

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0580	Grid Ref:	309892.84 298237.96
Community Council:	Tregynon	Valid Date:	Officer: 31/05/2017 Eddie Hrustanovic
Applicant:	Tyn Y Bryn Farms, Tyn y Bryn, Tregynon, Newtown, Powys, SY16 3PJ		
Location:	Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys, SY16 3PL		
Proposal:	Outline: Erection of up to 5 dwellings, formation of vehicular access and access road and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development is a departure from the development plan and is recommended for approval.

Site Location and Description

The site subject to this application is approximately 28 metres away from designated settlement boundary of Tregynon, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside. Tregynon is classified as a Key Settlement in Powys UDP (2010), insert map M194.

The site is adjacent to the number of existing properties along B4389 County Highway which forms a southern boundary of Tregynon. To the north and east, the site is bounded by open agricultural fields, to the west of the site, a row of existing properties is located, Tyn y Ddol being directly adjacent to the site, while to the south the site is bounded by open agricultural fields with intervening county highway (B4389).

Consent is sought in outline for the construction of up to 5 dwellings, including a provision of one affordable dwelling (4 open market + 1 affordable unit). The indicative block plan submitted with the application details a mix of dwelling types ranging from 3 to 4 bedroom detached dwellings with garages.

Consultee Response

Tregynon CC

Following a meeting of Tregynon councillors, I write with the following comments regarding application P/2017/0580. The councillors express their concerns that a footway must be provided to link the new development to the amenities in the village. The proposed houses are family homes and therefore likely to have children, and it is crucial that a safe way to the

school and community centre is in place. The availability of amenities is specified in the application and therefore the councillors feel it is obvious that a footway should be installed.

The councillors are concerned about the 'affordable' provision. The proposed houses are large, detached buildings on big plots. The councillors are therefore concerned that any of them could be considered affordable.

Powys Highways

Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for the relocation of the carriageway, footway link and widening along the Class II B4389, as indicated on drawing numbers RPP/RC-JOB62-03.1 Rev A & C and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, and a schedule for the implementation of the scheme shall be submitted to and approved in writing by the local planning authority.

HC1 Any entrance gates 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.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 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.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of

250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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,

HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in conditions 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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

Powys Environmental Health

Foul drainage: Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise control: For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”

Powys Ecologist

Ecological Topic		Observations
Additional Information		<p>We provided ecological observations on this application on 27/06/17. Additional information provided subsequent to these comments includes an extended phase 1 habitat survey by Arbor Vitae (August 2017).</p> <p>Comments made following receipt of this information are included in bold text below. Otherwise the previous observations remain valid.</p>
EIA Screening Opinion Needed?	No	<p>The site area is understood to be 0.40 hectares and includes up to 5 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.</p>
Ecological Information included with application?	No	<p>These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service and the extended phase 1 habitat survey report prepared by Arbor Vitae (August 2017).</p> <p>The extended phase 1 habitat survey report states that the proposed construction site is located on a grass field on a working livestock farm on the edge of the village of Tregynon. The buildings will occupy the corner of a small pasture in a predominantly pastoral landscape. The site is bounded to the south east by the B4389 public highway and to the south west by the garden of an existing house, Tyn-y-Ddol. The construction of a new access will necessitate the removal of approximately 100 metres of hedgerow to create a visibility splay.</p>
Protected Species & Habitats ¹	European Species ☒	<p>There is a historical record of otters and various bat species within 2km of the application site, but none within the vicinity of the proposed development itself.</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>The ecology report confirms that the hedgerow along the southern site boundary may provide a foraging route for bats since it links well with other hedgerows locally.</p> <p>The ecology report recommends that external lighting should be designed to minimise illumination of the adjacent habitats including the adjacent hedge line, the fringes of which may be used by bats for foraging, and that the disruption to bat foraging routes as a result of hedgerow removal is mitigated by hedgerow replacement planting. Recommendations are also made below regarding the protection of hedgerow to the east and west of the site during construction.</p> <p>The ecology report also states that the southern hedgerow, adjacent to the road, is heavily maintained. It is therefore regarded as having a very low potential for dormice, given the lack of dense cover for nesting, the likely absence of food resources (due to regular hedge flailing) and the disturbance by traffic. Also due to the absence of ponds within the search area the report concludes that there will be no risk of impacts upon Great Crested Newts due to the proposed development.</p> <p>It is not considered that the proposed site represents suitable habitat for otters.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are historic records of reptiles from within 2km of the site and several historic records of nesting bird species, although none from within the vicinity of the site.</p> <p>The ecology report confirms that the hedgerows that border the site provide suitable habitat for common nesting birds and refuges for reptiles. The report recommends that hedgerow removal must be carried out so as to avoid the bird nesting season (March to August inclusive). If this is not possible, a pre-commencement survey should be carried out by an ecologist. Loss of breeding habitat for breeding birds will be mitigated by the planting of replacement hedgerows.</p> <p>The ecology report also proposes Risk Avoidance Measures that should be adopted during the works to protect any reptiles which may be present.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>The ecology report confirms that the affected hedgerows could provide connecting habitat for Hedgehog and Polecat and</p>

		<p>therefore recommends that hedgerow removal should ideally be carried out when hedgehogs are unlikely to be hibernating (March to November).</p> <p>The ecology report also confirms that native species hedgerow forms the southern site boundary but this does not qualify as an 'important' hedgerow under the definition of the Hedgerow Regulations. A total of approximately 100 metres of the roadside southern hedge will be removed to create an access and visibility splay.</p> <p>Proposed mitigation for the loss of the hedgerow will involve the planting of a total of 160 metres of new native hedgerow around the perimeter of the site and a further 85 metres on the southern frontage of the site. This will include native species present in adjacent hedgerows including hawthorn, blackthorn, hazel, holly and dog rose as well as native tree species.</p> <p>Recommendations are also provided in the ecology report for the installation of bird and bat boxes which will help to improve nesting and roosting habitat.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	None within search area
	National Sites ³ <input checked="" type="checkbox"/>	Gregynog SSSI is located approximately 950m to the south west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SSSI are expected.
	Local Sites (within 500m) <input type="checkbox"/>	None within search area
Invasive Non-Native Species	Unknown	None recorded during the extended phase 1 habitat survey.
Recommendations		<p>Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be retained and protected during the construction period of works. I recommend that all retained trees and hedgerows are protected in accordance with BS5837:2012.</p> <p>It would seem likely that the creation of the new access and visibility splay would require the removal of a large section of the southern</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>hedgerow. I suggest that any removed hedgerow is translocated to areas within the development site, such as the new southern boundary, instead of buying and planting new stock.</p> <p>If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the hedgerows to the north, east and west of the development and could also benefit from the new proposed hedgerow along the southern boundary.</p> <p>I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Enhancement of the site, for example by installation of bat and bird boxes, as part of the proposals would also be welcomed.</p>
<p>Further information required prior to determination of application</p>	<p>None</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding hedgerows, bats, breeding birds, hedgehogs and reptiles identified in Section 6 of the Ecological Report by Arbor Vitae dated August 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include location of bird and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016),</p>

TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

	<p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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 Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>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.</p> <p>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.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
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NRW

Thank you for consulting Natural Resources Wales (letter dated 05/06/2017) regarding the above. NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, however we have some observations to make.

Flood Risk

We note that reference to flood risk has been made in section 8.0 of the D&A Statement, by Roger Parry and partners dated May 2017. Please be aware that, contrary to the statements in this section, the DAM C2 is not based on the 'Environment Agency's Flood Plan', and justification for the development should not be in line with PPS25. We would expect reference to the relevant Welsh organisations and policies to be made in Roger Parry's reports, in this instance Natural Resources Wales and TAN15. The site abuts DAM C2 which includes an area known to have historically flooded from the Bechan Brook and its tributaries, notably in 2007. The Bechan Brook is now designated as a main river, following the historic Environment Agency enmainment programme in 2008.

We therefore advise that the Planning Authority consults with the LLFA, namely Powys CC drainage team, to verify that the fluvial flood risk depicted in the DAM C2 (which is derived from JFLOW in Powys model, version 3) is correlated by known historic flood extents that have occurred before 2008. Interrogation of JFLOW depths and lidar ground levels indicate that there is in excess of 0.5m of freeboard between calculated JFLOW extents and ground levels where the houses are proposed. Please be aware of the limitations of the generalised JFLOW approach. These outputs cannot be used to support a Flood Consequences Assessment (FCA) but in the absence of a FCA and recognising that the site is outside DAM C2, any additional interrogation is likely to corroborate or refine the theoretical extents. Best practice is advised with regards to setting of finished floor levels, a minimum of 300mm above existing adjacent ground levels will provide added security against flooding from all sources in excess of the design events.

Foul Drainage

We understand the proposal is to connect to the mains sewer as recommended by government policy. If this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work. Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance.

CADW

- *1st response*

The proposed development is located some 33m to the southeast of scheduled monument MG204 Tregynon Moated Site. The proposed development will be visible from the moat with only minimal screening provided by a field hedge and the plants in the garden of Ty'n-y-ddol. The new buildings will also add to the line of modern buildings along the road to Bettws Cedewain adding further to the perspective that the scheduled monument is being enclosed by modern development. This will have an adverse impact on the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (Planning Policy Wales 6.5.5): however, the application contains no information on this matter and therefore is inadequately documented. Welsh Government recently issued the document 'Setting of Historic Assets' and we recommend that you request that the applicant carries out an assessment of the impact of the development on the setting of scheduled monument MG204 following the guidance given in the Setting of Historic Assets document and re-consult us accordingly.

- *2nd response*

Thank you for the additional information sent on the 24 October 2017. A historic environment desk-based assessment, including an assessment of the impact of the proposed development on the setting of scheduled monument MG204 produced by Trysor has been submitted in support of this application. The report concludes that the proposed development will have a low, but not significant impact on the setting of scheduled monument MG204 and we concur with this assessment. Consequently we now have no objection to this development.

CPAT

Thank you for forwarding a copy of Historic Environment Desk-based Assessment report. Having read through the report, and taking into consideration the conclusions of the archaeological consultant, I can confirm that we would have no objection to the proposed development and no further archaeological mitigation is necessary.

Representations

The application was advertised through the erection of a site notice and press advertisement. One public objection has been received in respect of the proposed development.

The objection received is summarised below;

- Detrimental impact on the visual amenity of the area,
- The development will change the character of the area,
- The site is outside designated settlement boundary,
- Sewage system is at capacity,
- Highway/pedestrian safety
- Existing services in Tregynon are at capacity
- Residential amenity impact.

Planning History

No relevant history to report.

Principal Planning Constraints

Outside settlement boundary

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 15 – Development and Flood Risk (2004)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP DC14 - Flood Prevention Measures
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

Officer Appraisal

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

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

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainable location

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site is approximately 28 metres away from designated settlement boundary of Tregynon (defined as an Key Settlement within the UDP). Tregynon benefits from a number of services such as Church, Chapel, Area Primary School, Children's Play Area, Community Centre, Village Workshops, Post Office/Shop, Garage, Car Sales. Tregynon also benefits from bus service (operated by Tanat Valley Coaches) which provides access to Newtown. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Affordable Housing

Latest evidence produced to support the Local Development Plan indicates that 10% affordable housing in this area would be viable. In support of the application the developer has proposed (1 unit) 20% affordable housing which would be conditioned as part of any consent.

Siting, Design and External Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site is flat in its entirety and set slightly below the adjacent highway. The block plan demonstrates that the proposed plots will be in linear form along the County highway. Public comment is noted in respect of concerns however it is considered that through sensitive design and landscaping that the development would not have an unacceptable impact on the surrounding landscape and adjacent properties.

The indicative site layout details a private turning head within the site and providing adequate parking and turning area in front of the properties.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is considered to be well connected to the village being in close proximity to the village boundary and the cluster of existing dwellings. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. It is also considered that the proposed site is well integrated within the settlement and would not have a significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policies ENV2 and TR2 of the Powys Unitary Development Plan 2010.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. The site is adjacent to the group of existing dwellings located along the County highway leading towards Bettws direction. Concern has been expressed by the occupiers of neighbouring dwelling that the proposal would negatively impact on their property.

However it is important to note that indicative plans show that there is sufficient distance with intervening tall hedge between the nearest property in westerly direction (approximately 10 meters from the wall-to-wall between the existing and proposed nearest unit). It is important to note that nearest existing property has its side elevation facing onto the proposed development site. The officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

Due to the proximity of the proposed development to the neighbouring residential properties, Powys County Council's Environmental Health Officers have been consulted on the proposed development. The Officers have stated that should development be granted consent, an appropriately worded condition should be attached. The condition would control the level of noise disturbance to neighbouring properties, by restricting the landscaping and construction period working hours as well as delivery times.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The site will be accessed via the proposed access into the site off B4389. Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any

highway safety issues in this respect, furthermore they welcome extension of 30mph speed limit beyond the site limits, which will further assist in highway safety. In this instance Development Management considers that a suitable worded condition could be placed on the decision notice to secure the provision. Public representation is acknowledged in respect of the highway safety (pedestrian and vehicular movements), however it is important to note that Powys Highway Department have not raised any concerns in this respect. It is also important to note that the indicative plans show that the 2 metres wide walkway will be also created which will link to the exiting walkway leading into the village. Highway Authority has requested inclusion of number of highway safeguarding conditions in that respect.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

Impact upon Heritage Assets

CADW notes that the proposed development is located some 33m to the southeast of scheduled monument MG204 Tregynon Moated Site.

A historic environment desk-based assessment, including an assessment of the impact of the proposed development on the setting of scheduled monument MG204 produced by Trysor has been submitted in support of this application. CADW notes that the report concludes that the proposed development will have a low, but not significant impact on the setting of scheduled monument MG204 and as such they concur with this assessment.

In light of the above observations, Development Management considers the proposed development to be in accordance with relevant policy in relation to cultural heritage.

Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.39ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist with respect to the ecology of the site.

The County Ecologist has recommended a number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Having taken the above into account it considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy.

Foul water disposal

Policy DC10 (Mains Sewerage Treatment) requires that developments are adequately served by the public foul sewerage system.

The application states that the proposed development will connect into the existing mains sewerage system. Concerns have been raised from a third party over the capacity of the sewerage system; however no evidence has been received from Severn Trent that there are issues in the area as alleged. Consultation was also undertaken with Environmental Health who offered no objection to the use of mains sewerage.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Development and flood risk

NRW notes that the site abuts DAM C2 zone which includes an area known to have historically flooded from the Bechan Brook and its tributaries, notably in 2007. However, no part of the development site is within designated flood zone and the same has been recognised by NRW and no negative issues have been raised in this respect.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. Predictive Agricultural Land Classification (ALC) Map indicates that the land at the site is classified as Grade 3b (Moderate quality agricultural land) and Grade 4 (Urban).

Therefore the land at the site is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Welsh Language and Culture

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Tregynon has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census it was indicated that in Tregynon 23.3% of the population spoke Welsh. This is an increase from the 2001 census which stated that 21.2% of the population spoke Welsh.

The scheme proposes one affordable unit and it is considered that the provision of affordable dwelling helps mitigate against the impact of a development on the Welsh language.

It is considered that the introduction of 5 dwellings in total will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/RC-JOB62-03.1 Rev A & C).

5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Prior to any other works commencing on the development site, detailed engineering drawings for the relocation of the carriageway, footway link and widening along the Class II B4389, as indicated on drawing numbers RPP/RC-JOB62-03.1 Rev A & C and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

8. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed and approved in writing by the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, and a schedule for the implementation of the scheme shall be submitted to and approved in writing by the local planning authority.

10. Any entrance gates 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.

11. Any entrance gates 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.

12. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 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.

13. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. Before any other development commences 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

15. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 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.

16. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

17. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

18. The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured

from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

19. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 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.

20. Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

22. Upon formation of the visibility splays as detailed in conditions 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.

23. No storm water drainage from the site shall be allowed to discharge onto the county highway.

24. The recommendations regarding hedgerows, bats, breeding birds, hedgehogs and reptiles identified in Section 6 of the Ecological Report by Arbor Vitae dated August 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

25. Prior to commencement of development, a Biodiversity Enhancement Plan to include location of bird and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

26. Upon the submission of the reserved matters referred to in conditions 1 and 2, a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be adhered to and implemented in full for the lifetime of the development.

27. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

28. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
24. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

25. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

26. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

27. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

28. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

Intentionally kill, injure or take any dormice.

Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.

Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

intentionally kill, injure or take any wild bird

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

intentionally take or destroy the egg of any wild bird

intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside

Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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