

Contractor parking and delivery areas.

Demolition measures to safeguard highway users.

Traffic management proposals.

2. Prior to the first occupation of any flat, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with (the approved site plan X078.3a.3.003/Rev1. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

3. The parking areas as shown on the approved site plan X078.3a.3.003/Rev1 shall be surfaced in a suitably bound material prior to the occupation of any flat and retained as such for as long as the development remains in existence.

4. No dwelling hereby approved shall be occupied before the footways are fully completed to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting. The footways shall be maintained for as long as the development remains in existence.

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation

of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from: Street Works, County Hall

Community Council

22nd May 2023

The Town Council does not wish to submit any observation.

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor

19th Apr 2023

I am supportive of this development. I have not received any adverse comments or direct opposition for this re-generative project besides comments about practical matters such as parking and construction area concerns.

Welsh Water

9th May 2023

We note the application relates to the proposed demolition of an existing four blocks of 24 flats and the construction of a replacement four blocks of 16 flats.

It is understood we have previously provided a response to a 2D Pre-application which is outlined in the submitted PAC report. We note this current application is consistent with the Pre-application submission.

ASSET PROTECTION

The proposed development site is crossed by a 6inch uPVC watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times and accordingly, we enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

The proposed development site is crossed by a public sewer. Please see copy of indicative public sewer record attached which was provided with our response to the 2D Pre-application consultation. No operational development is to take place within 3 metres either side of the centreline of the sewer. It is noted that the submitted plans do not show the location of these assets and operational development appears to be located within the protection zone of the public sewer. As such, we issue a HOLDING OBJECTION until such time that a plan is provided to us showing the location of these assets, the appropriate protection zones and development works being located outside of these areas

PCC-(S) Highways

11th May 2023

Thank you for consulting the Highway Authority on this application which seeks permission for the demolition of four blocks of 24 flats and the erection of four blocks of 16 flats and all associated works at Pen Y Bryn and Ael Y Bryn, Ystradgynlais.

Whilst the Highway Authority has no fundamental objection to the proposed development, the footways should be extended across the front of the proposed parking areas to ensure pedestrian priority in line with Active Travel requirements.

I trust this can be addressed and a revised plan submitted for consideration by the Highway Authority before this application is determined.

PCC- (S) Land Drainage

No comments received at the time of writing this report.

Coal Authority

21st Apr 2023

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Dyfed Powys Police

19th Apr 2023

Customer made comments in support of the Planning Powys County Council's design team have been very engaging from early concept stage on this project. The latest plans are supported by the Police and are set to achieve the Secured By design (SBD) Gold Award.

Mid & West Wales Fire & Rescue
Authority

5th May 2023

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development

o The following concerns are identified, in relation to the proposed developments,

together with suggestions as to how these can be addressed.

1. Please confirm the Proposal meets the requirements of B5 Approved document B (Wales) 2020 in relation to water supplies and vehicle access for firefighting purposes.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:
<https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

PCC-Ecologist

5th May 2023

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

- o None

Non-statutory sites within 500m:

- o Ystradfawr Wildlife Trust Reserve - approximately 470m from development
- o One or more Ancient Woodland (AW) sites are located within 500m of the development

Records of protected and/or priority species identified within 500m? Yes

Comments:

The application is informed by the following information:

- o Morgan, R. and Dooley, G. (December 2022) Ael y Bryn, Ystradgynlais, SA9 1JA. A Preliminary Ecological Appraisal and Bat Survey Report. Just Mammals Ltd.
- o Hawkeswood E. (March 2022) Preliminary Roost Assessment And Observation Surveys, Flats at Ael-Y-Bryn, Ystradgynlais. Hawkswood Ecology.

Survey effort and methods employed in accordance with current national guidelines?
Yes

Habitats around both northern and southern sites comprised amenity/semi-improved grassland, hardstanding and buildings. The River Tawe runs approximately north-south approximately 100m from the proposed development site.

The ecology survey undertaken by Just Mammals focussed on the two southern blocks of flats: Ael y bryn nos. 41, 43, 45, 47, 49, 51 (Building B) and Ael y bryn no. 53, 55, Pen-Bryn nos. 33, 34, 35, 36 (Building A). Following inspection of both blocks old bat droppings (common pipistrelle) were confirmed in Building B and both blocks were identified as having potential roost access points. Presence of roosting bats was not found during activity surveys although darker areas of the site were used by commuting and foraging bats. Although recent evidence of use could not be determined it wasn't possible to conclude that the roost had been abandoned or was no longer suitable. The

report confirms that the proposal will result in the loss of the roost and a European Protected Species licence will be required prior to demolition of Building B. A licence will not be required for Building A but potential for presence of bats cannot be ruled out and a precautionary Ecological Method Statement for removal of the roof was recommended.

It was recommended that proposed Units 15 and 16 provide alternative roosting provision for bats through inclusion of access points within the soffits on both north and south elevations and use of 1F sanded bitumen liner to BS747 in all roofs. Integrated bat boxes will also be installed on the southern elevations of Units 9-10, 11-23 and 13/14 buildings. The mitigation features are identified on Ecology Mitigation Plan, drawing no. X078.3a.3.004.

Taking into account the survey results, mitigation proposed and that an EPS licence can be obtained for the works to Building B, it's considered that the development would not result in offences being committed or a significant impact to bat populations. It's recommended that submission of an Ecological Method Statement for Bats is secured through an appropriately worded planning condition.

Evidence of nesting by house martins was confirmed from both blocks of flats. It was recommended that demolition avoids the nesting season and compensatory nest sites are provided on the replacement buildings, which is considered appropriate. Modern plastic soffits deter use so nesting cups are advised. Presence of badger, otter and hedgehog could not be ruled out and so precautionary measures during construction were recommended.

The northern two blocks of flats were surveyed by Hawkeswood. Neither Block A (Ael y bryn nos. 34,36,38,40,42,44) nor Block C (Ael y bryn no. 46,48 and Pen y bryn no. 29,30,31,21) showed presence of roosting bats and no use by roosting bats was confirmed during activity surveys. As for the southern blocks of flats, bats were observed commuting and foraging in the local area. No European licence will be required for demolition of either block. It is however recommended that the Ecological Method Statement required for demolition of the southern blocks of flats extends to cover the northern blocks given some potential for Block C to be used by bats in future.

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. 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).

It is, therefore, recommended that adherence to wildlife sensitive lighting measures is secured through an appropriately worded planning condition.

Biodiversity enhancement:

As recommended, three insect boxes and bird nesting boxes (in addition to the house martin cups) will be installed on the replacement blocks of flats to provide enhancement. The enhancement measures are welcome and are identified on submitted plans.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. The development shall be undertaken in strict accordance with Section 10, Recommendations in Ael y Bryn, Ystradgynlais, SA9 1JA, A Preliminary Ecological Appraisal and Bat Survey Report, by Just Mammals, dated December 2022. The measures identified shall be adhered to and implemented in full.
2. Prior to demolition an Ecological Method Statement for Bats shall be submitted to the Local Planning Authority and approved in writing. The approved measures shall be adhered to and implemented in full.
3. The development shall be undertaken in strict accordance with Ecology Mitigation Plan, drawing no. X078.3a.3.004. The measures shall be implemented in full and the insect houses and bird boxes shall be installed prior to first occupation of the hereby approved development.
4. Notwithstanding information already submitted, prior to first occupation of the hereby approved development house martin nest cups shall be installed below the eaves on the north elevation of units 3-4 and units 7-8.
5. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.

Informatives:

The following advice for the applicant is also considered appropriate

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>

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young 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.

Environmental Protection

25th May 2023

After reviewing the information provided on the planning portal, there are currently no objections from environmental protection.

Our only concerns are the importance of construction phase noise control in a residential area.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

"All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above."

Natural Resources Wales (Mid Wales)
DPAS

9th May 2023

We have no objection to the proposed development as submitted and provide the following advice.

Foul Drainage

We note the application form states that the proposal will connect to the mains sewer. We therefore have no comments to make with respect to foul drainage. Please reconsult us if this changes and if any private treatment is proposed.

Protected Species

We note the bat report submitted in support of the above application 'Just Mammals Limited, Preliminary Ecological Appraisal and Bat Survey Report, prepared by Robert Morgan and Grace Dooley, dated December 2022', has identified bats are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

On the basis of the above report, we do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal but in line with the 'Dear CPO' letter issued by

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

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales /

Apply for a protected species licence.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead. Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

Land Contamination

We have read the submitted 'Phase 1 Geo-environmental Desk Study, prepared by Arcadis, dated August 2022'. Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

Pollution Prevention

Appropriate pollution prevention measures must be employed to protect the water quality during construction. Guidance for Pollution Prevention (GPP) documents are available on the NetRegs website: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/> We refer in particular to GPP5 Works and maintenance in or near water.

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.

PCC-Contaminated Land Officer

2nd May 2023

The subject site is identified as being in a coal mining area which means a Mine Gas Risk Assessment must be undertaken by an appropriately qualified person with demonstrable, specific experience.

I have reviewed the Arcadis Phase 1 report and make these comments

1. I am in general agreement with the findings of the report and expect to receive detailed proposals of the investigation;
2. As identified in the report the site is in a coal mining area. However, whilst Arcadis state a mine gas risk assessment (MGRA) should be undertaken, the information contained in s.3.3 falls far short of the minimum expected of an assessment in accordance with CLAIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions - October 2021. Furthermore, an appropriately qualified person as described in the guidance must undertake the assessment. I recommend that the MGRA is undertaken prior to progressing to the proposed investigation.

In relation to planning application, the following conditions are advised:

Condition A

Condition 1. Preliminary Investigation

No development shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with CLAIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions - October 2021 and having regard to current Environment Agency guidance - Land Contamination - Risk Management (LCRM - 2020). The Report is to be submitted to and approved in writing by the Local Planning Authority.

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably

qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's guidance - Land Contamination: Risk Management (LCRM 2020).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document Development of Land Affected by Contamination- A Guide for Developers' (2012).

Condition 4. Specification and Verification Methodologies for ground gas protection

The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485 2015 and A1 2019 Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings , must be installed. Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer.

The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

Condition 5. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to

carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation (and the installation or verification of the ground gas protection measures) carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 6. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in

writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all) - 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-Ecologist

2nd June 2023

The additional information has been provided:

- Dooley, G, (May 2023) Ael y Bryn, Ystradgynlais, SA9 1JA. An Ecological Method Statement

The measures identified within the submitted method statement are considered appropriate and sufficient to safeguard bats during development. It's therefore recommended that adherence to the identified measures is secured through an appropriately worded planning condition:

1. The development shall be undertaken in strict accordance with Ael y Bryn, Ystradgynlais, SA9 1JA, An Ecological Method Statement, by Just Mammals Ltd, dated May 2023. The measures identified shall be adhered to and 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Representations

No third party representations have been received at the time of writing this report.

Planning History

N/A

Principal Planning Constraints

Coal Authority LDP Development Boundaries	Coal bearing strata at surface Ystradgynlais Area/ Ardal Ystragynlais
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Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy

TAN5	Nature Conservation and Planning	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN20	Planning and the Welsh Language	National Policy
TAN21	Waste	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026

H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
PCC	Open Space Assessment	2018

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 a large residential housing estate developed as social housing in the 1970's to the northern end of Ystradgynlais and lies within the development boundary for Ystradgynlais. For the purposes of the Powys Local

Development Plan (LDP), Ystradgynlais is classed as a town and therefore, a higher proportion of new development is appropriate. The site is located on both sides of the U0389 (Ael Y Bryn) at its junction with Pen Y Bryn. The site currently consists of four, two-storey blocks of 24 two-bedroom flats.

The application seeks consent for the demolition of the existing buildings and the re-development of the site with four, two-storey blocks of 16 one-bedroom flats. The application states that the existing provision is now largely unsuitable to meet the needs of the local Common Housing Register where more than half of the households registered require one-bedroom accommodation. The proposed demolition and re-development is considered to be the most cost effective way of meeting local housing need.

Principle of Development

The site is located within the development boundary for Ystradgynlais and is currently part of an existing housing estate providing 24, two-bedroom units. The proposed development concerns the demolition of the existing units and replacement with 16 one-bedroom units.

The site is not an allocated LDP site but the established and current use is residential and the site lies within the development boundary for Ystradgynlais. The site and the proposed development therefore is considered to be suitable and accords with criterion 1.i. of policy H1. The principle of development therefore is acceptable subject to consideration of other material planning considerations.

Housing Density

The density for any proposed housing development in towns should be 27+ units per hectare. The application site measures approximately 0.30ha and therefore the provision of 64 units meets with the recommended density requirements for towns contained within policy H4.

Affordable Housing Contribution

Zero contribution for affordable housing is required for the Southwest Powys submarket area which includes Ystradgynlais. Whilst it is noted that the development results in a net loss of housing units overall it is further noted that the purpose of the proposal is the provision of social housing to meet local needs in line with the Common Housing Register and to improve environmental standards and is therefore considered acceptable.

Design

The proposed new housing is to be provided in four two-storey semi-detached units.

The units have been designed to appear like 4no of semi-detached dwellings, each block will be finished in two brick types – Vandersanden Treviso (brown) and Vandersanden Ledbury (buff) under a slate roof. Windows and doors will be anthracite grey powder coated aluminium and rainwater goods will be anthracite grey powder coated steel. Each unit will be provided with a small garden area with a shed that measures 2.4m long and 1.8m wide.

The units have been designed in keeping with the character of the surrounding area, being two storey units, with fenestration details complementing the existing units. Along with the materials to be used it is considered that the design and detail is considered to be acceptable and appropriate in this wider residential area and is therefore, in accordance with policy DM13.

Comments were received by the Mid & West Wales Fire and Rescue Authority. The comments refer to access for emergency vehicles and water supply. It is noted that the design of the buildings proposed for access purposes represents a betterment to the existing site. Access is readily available off the county highway which fronts the application site with access available in between and to the rear of the properties by foot. In terms of water supply the proposal is located within the Town area of Ystradgynlais with mains servicing the site. Water supply is also therefore considered to be readily available in the case of an emergency.

Residential Amenity

The four proposed residential blocks will be replacing existing residential units and are largely positioned and located within the footprint area of the existing unit. Each block is fronted by parking spaces with garden area to the rear. There will therefore, be no changes to any impact that the existing housing has on any residential amenity.

Environmental Protection have been consulted and subject to the attachment of a condition restricting the hours of working during the construction period, have no objections.

In light of this, it is considered the proposed development is in accordance with relevant policy with regard to residential amenity.

Highways

The Highways Authority have been consulted and initially expressed concerns about a footway adjacent to the front parking areas. Amended plans have been received and the Highway Authority have confirmed that they have no further objections subject to the attachment of appropriate conditions.

A total of 22 car parking spaces will be provided for the 16 units, which provides a betterment to the existing provision and arrangement. Therefore, given the scale of the

units proposed and the location of the proposal within the settlement of Ystradgynlais which is recognised as a Town through the LDP it is considered that the proposed development is in accordance with policies T1 and DM13.

Contaminated Land

The Contaminated Land Officer has been consulted and identified the site as being in a coal mining area which means a Mine Gas Risk Assessment must be undertaken. A Phase 1 Study was submitted in support of the application but the Contaminated Land Officer advises that insufficient detail has been submitted and recommends the attachment of conditions relating to Mine Gas investigation.

It is considered therefore that subject to the attachment of appropriate conditions the proposed development is in accordance with policy DM10.

Ecology and Biodiversity

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

A Preliminary Ecological Appraisal and Bat Survey and an Ecological Method Statement for Bats was submitted in support of the application and the Ecologist has been consulted.

An Ecological Method Statement has been submitted to support the application and mitigation measures have also been proposed. It is recommended that appropriate conditions be attached to secure adherence to the Appraisal's recommendations, the Method Statement and the mitigation measures. The Appraisal found evidence of the presence of bats at the site and a European Protected Species licence will be required prior to the demolition of Building B.

The Appraisal also identifies evidence of nesting house martins and therefore the provision of house martin nesting cups is recommended. An Ecology Mitigation Plan has been submitted and it is recommended that a condition be attached to secure adherence to the plan. Consideration is also given to external lighting and it is recommended that an appropriate condition also be attached to ensure wildlife friendly external lighting.

As enhancement to the site a planting and landscaping scheme has been submitted in support of the application which proposes native hedgerow planting, grassed areas and areas of planting for trees and shrubbery. The planting scheme proposed is considered to be acceptable and provides a level of net gain/enhancement to the site whilst also blending the site into its surrounding. Subject to a condition securing the timing of works for the proposed planting it is considered to be acceptable.

In light of this and subject to the attachment of appropriate conditions the proposed development is considered to be in accordance with policy DM2.

Foul and Surface Water Drainage

Foul drainage from the development would be connected into the public sewage system and Dwr Cymru Welsh Water have no objections subject to the protection of their assets adjacent to the site.

In terms of surface water drainage, SAB approval would be required.

Supporting Digital Communications

If approval were to be given, a condition would be attached to require the development to make provision for Gigabit broadband infrastructure as required by Policy 13 of Future Wales.

Public Open Space

Penybryn Playground is a Local Equipped Area of Play (LEAP) and is located approximately 96 metres to the north of the application site. Whilst outside of the recommended 60 metre buffer it is considered that the existing site was served by this playground and is fully accessible by footpaths up the estate road.

The site does however fall within the buffer zone for the neighbourhood equipped area of play (NEAP) and therefore based on the proximity of the play provision within proximity to the application site and that the proposal is to upgrade existing housing facilities it is considered that the proposal broadly complies with the principle of policy DM3 and the Open Space Assessment.

Placemaking and Well-being Goals

Planning Policy Wales embeds the spirit of the Well-being of Future Generations Act and plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It is considered that the proposed development accords with the aims and goals of PPW and the Well-being of Future Generations Act as the application seeks to provide quality sustainable housing whilst providing an enhanced local environment.

RECOMMENDATION

In light of the above considerations, it is therefore considered that the proposed development complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans approved on the date of this consent (drawing nos: X078.3a.3.001 A, X078.3a.3.003 G, X078.3a.3.003 I, X078.3a.3.301 C, X078.3a.3.305, Planting Plan 819 01 C, X078.3a.3.004, X078.3a.3.302 A, X078.3a.3.303 A)
3. The development shall be undertaken in strict accordance with Section 10, Recommendations in Ael y Bryn, Ystradgynlais, SA9 1JA, A Preliminary Ecological Appraisal and Bat Survey Report, by Just Mammals, dated December 2022. The measures identified shall be adhered to and implemented in full.
4. The development shall be undertaken in strict accordance with Ecology Mitigation Plan, drawing no. X078.3a.3.004. The measures shall be implemented in full and the insect houses and bird boxes shall be installed prior to first occupation of the hereby approved development.
5. The development shall be undertaken in strict accordance with Ael y Bryn, Ystradgynlais, SA9 1JA, An Ecological Method Statement, by Just Mammals Ltd, dated May 2023. The measures identified shall be adhered to and implemented in full.
6. The development shall be undertaken in strict accordance with the Planting Plan 819 01 C. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Notwithstanding the approved plans, prior to the first occupation of the units hereby details below, house martin nest cups shall be installed below the eaves on the north elevation of units 3-4 and units 7-8 and shall be retained as such in perpetuity.
8. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
9. Prior to any works being commenced on the development site, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details on:-
 - Contractor storage compound.

- Contractor parking and delivery areas.
 - Demolition measures to safeguard highway users.
 - Traffic management proposals.
10. Prior to the first occupation of any flat, provision shall be made within the curtilage of the site for the parking of vehicles in accordance with the approved site plan X078.3a.3.003/Rev1. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. The parking areas as shown on the approved site plan X078.3a.3.003/Rev1 shall be surfaced in a suitably bound material prior to the occupation of any flat and retained as such for as long as the development remains in existence.
12. No dwelling hereby approved shall be occupied before the footways are fully completed to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting. The footways shall be maintained for as long as the development remains in existence.
13. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
- o 0800-1800 hrs Monday to Friday
 - o 0800-1300 hrs Saturday
 - o At no time on Sundays and Bank Holidays
- Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.
14. No development shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with CLAIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions - October 2021 and having regard to current Environment Agency guidance - Land Contamination - Risk Management (LCRM - 2020). The Report is to be submitted to and approved in writing by the Local Planning Authority.

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's guidance - Land Contamination: Risk Management (LCRM 2020).

15. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

16. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document Development of Land Affected by Contamination- A Guide for

Developers' (2012).

17. The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485 2015 and A1 2019 Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings, must be installed. Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer.

The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

18. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation (and the installation or verification of the ground gas protection measures) carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

19. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.
Within six months following the completion of the measures identified in that

scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

20. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.
4. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.
5. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.
6. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.
7. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.
8. To comply with Powys County Council's LDP Policies DM2, DM4, DM7 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.
9. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan.

10. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan.
11. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan.
12. In the interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan.
13. To safeguard the amenities of the locality in accordance with policy DM13, criterion 11. of the Powys Local Development Plan.
14. 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 DM10 of the adopted Local Plan.
15. 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 DM10 of the adopted Local Plan.
16. 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 DM10 of the adopted Local Plan.
17. 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 DM10 of the adopted Local Plan.
18. 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 DM10 of the adopted Local Plan.
19. 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 DM10 of the adopted Local Plan.
20. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

Advisory Notes

Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from: Street Works, County Hall

Ecology

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>

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young 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.

Case Officer: Catherine James, Senior Planning Officer
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