

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1251/FUL
Grid Ref: E: 322795
N: 307042
Community Council: Welshpool Community
Valid Date: 31.07.2020

Applicant: Powys County Council

Location: Welshpool Church In Wales Primary School, Maesydre School Site, Howell Road, Welshpool, Powys SY21 7SU

Proposal: Refurbishment of existing school building, demolition of existing outbuildings and associated structures and construction of a new school extension in order to provide 150 place Welsh Medium School with associated MUGA, playing field, landscaping, car park and infrastructure works

Application Type: Full Application

The reason for Committee determination

The application has been submitted by Powys County Council and is a major application.

Consultee Responses

| Consultee | Received |
|-------------------|---------------|
| Community Council | 20th Aug 2020 |

RESOLVED that Members supported this application but made the following comments:

- i) It is not clear from the plans where the car park is and how many car parking spaces are going to be included.
- ii) Where is the entrance and exit to the car park?
- iii) Some of the land adjacent to the area being spoken about for the entrance and exit is in the ownership of Welshpool Town Council and no permissions have been sought from the Council if any of the land is going to be crossed?

Welshpool Town Council would like Powys CC to put an answer in writing to the above three queries to them.

PCC-Building Control

17th Aug 2020

Building Regulations application required.

Hafren Dyfrdwy

3rd Sep 2020

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

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

PCC-Rights Of Way Senior Manager

11th Sep 2020

The developer is advised that a public footpath B59(A) exists within the planning boundary and runs from U4421 across the current boundary of the school, exiting on to the verge of the A483.

The Planning Statement recognises there is a public footpath crossing the site and that there is an intention divert it for the proposed development to take place. However, there is nothing on the plans showing the current legal line or the proposed diversion.

I understand that the developer has applied for a diversion and is working with the Countryside Services team on a diversion route.

The developer is reminded that LDP policy DM13 criterion 9 does require the public right of way to be enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures to be put in place where necessary

For the purposes of clarity, can the developer provide a plan showing the present legal definitive line together with details of the proposed line of the diverted footpath on the planning portal.

In the event of a successful planning permission please include a note advising that:

- 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.

Canal & River Trust (Glandwr Cymru In 27th Aug 2020
Wales)

The trust has no comment to make

Network Rail

4th Sep 2020

Thank you for your email dated 13 August 2020 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk .

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of

the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

DEMOLITION

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Natural Resources Wales (North) DPAS 9th Sep 2020

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 21/08/2020.

We have 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 Bat survey report entitled 'Ysgol Gymraeg y Trallwng. Bat Survey Report 2020' by BSG Ecology;
- o Drawing 1645-GF-LB-ZZ-DR-A-3609 entitled 'Ysgol Gymraeg y Trallwng. Proposed Elevations - Bat Mitigation' by Graham Frecknell Architecture and Design dated March 2020; and
- o Drawing 6094_27-HOW-A0-ZZ-DR-L-0004_Det (Rev 0) entitled 'Ysgol Gymraeg y Trallwng. Landscape Sections' by Graham Frecknell Architecture and Design dated 20/7/2020.

Protected Species

We note that the bat report submitted in support of the above application (Bat survey

report entitled 'Ysgol Gymraeg y Trallwng. Bat Survey Report 2020' by BSG Ecology) has identified that bats are present at the application site (the site supports several small non-breeding roosts of common pipistrelle, soprano pipistrelle and brown long eared bats). From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

Where a European Protected Species is present and 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. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5 , Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

In this instance, NRW considers that there should not be a detriment to the maintenance of the favourable conservation status of the bat species present, providing that the mitigation measures set out in sections 4.11-4.15 (inclusive) of the bat survey report and on the above drawings are implemented.

Accordingly, Natural Resources Wales (NRW) has significant concerns with the proposed development as submitted. We recommend that that you only grant planning permission if the documents above are included within the condition identifying approved plans and documents on the decision notice.

EPS Licence

We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

Other Matters

Our comments above only relate specifically to matters included on our checklist, 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 interests, including environmental interests of local importance.

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 to Developer

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

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

Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

Sport Wales

2nd Sep 2020

Thank you for your email and attached letter inviting comments on the above proposal. Sport Wales is the statutory consultee on developments affecting playing fields and would

like to comment as follows.

The proposal involves a new path being laid along the western side of the school's playing field but the majority of the field is being retained. As this is a small encroachment and the school's playing field provision is in line with Welsh Government recommendations and a new Muga is being added, Sport Wales has no objection.

CPAT

17th Aug 2020

Thank you for the consultation on the planning applications for work at Maes y Dre, Welshpool for the refurbishment of existing school building and the construction of a timber clad extension to rear of the building with associated external infrastructure works.

We have consulted the Heritage Impact Assessment and have conclude that there will not be any archaeological impact as a result of the proposals.

The Built Heritage Conservation Officer will lead on the works with regards the listed building and of not already contacted, should also be consulted on the most recent applications.

Environmental Protection

17th Sep 2020

Following receipt of the acoustic report I have no objection to the application.

PCC-Contaminated Land Officer

24th Aug 2020

I have reviewed the reports By WSP submitted in support of the application and consider that there is sufficient information to recommend that following condition. This advice is provided on the basis that the plans that WSP have referenced are the final design, if there is a change to these then re-assessment will be required.

Advice

1. 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.

Cyngor Sir

County Council

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

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 01597 827645.

PCC-(N) Highways

11th Nov 2020

Following discussions with both the applicant and PCC Project officers, I have received the attached email from the agent Richard, which includes an undertaking to bring forward and install two pedestrian crossing points in the locations identified within the initial highway response, dated 28th September 2020. All of the land required to provide the crossings are within the existing highway extents, so for reasons of expediency, I am satisfied that the provision can be adequately secured by the imposition of the following conditions.

- o Notwithstanding the submitted details, within 1 month from the commencement of the development detailed highway engineering drawings covering the highway works required to provide the 2 pedestrian crossing facilities along Howell Drive shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- o Prior to first beneficial use of the school, the applicant shall construct the offsite highway works conditioned above to the written satisfaction of the Local Planning Authority.

I trust the above is considered sufficient to allow matters to proceed.

Powys Ecologist

Thank you for the opportunity to comment on planning application 20/1251/FUL which concerns an application for refurbishment of existing school building, demolition of existing outbuildings and associated structures and construction of a new school extension in order to provide 150 place Welsh Medium School with associated MUGA, playing field, landscaping, car park and infrastructure works at Welshpool Church In Wales Primary School, Maesydre School Site, Howell Road, Welshpool, Powys, SY21 7SU.

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

The data search identified 144 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 bat species; soprano pipistrelle, common pipistrelle, noctule and brown long-eared bat, and hedgehog, otter, common toad, house sparrow, dunnock, bullfinch, reed bunting, white ermine and blood-vein moths, grass-wrack pondweed and floating water-plantain.

Two statutory designated sites were identified within 500m of the proposed development:

- Montgomery Canal Site of Special Scientific Interest (SSSI) - approximately 130m from the proposed development
- Montgomery Canal Special Area for Conservation (SAC) - approximately 130m from the proposed development

Having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area, it has been determined that an effect on the Montgomery Canal SAC is unlikely given the nature, scale and location of the proposed development and the lack of potential impact pathways evident between the proposed development site and the protected site.

One non-statutory designated site was identified within 500m of the proposed development:

- Severn Farm Pond Wildlife Trust Reserve (WTR) – approximately 35m from the proposed development.

Having taken into account the location of the WTR in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the WTR and/or its associated features.

Bats – European Protected Species

Three bat survey reports have been submitted to inform the application. Two reports for Ysgol Maesydre produced by RPS, dated March 2017 and September 2017, detail the findings of surveys in 2016 and 2017 respectively to inform an initial proposal involving demolition of all buildings on the site. The 2020 survey report provides updated bat survey results following a change in the proposal to retain and refurbish the Grade II listed main school building and demolish the remaining buildings prior to redevelopment of a new school building.

Welshpool Bat Survey Interim Report, Ysgol Maesydre, Howell Drive, Welshpool On Behalf of Powys County Council by RPS, dated March 2017, details the findings of an internal and external inspection of the buildings on site for potential bat roosting features (PRF). Numerous PRF and several access points were identified on the main school building. One access point and one PRF was identified on small adjacent building to the north-west. The remaining two buildings were considered to afford negligible roosting potential with no obvious access points. Two activity surveys in suitable conditions were undertaken on 4th and 5th August (a dusk and a dawn re-entry survey) and 18th August (a dusk survey). Surveys concentrated on the two buildings with identified PRF.

Twenty-four counts of common pipistrelle bats using multiple access points on the main school building were made over the survey period. Six counts were made of soprano pipistrelle and three counts of brown-long-eared bats. One soprano pipistrelle bat was observed using the smaller building on one occasion. Initial indications were that the two buildings supported a number of transitional day roosts in use by a small number of individual bats.

Further surveys in June and July 2017 (*Welshpool Bat Survey Report, Ysgol Maesydre, Howell Drive, Welshpool On Behalf of Powys County Council* by RPS, dated September 2017) were undertaken to ensure a more comprehensive assessment of bat use at the site. A dusk/dawn survey on 6th/7th June and a dusk/dawn survey on 4th/5th July were undertaken using four surveyors and static detectors to ensure sufficient coverage of the two buildings. Weather conditions were sub-optimal at the start of the June survey but optimal for the remainder of the surveys and were not considered to have adversely affected survey results. The maximum count for common pipistrelles using multiple access points on the main building was six. No other species were observed entering or emerging from either building.

Summary of both 2016 and 2017 surveys concluded that three bat species; common pipistrelle, soprano pipistrelle and brown long-eared bat, used a total of 21 different access points on the main building. Soprano pipistrelle used one access on the smaller north-westerly building. A commuting noctule bat was also identified in the vicinity in 2016. It was considered that both buildings provided transitional day roosts and were of local importance to the three respective local bat populations. It was considered highly unlikely that the building was used as a maternity roost and it was deemed to have poor suitability for hibernation.

The eastern tree line bordering the site was identified as a commuting corridor for the bats to nearby foraging areas. It was confirmed that a European Protected Species licence would be required for the proposed works because bat roosts will be destroyed.

Following a change to the proposed development and time since previous surveys were undertaken, an updated site assessment for PRF was undertaken on 9th June 2020 followed by activity surveys. The details are reported in *Ysgol Gymraeg y Trallwng 2020 Bat Survey Report* by BSG Ecology, dated 18th August 2020. It is considered that the survey methods and effort employed were in accordance with current National Guidelines.

An additional PRF was identified on the main school building. No difference in condition was found regarding the remaining buildings and the overall condition of the site was considered to be similar to previous visits. Six dusk activity surveys were undertaken at throughout June and July: 9th June, 22nd June, 24th June, 6th July, 14th July, 20th July. Surveys at the same location were separated by two week intervals. Constraints placed on internal inspections of the buildings and dawn surveys by adherence to Government coronavirus guidance were noted and the survey approach was agreed in advance with the LPA.

A total of eight counts were recorded of soprano and common pipistrelle bats emerging from the main building over the survey period. No other emergences were observed, although the small north-western building was still deemed suitable for occasional use. Common pipistrelle, soprano pipistrelle, brown long-eared and noctule bats were all detected foraging/commuting within the vicinity of the site. It was considered that the site supported irregular use of roost features by small numbers of common bat species, which was consistent with previous surveys.

Swifts were identified as nesting on the southern elevation of the main school building, gaining access via gable vents.

The proposed works will result in damage, destruction and/or disturbance of bat roosts and are likely to disturb and potentially kill or injure bats. Therefore, a

European Protected Species licence will be required for the proposed works to the main school building (B1 in the 2020 report) and the north-western building (B2 in the same report).

Recommendations have been made regarding mitigation, compensation and enhancements for bats. The south-eastern gable wall vents will be retained for nesting swifts. The identified measures have been clearly illustrated on submitted plans and are considered to be acceptable and appropriate to conserving the favourable conservation status of the three bat species concerned. NRW have confirmed the same in their comments dated 09/09/2020.

It is, therefore, recommended that the identified bat and swift mitigation, compensation and enhancement measures are secured through an appropriately worded planning condition.

I have reviewed the Extended Phase 1 Habitat Survey produced by BSG Ecology dated 10 November 2017 and revised 27 February 2019 and consider that the survey methods and effort employed were in accordance with current National Guidelines.

The report details the findings of a phase 1 habitat survey, protected fauna, habitat suitability assessment undertaken on 27/09/2017 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- Amenity grassland
- Semi-improved grassland (species poor)
- Scrub, scattered shrubs and ruderal vegetation
- Bare/disturbed ground
- Hedgerows
- Woodland and scattered trees

- Pond
- Hardstanding
- Buildings

The proposed development site was assessed for its ability to support a number of protected species including

- Great crested newt
- Reptiles
- Nesting birds
- Badger
- Hazel dormice
- Otter
- Water vole

It was noted that bats were subject to a separate assessment. The site was considered unsuitable for supporting dormouse and great crested newt due to lack of suitable habitat features, absence of known populations in the vicinity and poor connectivity to the wider landscape. The school garden pond identified on site was small with a plastic liner, smothered with duckweed and devoid of other aquatic vegetation. The pond will be lost as a result of the proposed development and was considered to be of relatively low biodiversity value.

No impacts to woodland or hedgerows within the site are anticipated and there will be no loss of breeding habitat for birds. The only other area of the site considered to offer potential for nesting birds was the school buildings. Timing of works to avoid nesting season and inspection prior to demolition were recommended measures.

The site was considered to comprise sub-optimal habitats for sustaining reptile populations, although it was considered that there was low potential for reptiles to be

impacted by proposed demolition and construction works, if present. A working method statement to safeguard reptiles during development has been provided. It is considered that the measures identified are appropriate and acceptable to avoid harm to reptiles during works.

The site was considered unsuitable for supporting otter and water vole. Similarly, no presence of badger was detected and the site was considered unsuitable aside from some limited foraging potential. Consequently, no impacts on these species were anticipated. Japanese knotweed was identified within the school garden area and will require treatment prior to works. The proximity of the site to Montgomery Canal SAC/SSSI was considered and no impacts were considered likely as a result of the proposed development.

An update desk study and field survey was undertaken by BSG Ecology on 6th July 2020 and 9th June 2020 respectively. It was concluded that there were no ecologically significant changes to the habitats present on site and the findings of the 2017 survey remain valid.

It is therefore recommended that the mitigation measures identified for nesting birds, reptiles and Japanese knotweed are secured through an appropriately worded planning condition.

Tree Report

An arboricultural report produced by ArbTS has been submitted to inform the application. The report comprises the results of a survey of the trees on the proposed development site, a tree constraints plan, impact assessment and a tree protection plan and method statement produced in accordance with BS5837:2012.

A survey was undertaken on 1st November 2017 and identified three single trees and three groups of trees considered to be in poor condition, which were recommended for removal. A further five hawthorns of low-moderate quality were identified for removal to facilitate construction of the car parking and bin storage areas. A group of Leyland Cypress (conifers) would also be removed to install the car park, along with 33m of low quality hedgerow on the site of the car park and bin storage area.

It was considered that the loss of trees/hedgerow could be mitigated through a replacement planting scheme of trees and shrubs of mixed species and ages. All retained trees could be adequately protected during works and required pruning of some trees would be conducted to British Standard. It was considered that there would be no overall adverse impact to the tree stock as a result of the proposed development. The provided method statement and tree protection plan are considered to be appropriate to safeguard the tree stock on site during development.

It is, therefore, recommended that adherence to the arboricultural method statement and tree protection plan are secured through an appropriately worded planning condition.

Landscaping and biodiversity enhancement

I have reviewed the landscape plans submitted to inform the application. Proposals include creation of a treeline comprising 20 cherry trees along the western side of the northern part of the site. Native oak and cherry are proposed to be planted north of the MUGA. Additional trees and shrubs are proposed around the school building and car park, including a line of 29 silver birch. The existing hedgerow on the southwest boundary will be retained and managed to improve its condition. Details regarding number, species, planting and aftercare have been identified. It is considered that the number of trees and shrubs and the planting design, together with hedgerow improvement, adequately mitigates for the loss of low-quality trees and a hedgerow that will occur through the proposed development. The treelines will also provide additional cover for commuting bats. Additional planting of spring bulbs and herbaceous perennials, creation of dry and damp meadow areas and a pond with marginal vegetation will provide notable biodiversity enhancement within the site.

It is, therefore, recommended that the biodiversity mitigation and enhancement measures identified in submitted landscape plans are secured through an appropriately worded planning condition.

Poorly designed and installed boundary features are considered highly detrimental to hedgehog populations because they hinder commuting, foraging and dispersal. Hedgehog is included on the Environment (Wales) Act 2016, s7 list of species of priority conservation importance within Wales. A revised fencing plan has been submitted which identifies hedgehog access gaps to be created at regular intervals along the

perimeter fencing, which is welcome. Gaps are indicated at approximate distances of 50m intervals. Consideration should be given to smaller intervals of c.25m if possible, to maximise the chance of animals locating the gaps.

It is, therefore, recommended that provision of hedgehog friendly fencing within the proposed development scheme is secured through an appropriately worded planning condition.

Invasive non-native species

Japanese knotweed has been identified on the site and a Biosecurity Plan has been submitted to inform its management and control during redevelopment of the site. It is proposed that plant material and contaminated soil will be relocated to a designated, bunded area on site for subsequent herbicide treatment. Appropriate measures have been identified to prevent the spread of Japanese knotweed as a result of works, including through machinery and vehicle movements.

It is, therefore, recommended that adherence to the Biosecurity Plan is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland.

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://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through a planning condition.

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

The development shall be undertaken in strict accordance with the following:

- i) Section 4 of *Ysgol Gymraeg y Trallwng 2020 Bat Survey Report* by BSG Ecology, dated 18th August 2020
- ii) Proposed Elevations (Bat mitigation), Drawing 1645-GF-LB-ZZ-DR-A-3609, dated Mar. 2020
- iii) Planting - large scale seeding, Drawing 6904_27-HOW-AO-ZZ-DR-L-0002_Soft, dated 20/7/2020
- iv) Planting Plan - Entrance planters, Drawing 6904_27-HOW-AO-ZZ-DR-L-0005_PltP, dated 6/7/2020
- v) Tree planting North Area, Drawing 6904_27-HOW-AO-ZZ-DR-L-0006_PltP, dated 6/7/2020
- vi) Planting Plan 1, Drawing 6904_27-HOW-AO-ZZ-DR-L-0007_PltP, dated 20/7/2020
- vii) Arboricultural Report (Site – Ysgol Gymraeg y Trallwng) by Arboricultural Technician Services (ArbTS), dated 12th July 2020
- viii) Japanese knotweed treatment, Drawing 6904_27-HOW-AO-ZZ-DR-L-0008_JK, dated 20/7/2020
- ix) Biosecurity Plan regarding Non-Native Invasive Species by Heart of Wales Property Services, dated July 2020
- x) Fence lines, Drawing no. 6094_27-HOW-AO-ZZ-DR-L-0001_Sec. Rev.3., dated 30/7/2020

The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include 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/protectedspecies-licensing/european-protected-species-licensing/?lang=en>

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

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 (as amended) 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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- *Intentionally kill or injure these species of reptiles,*
- *Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.*

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Representations

The application was publicised via a site notice and press advertisement. One representation was received relating to rights of ways and highlighting that one will need to be diverted in order to facilitate the development.

Planning History

| App Ref | Description | Decision | Date |
|--------------------|---|---------------------------------|-------------|
| 20/1261/LBC | Listed building consent for refurbishment of existing school building including alterations and repairs to external elements (walls, roof, windows & doors) and internal elements (floors, ceilings, doors, mechanical & electrical services and staircase) and construction of timber clad extension to rear of building with associated external infrastructure works | Pending – With Welsh Government | |

Principal Planning Constraints

Montgomery Canal SSSI/SAC

Listed Buildings (Grade II) – Ysgol Maesydre, Elmhurst, Welshpool Railway Station Buildings, Traethllawn

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 10)

Technical Advice Note 5- Nature Conservation and Planning (2009)

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12- Design (2016)

Technical Advice Note 15- Development and Flood Risk (2004)

Technical Advice Note 18- Transport (2007)

Technical Advice Note 23- Economic Development (2014)

Technical Advice Note 24- The Historic Environment (2017)

Local Planning Policies

SP7- Safeguarding of Strategic Resources and Assets

DM2- The Natural Environment

DM3- Public Open Space

DM4- Landscape

DM5- Flood Risk

DM7- Dark Skies and External Lighting

DM11- Protection of Existing Community Facilities and Services

DM13- Design and Resource

T1- Travel, Traffic and Transport Infrastructure

C1- Community Facilities and Indoor Recreation Facilities

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 Development

The application site is located within the settlement development boundary of Welshpool, defined as a Town within the Powys Local Development Plan (2018). The

site comprises an existing school building known as Ysgol Maesydre. The building is a Grade II listed building and was listed by Cadw in March 2018. The school was built in 1898 and later additions to the school were made in the 1950s. None of the outbuildings associated with the school are listed.

The proposal seeks full planning permission for the refurbishment of the existing school, demolition of existing outbuildings, construction of a new extension and associated works, including the provision of a MUGA, car park and infrastructure works. The extension proposes a single storey link building between the existing school and the proposed extension, the link building will measure 16.9 metres in length with a maximum width of 5.96 metres. This will link with a two-storey extension measuring approximately 67 metres in length, 11.7 metres in width, with a maximum ridge height of 9.5 metres, falling to 6.2 metres at the eaves. The link building will be finished with glazing and a green roof whilst the two-storey extension will be finished with timber cladding, aluminium coated windows and a green roof with solar panels.

The redevelopment of the site will create a 150 place Welsh Medium school with a 40 place early years centre. There will also be a community room as part of the scheme.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

Community facilities such as village halls and schools are essential to the social and physical well-being of the community and support the vitality and viability of our rural settlements. The LDP supports the provision of local facilities alongside improving access to existing facilities.

Policy C1 Development proposals for community or indoor recreation facilities will be permitted where:

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and
3. The appropriateness and feasibility of multi-use has been considered.

The application site is located within the settlement development boundary for Welshpool which is categorised as a 'town' under the Local Development Plan. In accordance with policy C1 it is therefore considered that the principle of the proposed

development fundamentally complies with the above policy and has also incorporated community facilities to allow for the multi-use of the proposed school.

Design and External Appearance

With respect to design and appearance, reference is made to LDP Policy DM13. This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The application proposes a two-storey extension with link building to the existing school building. The link building will measure 16.9 metres in length with a maximum width of 5.96 metres. The two-storey extension will measure approximately 67 metres in length, 11.7 metres in width, with a maximum ridge height of 9.5 metres, falling to 6.2 metres at the eaves. The link building will be finished with glazing and a grass roof whilst the two-storey extension will be finished with timber cladding, aluminium-coated framed windows and a green roof with solar panels.

It is considered that the proposed new school has been carefully designed taking into consideration the surrounding location and in particular the attached listed building. Whilst the design is contemporary it is considered that this provides a positive contrast between the listed building and the new development.

It is acknowledged that the extension is large in scale, however its orientation and design provide a development that does not detract from the character and appearance of the area.

It is considered that the proposed development fundamentally complies with relevant planning policy.

Built Heritage

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

It is considered that, whilst the design of the proposed extension is contemporary, that it does not detract from the special qualities of Ysgol Maesydre, a Grade II listed building. Little work is being undertaken to the listed building itself with the proposed development ensuring its continued upkeep and use. A MUGA is proposed to the north-

east of the listed building but has been positioned at an angle and in a corner / peripheral location to ensure the principal views and setting of the listed building are not significantly affected.

As such, it is considered that the proposed development does not harm the Grade II listed building.

The listed building consent application (20/1251/LBC), submitted by the Council, is with Welsh Government for determination. As such, it is recommended at the end of this report that any decision made on this application will be held back until the Welsh Ministers determine the listed building consent.

There are other Grade II listed buildings located within the vicinity of the school, including the Elmhurst, Welshpool Railway Station Buildings and Traethllawn, but given intervening buildings / structures between these and the school site, it is not considered that these buildings or their settings are harmed.

Highway Safety

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

The proposed development will utilise the existing access from Howell Road, provide an improved pedestrian access and include 50 parking spaces, 20 cycle spaces and a pick up/drop off point. The site has been designed to accommodate buses and other vehicles.

The application site itself will be located off the unclassified U4421 which runs from Welshpool Town Centre. Initial concerns were raised regarding the impact of the development on the highway network in the area and in particular with regards to pedestrian safety. Whilst the proposal provides a pedestrian footpath through the site, no suitable crossing provision was provided. Following the submission of additional information, the Highways Authority are content that the development is acceptable subject to conditions requiring pedestrian crossings.

In their response to the application it is noted that the Town Council asked specific questions. Questions relating to how the site is accessed and numbers of parking spaces have been provided above. Its other query relates to land ownership matters which is a civil matter which cannot be considered or dealt with under the planning application.

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

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2; as such the PCC Ecologist and Natural Resources Wales were consulted with regard to this application.

The Ecologist and Natural Resources Wales reviewed the proposed plans as well as local records of protected and priority species and designated sites.

SSSI and SAC

Two statutory designated sites are located within 500 metres of the proposed development;

- Montgomery Canal SSSI (approx. 130 metres from the site)
- Montgomery Canal SAC (approx. 130 metres from the site)

Following consultation with the Powys Ecologist they advise that having reviewed the information provided by the applicant and reviewing OS map and aerial images of the area, it has been determined that an effect on the Montgomery Canal SAC is unlikely given the nature, scale and location of the proposed development and the lack of potential impact pathways evident between the proposed development site and the protected site.

No objection has been raised by Powys Ecology or NRW, as such it is considered that the development will not impact on these statutory designated sites.

Wildlife Trust Reserve

One non-statutory designated site is located within 500 metres of the proposed development;

- Severn Farm Pond Wildlife Trust Reserve (approx. 35 metres from the site)

Following consultation with the Powys Ecologist they advise that having taken into account the location of the WTR in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the WTR and/or its associated features.

Protected Species

The Powys Ecologist undertook a data search of species which search identified 144 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 bat species; soprano pipistrelle, common pipistrelle, noctule and brown long-eared bat, and hedgehog, otter, common toad, house sparrow, dunnock,

bullfinch, reed bunting, white ermine and blood-vein moths, grass-wrack pondweed and floating water-plantain.

The Ecological reports submitted in support of the application highlighted that bats are present within the environment of the application site. The Ecological report concludes that the proposed works will result in damage, destruction and/or disturbance of bat roosts and are likely to disturb and potentially kill or injure bats. Therefore, a European Protected Species licence will be required for the proposed works to the main school building and the north-western building. It was also noted that swifts were nesting on the southern elevation of the main school building, gaining access via gable vents.

Recommendations have been made regarding mitigation, compensation and enhancements for bats. The south-eastern gable wall vents will be retained for nesting swifts. The identified measures have been clearly illustrated on submitted plans and are considered to be acceptable and appropriate to conserving the favourable conservation status of the three bat species concerned. NRW have confirmed the same in their comments.

With regards to other species the site was considered unsuitable for supporting dormouse and great crested newt due to lack of suitable habitat features, absence of known populations in the vicinity and poor connectivity to the wider landscape.

As such, considering the above and the comments received from NRW and the Powys Ecologist it is considered that the development is in accordance with policy DM2 of the Powys LDP, TAN5 and PPW.

Open Space

Policy DM3 states that development proposals either partially or wholly located on existing open space will only be permitted where it can be demonstrated that:

1. There is an excess of such provision in the area; and
2. There is no longer a requirement for that type of open space in the area; and
3. The site would not be suitable to provide an alternative type of Open Space for which there is a shortfall; or
4. It can be demonstrated that alternative provision can be made available that is of enhanced or equivalent community benefit in terms of its size, characteristics, location, and accessibility.

A Multi Use Games Area (MUGA) and sports pitch are proposed to the north of the school building. As part of the consultations process Sport Wales were asked for comments on the application. They advised that the provision of a footpath made a small encroachment into the school's playing field, however as a new pitch and MUGA were being developed they did not object to the scheme.

As such, it is considered that the small encroachment into the playing field is considered

acceptable as the development is also providing other types of open space (MUGA and pitch).

Public Right of Way

The Public Rights of Way network is identified and safeguarded by policy SP7 of the Powys LDP as a strategic recreational asset. Policy DM13 (criterion 9) requires the public rights of way network to be enhanced and integrated within the layout of the development proposal, or appropriate mitigation measures put in place where necessary.

A Public Right of Way passes through the site and will need to be diverted to accommodate the development. It is noted that comments from Rights of Way do not object in principle to the diversion of the right of way. There is also ample land in the control of the applicant in order to appropriately divert the right of way. As such it is considered that the development is acceptable, subject to the developer diverting the right of way. This is a separate legislative process which will need to be followed.

RECOMMENDATION

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent. However, it is requested that delegation is given to the Professional Lead - Planning to determine the application provided that Welsh Government approve the listed building consent as submitted. Should Welsh Government require amendments then the application will need to come before Committee again.

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 undertaken in strict accordance with the following plans and documents:

Drawing 09252 AT NB ZZ DR AT 3100
Drawing 09252 AT NB ZZ DR AT 3101
Drawing 09252 AT NB ZZ DR AT 3102
Drawing 09252 AT NB ZZ DR AT 3600
Drawing 09252 AT NB ZZ DR AT 3601
Drawing 09252 AT NB ZZ DR AT 3800
Drawing 09252 AT XX XX DR A 3001
Drawing 09252 AT XX XX DR A 3002
Drawing 09252 AT XX XX DR A 3003
Drawing 09252 AT XX XX DR A 3050

Drawing 09252 AT XX XX DR A 3900
Drawing 09252 AT XX XX DR A 3901
Drawing 09252 AT XX XX DR A 3902
Drawing 09252 AT XX XX DR A 3903
Drawing 09252 AT XX XX DR A 3904
Drawing 09252 AT XX XX DR A 3905
Drawing 09252 AT XX XX DR A 3906
Drawing 09252 AT XX XX DR A 3908
Drawing 09252 AT XX XX DR A 5000
Drawing 1645 GF LB XX DR A 3901
Drawing 1645 GF LB XX DR A 3902
Drawing 1645 GF LB XX DR A 3903
Drawing 1645 GF LB XX DR A 3904
Drawing 1645 GF LB XX DR A 3905
Drawing 1645 GF LB XX DR A 3906
Drawing 1645 GF LB XX RP A-DW1
Drawing 1645 GF LB XX RP A-HIA
Drawing 1645 GF LB XX RP PR 01
Drawing 1645 GF LB ZZ DR A 3004
Drawing 1645 GF LB ZZ DR A 3100 Floor Plans
Drawing 1645 GF LB ZZ DR A 3101 Floor Plans
Drawing 1645 GF LB ZZ DR A 3103 Roof Plans
Drawing 1645 GF LB ZZ DR A 3600 Elevations
Drawing 1645 GF LB ZZ DR A 3601 Elevations
Drawing 1645 GF LB ZZ DR A 3800 Sections
Drawing 1645 GF LB ZZ DR A 3801 Sections
6094_27-HOW-A0-ZZ-DR-L-0007_PltP
6094_27-HOW-A0-ZZ-DR-L-0006_PltP
6094_27-HOW-A0-ZZ-DR-L-0008_JK
6094_27-HOW-A0-ZZ-DR-L-0003_Hard
6094_27-HOW-A0-ZZ-DR-L-0005_PltP
6094_27-HOW-A0-ZZ-DR-L-0004_Det
6094_27-HOW-A0-ZZ-DR-L-0001_Sec. Rev.3
Biosecurity Plan regarding Non-Native Invasive Species by Heart of Wales Property Services
Design and Access Statement produced by Architype
Planning Statement produced by Asbri
Flood Consequences Assessment produced by WSP
Arboricultural Report produced by ArbTS – Arboricultural Technical Services
Transport Statement produced by WSP
Combined State 1 & 2 Road Safety Audit produced by WSP
RIBA 3 Accoustic Design Report produced by WSP
Environmental Noise Survey Report produced by WSP
Updated Interpretative Geo-environmental and Geotechnical Report produced by WSP
Geo-Environmental Addendum Report produced by WSP
Ysgol Gymraeg y Trallwng 2020 Bat Survey Report by BSG Ecology

3. The measures identified in the following plans and documents shall be adhered to and implemented in full and maintained thereafter;

- i) Section 4 of Ysgol Gymraeg y Trallwng 2020 Bat Survey Report by BSG Ecology, dated 18th August 2020
- ii) Proposed Elevations (Bat mitigation), Drawing 1645-GF-LB-ZZ-DR-A-3609, dated Mar. 2020
- iii) Planting - large scale seeding, Drawing 6904_27-HOW-AO-ZZ-DR-L-0002_Soft, dated 20/7/2020
- iv) Planting Plan - Entrance planters, Drawing 6904_27-HOW-AO-ZZ-DR-L-0005_PltP, dated 6/7/2020
- v) Tree planting North Area, Drawing 6904_27-HOW-AO-ZZ-DR-L-0006_PltP, dated 6/7/2020
- vi) Planting Plan 1, Drawing 6904_27-HOW-AO-ZZ-DR-L-0007_PltP, dated 20/7/2020
- vii) Arboricultural Report (Site – Ysgol Gymraeg y Trallwng) by Arboricultural Technician Services (ArbTS), dated 12th July 2020
- viii) Japanese knotweed treatment, Drawing 6904_27-HOW-AO-ZZ-DR-L-0008_JK, dated 20/7/2020
- ix) Biosecurity Plan regarding Non-Native Invasive Species by Heart of Wales Property Services, dated July 2020
- x) Fence lines, Drawing no. 6094_27-HOW-AO-ZZ-DR-L-0001_Sec. Rev.3., dated 30/7/2020

4. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

5. 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.

6. Notwithstanding the submitted details, within 1 month from the commencement of the development detailed highway engineering drawings covering the highway works required to provide the 2 pedestrian crossing facilities along Howell Drive shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

7. Prior to first beneficial use of the school, the applicant shall construct the offsite highway works conditioned above to the written satisfaction of the Local Planning

Authority.

8. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. 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.
4. In order to ensure the development does not impact on the surrounding drainage network in accordance with Policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2018).
5. To ensure that any potential contamination is appropriately dealt with in accordance with policy DM10 of the Powys Local Development Plan (2018).
6. In order to protect the visual amenity and residential amenity of the area, and to safeguard the Public Right of Way adjacent to the site, in accordance with Policies SP7 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2018).
7. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).
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.

Informatives

Natural Resources Wales Informative

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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

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

Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development._

Ecology Informative

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/protectedspecies-licensing/european-protected-species-licensing/?lang=en>

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

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 (as amended) 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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Hafren Dyfrdwy Informative

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Environmental Health (Contaminated Land) Informative

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 01597 827645.

Network Rail Informative

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

DEMOLITION

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land

Rights of Way Informative

- 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.

Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk