bat report has been submitted, we do not consider that there is adequate information to assess potential effects of the proposed development on bats present at this site.

Point 1.76 of the Discussion and Recommendations section of the report states that the loss of bat roosting locations and night feeding perch within the barns to be converted will be mitigated by erecting several different types of bat boxes within other retained agricultural buildings but it does not specify which ones. The proposal includes the demolition of several outbuildings at this farm complex and therefore it is not clear at this stage if appropriate alternative roosting locations can be provided at the site.

We would recommend that retention of bat roosting opportunities for Myotis and pipistrelle species is kept within the roof structure/attic of the converted barn, but if bat boxes are to be used, additional details of the proposed locations will need to be provided at this stage and clearly indicated on the proposed block plan.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We are therefore currently unable to confirm the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We will be able to review our position upon receipt of additional information.

Protected Sites

From the information provided, the scale and nature of the proposal, we consider that the proposal is not likely to have a significant effect on a SAC, SPA or Ramsar.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the developer:

Foul Drainage

We note the proposal is to connect the foul drainage to the a new package treatment plant.

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Ordinary Watercourse Consent

Installation of a new soakaway/drainage system with an outfall to an ordinary watercourse may require a Flood Defence Consent from Powys CC, as the Lead Local Flood Authority in this area. Please see <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works> for more information or contact land.drainage@Powys.gov.uk for more details.

PCC-(S) Highways

3rd Feb 2020

Thank you for re-consulting the Highway Authority (HA) on this planning application.

The additional information contained on submitted Drawing 19/4430/6 adequately addresses the concerns previously raised by the HA.

Accordingly the HA recommends that the following conditions be attached to any consent granted.

1. Prior to the occupation of any of the dwellings hereby approved the access shall be constructed in accordance with the detail shown on the approved Drawing 19/4430/6 so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 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.

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	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

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site lies within the community area of Llanwrtyd Wells and is located

within the open countryside as defined by the Powys Local Development Plan (2011-2026). The application site is within a farm complex that is accessed off the classified C0028 road approximately 1km west of Cefngorwydd.

This application seeks consent for the conversion of adjoining barns to two dwellings together with the removal of adjacent agricultural sheds and the installation of a sewage treatment plant. The existing barns comprise a combination of a traditional stone building and an adjoining more modern steel frame building which are unsuitable for current farming practices.

Principle of Development

In considering this application the creation of dwellings in the open countryside must be considered. In considering the principle of the proposed development, consideration is given to Planning Policy Wales (ed. 10, 2018), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010) and Technical Advice Note 23 - Economic Development (2014) and the adopted Powys LDP (2018), in particular policies SP6 and H1.

PPW (ed. 10) places emphasis on the consideration of sustainability in the planning process and this includes re-use, reducing waste and the efficient use of land. Paragraph 5.11.7 promotes the use of existing buildings wherever possible.

TAN6 and TAN23 support the conversion of buildings for residential use. Local Development Plan policies SP6 and H1 established the principle of development for any proposal relating to residential development. For housing development in the open countryside Policy SP6 says only housing development that complies with the national exceptions policies as set out in PPW and TAN 6 will be permitted in the Open Countryside and that development proposals will need to comply with relevant national policy including PPW and TANs including TAN6: Planning for Sustainable Rural Communities and TAN 23: Economic Development.

Policy H1 says:

“In the Open Countryside:

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or*
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or*
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8.”*

The proposed development relates to the conversion of rural buildings and as such complies with criterion (ii) of LDP Policy H1. Consideration must be given therefore to whether the proposal accords with national policy on the sustainable re-use of rural

buildings. TAN 6 and TAN 23 are the relevant national policies that must be considered when considering the re-use and adaptation of existing rural buildings.

TAN 6 states the following;

“3.2 Re-use/adaptation of rural buildings

3.2.1 When assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes (although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration).....

3.2.3 Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.”

TAN 23 states the following;

“3.2.1 The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development, and tourism, sport and recreation. In recognising this, local planning authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes on the basis that:

- they are suitable for the specific use;*
- conversion does not lead to dispersal of activity on such 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, for example on environmental or traffic grounds, 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.*

3.2.2 Residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture, need to be assessed on their impact including their impact on the fabric and character of historic buildings. In areas where the creation of local employment is a priority, local planning authorities may include policies within the development plan which prohibit residential re-use unless:

- *The applicant has made every reasonable attempt to secure suitable business re-use and the application is supported by a statement of the efforts which have been made; or*
- *Residential conversion is a subordinate part of a scheme for business re-use; or*
- *The resulting housing will contribute to an identified need for affordable housing for local need.”*

The adopted Powys LDP supports and reflects this national planning policy framework. In paragraph 3.2.29 it supports the re-use of rural buildings for economic and residential purposes where justified. In addition, paragraph 4.1.5 reiterates the position of the LDP in relation to the national policy framework outlined above saying, “No specific policy is included on the re-use / adaptation of rural buildings, or on agricultural development, because PPW, TAN 6 and TAN 23 provide adequate policy. The Council has not prioritised economic reuses above other uses and supports a flexible approach to re-use and adaptation of rural buildings.”

The application under consideration seeks a change of use and conversion of two adjoining existing, agricultural buildings to residential use. TAN 6 in paragraph 3.2.1 says, “the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes”. It is not necessary therefore, to consider whether the existing buildings are needed any more as agricultural buildings and it is considered that the proposed residential use is compliant with the framework set out in PPW, TAN 6 and TAN 23 and so is acceptable in planning terms.

In light of the above therefore, it is considered that the principle of development is compliant with PPW, TAN 6, TAN 23 and the Powys LDP including policies SP6, H1.

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. Development proposals should be able to demonstrate good quality design. 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.

The development proposal includes the conversion of two adjoining farm buildings set in an isolated complex that also includes some more modern, metal clad buildings. Some of these buildings/barns are to be removed to improve residential amenity as part of the application. The buildings under consideration for conversion comprise a traditional stone-built building with an adjoining more modern steel frame structure. The proposed conversion will provide two adjoining three-bedroom dwellings on the original footprint with the existing height and mass dimensions.

The proposed design has been designed to retain as far as possible the agricultural elements of the existing buildings. The traditional stone building will be retained under a slate roof whereas the steel frame section will be clad in timber cladding to replicate Yorkshire Boarding under a box profile sheeting roof. New window and door openings have been kept to a minimum and include some roof lights but these reflect the existing clear roof sheets on the modern section.

It is considered that the proposed conversion scheme for the barns fundamentally retains the traditional character and appearance of the buildings and thus integrates within the immediate context and surrounding landscape. The original dimensions and footprints are largely being retained and so it is considered that the proposal is acceptable in terms of siting, appearance, integration, scale, height, massing and design detail.

In light of the above observations, it is considered that the proposed development is in accordance with relevant planning policies, particularly the Powys Local Development Plan policy DM13 and TAN 6.

Highways Safety and Movement

Policies DM13 (Criterion 10) and T1 of the Powys Local Development Plan requires that all development proposals should meet all highway access requirements, (for all transport users), 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.

The Highways Authority have been consulted and following revised plans being submitted have no objections subject to a number of appropriate conditions relating to an improved visibility splay being attached.

In light of the above and subject to the attachment of relevant conditions, it is considered that the proposed development complies with policies DM13 and T1.

Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties and the proposed properties themselves, consideration has been given to the LDP policy DM13 (criterion 11) and the Powys Residential Design Supplementary Planning Guidance (2020).

The proposed development is situated in an isolated location and due to the surrounding topography is not widely visible with rising ground behind the site. The

nearest neighbouring property not associated with the development is some 300m to the south west and is unlikely to be impacted by the proposed development. The original farmhouse is situated to the north east of the proposed development within the existing farm complex but due to the alignment of the barns it is not anticipated there will be any unacceptable amenity impacts. It is considered therefore that there will be no overlooking or any loss of privacy or any other unacceptable impact upon residential amenity.

The existing, modern agricultural buildings are to be removed from the site to enable the development so will not pose any problems normally associated with an agricultural setting.

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, 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 regard to Landmap the site lies within the Irfon Valley (west) Aspect Area and is described as:

“Gentle undulating pastoral landscape cut through by the Rivers of Irfon, Cammarch and Dulas creating substantial areas of low lying marshy pasture and some wetland. The area runs down from the Mynydd Eppynt scarp slope to the south. The low hills reach 282mAOD while the valley bottom of the Irfon lies at 160mAOD to the east. Fields are generally of medium size and are enclosed by a combination of outgrown and trimmed hedges. Mature trees in the hedgerows create enclosure and structure in the landscape. The wetter areas are fringed with birch in gappy hedgerows. Deciduous woodland is found particularly to the south and east of the area on steep slopes and hillsides, often associated with watercourses, where it is most attractive. The odd small coniferous plantation reinforces the upland character of the area. This is a settled landscape. The pleasant settlements of Llanwrtyd Wells and Llangamarch Wells straddle the River Irfon. Farmsteads are scattered across the area. The A483 runs along the northern fringes with some associated linear development, reducing the tranquillity of the corridor of land adjacent.”

It is classified as being of being of moderate visual and sensory value. Other evaluations are:

Geological Landscape – Cefngorwydd - moderate
Landscape Habitats – Llanwrtyd Wells - moderate
Historic Landscape - Dyffryn Irfon - n/a
Cultural Landscape – Irfon Valley (west) – n/a

The moderate visual and sensory value is noted but the proposed development concerns the change of use of existing farm buildings so the structures are already in situ in this location. Clearly, the conversion of the buildings will have some impact upon the landscape due to the changes proposed as part of the conversion, for example, the introduction of glass into the buildings. The impact however, is not considered to be damaging to the wider landscape as the complex is located in a relatively well-screened location situated with rising ground to the rear. Modern farm buildings are to be removed leaving the traditional stone structure in situ which will not have an adverse impact on the landscape.

It is considered that the proposed development in terms of siting, scale, design and integration fundamentally accords with policy DM4.

Ecology and Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites. In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1, Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any submission should incorporate enhancement proposals.

The River Wye Special Area for Conservation (SAC) is located approximately 510m from the proposed development. Taking into account the nature, scale and location of the proposed development, the Ecologist has confirmed that it is unlikely that the proposed development would result in any adverse impacts on the River Wye SAC and/or its associated features.

The Ecologist reviewed the proposed plans and identified 32 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

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 farmyard and is likely to impact areas of hard standing and amenity planting, habitats considered to be of relatively low ecological value.

A Bat Assessment Report was submitted in support of the application. Surveys confirmed that the existing barn is being utilised by common pipistrelle, Natterer's and brown long-eared bats.

Following the findings of the activity surveys - the report identifies that the proposed development will result in the disturbance, loss of roost locations and destruction of resting places, and as such a European Protected Species Development Licence will be required.

An amended Report including revised mitigation measures was submitted and subject to the identified revised mitigation measures being implemented it is considered that the proposed development would not result in a negative impact to the favourable conservation status of bats roosting at the site. It is therefore recommended that the identified mitigation measures to minimise impacts to bats are secured through an appropriately worded planning condition.

NRW were also consulted and are satisfied that the proposed development will not be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status subject to the recommendations made in the bat report being secured by an appropriate condition.

Careful consideration will need to be given to any external lighting 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 is secured through an appropriately worded condition.

Careful consideration will need to be given to landscaping and 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.

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 measures could include:

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

Measures identified in the ecological report are considered to be necessary mitigation

for the loss of roosting and nesting features therefore it is recommended that a condition is included to secure the submission of a biodiversity enhancement plan.

Safeguarding strategic resources and assets

LDP policy SP7 seeks to protect strategic resources and assets from inappropriate development including buildings and sites of historic interest and public rights of way.

Public footpath 15 runs through the development site. Countryside Services have been consulted and subject to an appropriate informative being attached have no objection.

Subject therefore, to the attachment of an informative, it is considered that the proposed development complies with relevant planning policy.

Contaminated Land

Policy DM10 of the Powys LDP requires that development proposals on contaminated land should not adversely affect public health and safety, nature conservation, historic or archaeological interests.

The application site comprises agricultural buildings and land that could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

The Contaminated Land Officer has been consulted and recommends the attachment of a condition to secure appropriate action in the event that pollution or contamination is found.

Subject therefore to the attachment of an appropriate condition, it is considered that the proposed development is in accordance with policy DM10.

Recommendation

In light of the above it is considered that the proposed development fundamentally complies with relevant national and local planning policy and the recommendation is one of conditional consent. In accordance with the requirements of the Planning Protocol the Council's Solicitor has reviewed the background papers and has confirmed that the application has been processed normally.

Conditions

1. The development to which this permission relates shall be begun no later than

the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the plans approved on the date of this consent (drawing nos.: 19/4430/1, 19/4430/3, 19/4430/5 and 19/4430/6).
3. Prior to the occupation of any of the dwellings hereby approved the access shall be constructed in accordance with the detail shown on the approved Drawing 19/4430/6 so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 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 in condition 3 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. The development shall be carried out strictly in accordance with the mitigation measures and recommendations identified in the Bat Assessment 1593/01 b produced by Ecology Planning dated February 2020. The identified measures shall be adhered to and implemented in full and maintained thereafter.
6. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting 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.
7. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The development shall be carried out in accordance with the approved details.
8. 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.
9. In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a

remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

10. Notwithstanding the provisions of the Town and Country Planning General Permitted development Order 2013, (or any Order revoking and re-enacting that Order) nothing in Article 3 of, or Schedule 2 to that Order, shall operate as to permit within the red outline on the site location plan, reference 19/4430/1, any development referred to in Part 1 of the Second Schedule to the Order and no such development shall be carried out at any time within that area without the express grant of permission by the local planning authority.

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. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 18.
4. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 18.
5. 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.
6. 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.
7. 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.
8. 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.

9. To safeguard the amenities of future occupants with regards to land contamination in accordance with Policy DM10 of the Powys County Council's Local Development Plan (2018).

10. In order to protect the character and appearance of the development in accordance with policy DM13 of the Powys Local Development Plan (2018).

Informative notes for Developer/Applicant

Ecology and 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/?lang=en>

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.

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.

Environmental Protection

Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en> .

Public Rights of Way

The applicant is advised that public footpath 15 runs through the development and the Service therefore provides the following advice regarding the footpath should the

development receive planning permission.

- **Development** over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc.
- **Landscaping & Surfacing** - Advice will need to be sought before interfering or surfacing a public right of way.
- **New fencing or boundaries** – The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- **Temporary closures** – The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.
- **Legal Diversion** – If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

Contaminated Land

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Foul Drainage

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further

investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

PCC / Land Drainage – Watercourse Consent

Installation of a new soakaway/drainage system with an outfall to an ordinary watercourse may require a Flood Defence Consent from Powys CC, as the Lead Local Flood Authority in this area. Please see <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-> www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk
Page 4 of 4 Applying-for-consent-for-works for more information or contact land.drainage@Powys.gov.uk for more details.