

to relocate the access away from the listed structure to increase access visibility in both directions, set the access gate[s] a sufficient distance from the highway and the access shall have appropriate access radii.

We understand the location of the proposed access has been agreed with CADW to avoid negatively impacting on the Ancient Scheduled Monument as far as practical.

The HA consider the proposed relocation of the access to be a significant improvement over the existing circumstance and recommend that the following conditions be attached to any consent given.

1. Prior to the first beneficial use of new access, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
2. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
3. Prior to the first beneficial use of the new access, the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material (MOT Type 1), 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
4. Prior to the first beneficial use of the new access, the area of the access to be used by vehicles is to be finished in a suitably bound material for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
5. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
6. Upon construction of the new access as condition 1 above, the existing means of access shown on drawing number 1036/21/3C shall be stopped up, in the materials shown

on drawing numbers 1036/22/4 and this shall be retained for as long as the development is in existence.

7. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

Hafren Dyfrdwy

27th September 2022

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

PCC-Ecologist

12th Oct 2022

The above application is a resubmission of 22/0048/FUL. As with the previous application, the proposal will result in the net loss of hedgerow (priority) habitat and it does not appear that any compensation measures have been provided. I note the letter from CADW included the SAM consent for information but this is not available on the portal, nor is evidence confirming CADW objected to planting of a replacement hedgerow behind the new visibility splay. Planting of oak trees within the SAM boundary was previously suggested, which presumably CADW would also have objected to, but no details appear to have been provided with the present application.

In addition, no information has been provided to demonstrate that the proposal will provide a net biodiversity gain. The Chief Planning Officer for Wales has confirmed that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' It has not been satisfactorily demonstrated that biodiversity enhancement in addition to hedgerow compensation cannot be achieved.

Based on the information submitted the development would result in a net biodiversity loss and would be contrary to Powys LDP Policy DM2, PPW11 Wales and the Environment (Wales) Act 2016.

If the applicant has identified suitable location(s) for compensatory planting, to include biodiversity enhancement, submission of further details prior to determination of the application would be welcome.

Additional comments received 30th November 2022 –

Having reviewed the submitted landscape plan by Philip Humphreys Architects, I'm satisfied that appropriate compensation for the loss of the roadside hedgerow section has been provided and given the condition of the hedgerow the trees will provide enhancement once mature.

Therefore, should you be minded to approve the application I recommend the following condition is attached to any consent:

The development shall be undertaken in strict accordance with the tree planting measures identified on landscape plan, drawing no 1036/22/5A, dated February 2022. The measures identified shall be adhered to and implemented in full within six months of the date of this permission and maintained thereafter. Removal of any of the trees shall not be undertaken without prior written approval of the Local Planning Authority.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), 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:

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 by phone at 0300 065 3000.

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 on 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.

CPAT

22nd Sept 2022

The proposed access may directly impact the scheduled monument SM MG054, Bryn-Derwen Mound and Bailey Castle from the B4386. The new access may also impact the setting of the scheduled monument. The applicant should be made aware that any ground disturbing works within this land would impact a scheduled monument which is protected by law. The applicant should familiarise themselves with the scheduled monument boundary here by contacting Cadw via cadwplanning@gov.wales to obtain plans of the scheduled boundary and to discuss the potential for scheduled monument consent being required.

A previous application 22/0048/FUL for a similar access received the following reply from CADW in February 2022.

The application area is located entirely inside the boundaries of scheduled monument MG054 Bryn-Derwen Mound and Bailey Castle and the proposed development will require Scheduled Monument Consent (SMC) to be granted before it can proceed: However, no application for SMC has been submitted for the proposed development. As such, it will be premature for your authority to determine this planning application until an application for SMC has been submitted and determined. The SMC decision will be critical in enabling your authority to assess the suitability of the planning application against section 6.1.24 and 6.1.26 of Planning Policy Wales (December 2018) and section 4 of TAN 24 The Historic Environment. In particular, the presumption against proposals which would involve significant alteration or cause damage to a scheduled monument.

Therefore, I recommend that they complete Scheduled Monument Consent, as advised above, prior to any works commencing.

Cadw – SAM

6th Oct 2022

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monument listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

All the proposed works covered by this application are inside the boundaries of scheduled monument MG054 Bryn-Derwen Mound and Bailey Castle.

Scheduled monument consent has been granted for the proposed works and therefore their impact on the designated historic assets has been fully considered and deemed to be acceptable, a copy of the consent is also attached. This will therefore not now be an issue in the determination of this application and conditions should not be attached to any consent that is granted, regarding archaeological works or conservation requirements, as these would duplicate any conditions which are attached to the scheduled monument consent. The duplication of conditions would be contrary to the advice given in section 3.6 of Welsh Government Circular WGC 016/2016 "The Use of Planning Conditions for Development Management

Canal & River Trust

23rd Sep 2022

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the new notified areas if you would like the Canal & River Trusts comments in specific cases, but this would be outside the statutory consultation regime and this must be made clear to us in any notification letter you send.

PCC-Built Heritage Officer

30th Nov 2022

The proposal is to remove a hedge and replace it with a green V-mesh weld wire fence, and also to move a gateway. The hedge is immediately before the railings of the II* listed bridge.

Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent 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."

Paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, "*For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of*

preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Section 6.1.9 of PPW 11 advises that *“Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place”*

Section 6.1.7 of Planning Policy Wales 11th edition requires that *“it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way.”*

TAN 24, 1.26 It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks

Preserving means “doing no harm” and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

It is considered that the bridge benefits from a rural setting, which with the development of a housing estate to the south, has been eroded somewhat. The consideration is that the bridge had hedges as one approached it. This aspect is lost on the south side of the road, having been replaced with boarded fencing.

The proposed fence type (V-Mesh) is not the type usually found around fields and is out of step with a rural location.

The loss of hedging would isolate the bridge further from its setting, this is in part because of the loss of hedging, and in part because the proposed fence type is semi-industrial in appearance. The proposal does not have a positive impact on the setting of the listed bridge.

No assessment of the potential impact of the development on the setting of the listed bridge was received.

It would be preferable to see the hedge retained or re-planted. The impact of the V-mesh fencing would be minimised with hedging in front. Alternatively, a different fencing type that is more in keeping with a rural setting might be specified.

Recommendation - That further information is provided and/or amended plans.

Additional comments received 30th November 2022 –

Previous comments were given on an out of date detail for the fence. The proposal is for estate type fencing with wire mesh attached.

This would be considered acceptable in terms of the setting of the listed bridge.

It is regrettable that there will be no trees planted alongside the fence, as is often done with estate fencing. However, there is mitigation for the loss of the hedge elsewhere on site.

Recommendation - Approval.

Natural Resources Wales

22nd Sept 2022

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

Community Council

5th Oct 2022

The Council strongly objects to the industrial style fencing and the destruction of habitat which is against Nature recovery action plan for Wales and Powys. The fence is not in keeping with the entrance to a Rural village setting, it also prevents the movement of wildlife

as hedges and rivers are natural corridors (ecological networks)

As referenced by CPAT it required schedule moment consent.

However the council does not object to the relocation of the entrance.

PCC-Building Control

No response received at the time of writing this report.

Representations

Following the erection of a site notice on the 28th of September 2022, the Local Planning Authority has received 3 letters of objection at the time of writing this report. The main issues raised are as follows:

- Removal of the hedgerow
- The need for the access.

Planning History

App Ref	Description	Decision	Date
22/0048/FUL	Relocation of agricultural access.	Application Withdrawn	27th May 2022

Principal Planning Constraints

Canals and Waterways - Minor & Household
Scheduled Ancient Monument
Mineral Safeguarding Sand_Gravel Cat 1
Listed Building – Bryn Derwen Bridge

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy

TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	Historic Environment	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM8	Mineral Safeguarding	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources & Assets	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity SPG	Local Development Plan 2011-2026
SPGHIS	Historic Environment SPG	Local Development Plan 2011-2026
SPG	Landscape	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 is located within the Community Council area of Abermule with Llandyssil. The application site is located within the open countryside as defined within the Powys Local Development Plan (2018). The application site is surrounded by residential properties to the east and south and the River Severn to the west. The application site is located within the boundaries of scheduled monument MG054 Bryn-Derwen Mound and Bailey Castle.

This application seeks full planning permission for the formation of a new agricultural access. The proposal is to block up the existing field entrance to the west and to relocate the new access away from the bridge to improve visibility. The existing hedgerow is to be removed to accommodate the visibility splay, the proposal also includes the erection of a fence.

Principle of Development

Policy DM13 and T1 of the Powys LDP states 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.

It is therefore considered that the principle of development complies with the Powys LDP (2018) subject to the following:

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The application seeks to relocate a severely substandard agricultural access. The existing access is severely substandard in terms of visibility in both directions, width, setback position of the gate and lack of bound surfacing and drainage.

PCC Highway Authority has been consulted on the proposed development and have confirmed that the proposed relocation of the access to be a significant improvement to the existing access and would provide adequate visibility. The Highway Authority requested the inclusion of a number of conditions to any grant of consent relating to visibility, drainage and gradient. The conditions are considered necessary in order to ensure highway safety on the B4368 classified highway.

A condition will also be imposed to ensure that the existing entrance will be closed following the completion of the proposed development.

In light of the above it is considered that the proposed development fundamentally complies with planning policy DM13, T1 and TAN18.

The Natural Environment

LDP Policy DM2 states that proposals need to demonstrate how they protect, positively manage and enhance biodiversity and geodiversity of the natural environment. Proposals which have an impact on natural environment assets and protected sites shall only be permitted if they do not adversely affect those assets. This is reinforced within TAN 5 (Nature Conservation and Planning).

Consideration has been given as to whether the proposed development would have a potential detrimental impact upon a natural environment asset. It is considered the proposed new access road is located on land which is semi-improved agricultural land considered to be of low ecological value.

A section of hedgerow will be required to be removed in order to meet the visibility requirements. The hedgerow is to be replaced with a mesh fence due to its robustness and low upkeeping costs. To compensate for the removal of the hedgerow, several trees are proposed to be planted to the north of the site. The Powys Ecologist has been consulted on the proposed development and confirmed that appropriate planting has been proposed to compensate for the loss of the hedgerow.

Given the proposed planting, it is not considered that further biodiversity enhancements are required. The proposed fencing has been altered to include gaps so that wildlife can pass through.

The site is located approximately 0.1km away from Montgomery Canal which is a recognised SSSI and SAC to the west. Given the nature of the development, it is not considered that these protected sites would be impacted by the proposed development.

In light of the above it is considered that the proposed development fundamentally complies with planning policy DM2.

Design

The application proposes to remove a section of hedge to form a visibility splay and replace this with a new fence. The proposed fencing is to measure approximately 20 metres in length with an overall height of 1.55 metres. The fencing proposed is V Mesh estate fencing in a green colour.

The height is considered reasonable for a boundary of this nature (being adjacent to a highway), it is acknowledged that the hedgerow that is existing is of similar height. It is not considered that the proposal would cause any unacceptable detrimental impact

upon the character of the area.

In light of the above it is considered that the proposal complies with LDP planning policy DM13.

Landscape

LDP policy DM4 confirms that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity.

Having assessed the proposed site under LANDMAP, it is classified as:

A significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom.

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

Given the scale of the fencing proposed being approximately 20 metres in length and 1.5 metres in height, it is not considered this will adversely affect the landscape. The fencing which would appear green in colour although not prominent in terms of height, would result in a difference visually. The fencing proposed is typical estate fencing and is not considered to adversely affect the character of the area given that the existing site is agricultural.

In light of the above it is considered that the proposal complies with LDP planning policies.

Scheduled Ancient Monument

The application site is located within the boundaries of scheduled monument MG054 Bryn-Derwen Mound and Bailey Castle. Scheduled Monument Consent has been granted for the proposed works and therefore their impact on the designated historic assets has been fully considered and deemed to be acceptable. CADW has been consulted on the proposed development and raised no objection to the development.

Scheduled Monument consent has been granted by CADW for the works prior to submission of this application.

In light of the above, it is considered that the proposed development is acceptable in its location and meets planning policy.

Built Heritage

Local Development Plan (2018) policy SP7 seeks to safeguard strategic resources and assets in the County, whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The application site is located to the east of Brynderwen Bridge which is a grade II* listed structure. As such, the Powys Built Heritage Officer has been consulted on the application and raised no objection to the estate type fencing with mesh attached.

It is therefore considered that the proposed development would not have a significant adverse impact causing harm to the setting of the listed building and is in accordance with relevant planning policy and in particular LDP Policy SP7.

Mineral Safeguarding

The application site is located within a mineral safeguarding zone and therefore consideration has been given to DM8 of the local development plan. Given the nature of the development, and the Scheduled Monument designation, it is considered that the development would not have a significant impact upon any potential future extraction.

Therefore, the proposed development is considered to fundamentally comply with the relevant planning policy given above and is deemed acceptable at this location.

RECOMMENDATION - Conditional Consent

In light of the above, it is considered that the proposed application would improve

highway safety and is therefore considered to be acceptable and in accordance with relevant planning policies. The recommendation is therefore one of conditional consent.

Conditions

1. The development to which this 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 (1036/22/4A, 1036/22/5A, 1036/21/5A, 1036/21/3C & 1036/21/2A).
3. The development shall be undertaken in strict accordance with the tree planting measures identified on landscape plan, drawing no 1036/22/5A, dated February 2022. The measures identified shall be adhered to and implemented in full within six months of the date of this permission and maintained thereafter.
4. Prior to the first beneficial use of new access, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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.
5. 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.
6. Prior to the first beneficial use of the new access, the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material (MOT Type 1), 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the first beneficial use of the new access, the area of the access to be used by vehicles is to be finished in a suitably bound material for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

8. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
9. Upon construction of the new access, the existing means of access shown on drawing number 1036/21/3C shall be stopped up, in the materials shown on drawing numbers 1036/22/4 and this shall be retained for as long as the development is in existence.
10. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
11. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. 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 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
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11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).

Informative Notes

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 by phone at 0300 065 3000.

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 on 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.