

The Highway Authority has no fundamental objection to this proposal. Whilst it is noted that “all matters” including access are reserved for future consideration, the submitted “Proposed Site Layout” drawing clearly demonstrates that suitable levels of access visibility and off street parking and turning areas can be accommodated within the site limits.

Suitable access and visibility conditions can be secured during the reserved matters application.

PCC Building Control

No response received at the time of writing this report.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. If you wish to progress this development then it will be necessary for a feasibility study to be undertaken on the Wastewater Treatment Works at the developer's expense. The conclusion of this study will determine any improvement works required. The costs for undertaking this study must be paid for by the developer. For you to obtain a quotation for the feasibility study, we will require a fee of £250 + VAT to engage our consultants, this fee is non refundable.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com

Please quote our reference number in all communications and correspondence.

NRW

Thank you for consulting Natural Resources Wales (letter dated 06/11/2017) regarding the above.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – GCN: No demolition shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt has been submitted to and approved in writing by the local Planning authority.

Condition 2 – bats: Prior to construction a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority.

European Protected Species (EPS)

We note that the Phase 1 / Preliminary Ecological Appraisal Survey report dated October 2017 by Europaeus Land Management Services submitted in support of the above application has identified potential for mobile protected species to use the application site and conclude that suitable avoidance mitigation and sympathetic retention approach to habitat creation should be able to offset any impact on protected species.

EPS and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. 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. In addition,
- iii. the development works to be authorised must be for the purposes 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.

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

In this case, NRW has specific concerns in relation to Great Crested Newts (GCN) as we hold a record of this species within 40m of the proposal and a pond is present within 140m to the west. The record location implies that GCN cross Llanthomas Lane and therefore there is a high possibility that this species utilises the proposed development site. It is our opinion that a Reasonable Avoidance Measurement Scheme is required to demonstrate that the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1 – GCN: No demolition shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt has been submitted to and approved in writing by the local Planning authority.

We also suggest that impact on bat flight lines and foraging ground is minimised by ensuring that a wildlife friendly exterior lighting plan is submitted prior to construction.

Condition 2 – bats: Prior to construction a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority.

Please also note that if any EPS are encountered during development, work must stop and NRW contacted for advice.

Flood Risk

The application site is situated near zone C2 as defined by the Development Advice Map referred to under TAN15 Development and Flood Risk (July 2004).

Given the scale of the proposed development, and in the absence of a Flood Consequence Assessment, we consider the risk could be acceptable subject to the development being implemented in accordance with layout plan (1500/PLN/01) and no ground raising within the flood plain.

The layout plan indicates surface runoff will be sent to soakaways. Should any new outfalls be required or other works affecting the Digedi Brook (an Ordinary watercourse), prior consent will be required from Powys CC as the lead local flood authority in this area (land.drainage@powys.gov.uk).

We would also recommend that the developer is made aware of the potential flood risks, and we would recommend the following flood resilience measures.

As the site is situated near the predicted extreme flood plain and to account for potential future climate change, you should consider the nature of the proposed construction materials and incorporate flood resilience measures for the extension. It would be relevant that the extension is constructed from the outset with suitable flood resilience measures in place, such as resilient walls, floors, doors, electric wiring etc. Further advice on all relevant and suitable resilience measures are available from the Construction Industry Research and Information Association (CIRIA) on 020 75493300, or via email to enquiries@ciria.org. The documents can also be found on the CIRIA web site at www.ciria.org.uk/flooding/advice_sheets.html.

The developer can access advice and information on protection from flooding on the following websites:

ODPM publication ‘Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties’ on the Planning Portal website: www.planningportal.gov.uk.

Foul Drainage

We note no information on foul water disposal has been included within this outline application. We are aware that the proposal falls within a sewerage catchment area and we would therefore expect foul drainage to be discharged to the mains sewer in accordance with Government policy. Where 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 <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC Ecologist

Consultation response received 01/12/2017:

Whilst the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 it does not exceed the applicable thresholds and criteria specified in the Regulations.

A Phase 1 / Preliminary Ecological Appraisal (PEA) Survey report by Europaeus Land Management Services (October 2017) has been submitted with the application. These observations are based on an interpretation of these reports along with available plans, aerial and street imagery, and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

As identified in the PEA survey report, the site is located within the small village of Llanigon. To the northern boundary of the site is the Dulas Brook riparian corridor which flows westwards and feeds the River Wye. The site is bordered by properties to the west and east and generally surrounded by fields of pastoral farming and arable cultivation. The connectivity of habitat for wildlife is apparently reasonable with mixed species hedgerows and the riparian corridors forming boundaries and linked with patches of woodland, especially to the east. The main area of the application site comprises ancillary garden lawn / field with few small, exotic trees. There are significant and sizeable trees bordering the site to the north and also the Dulas Brook, including ash, sycamore, and alder.

There are historical records of various bat species within 1km of the proposed development, including Pipistrelle bats (300m), Brown long-eared bats (500m), Lesser horseshoe bats (500m), Noctule bats (520m) and Whiskered bats (520m). Other European species recorded within 1km of the proposed development include White-clawed Freshwater Crayfish (970m), Otter (300m), Atlantic Salmon (400m) and Great Crested Newts (60m).

The PEA survey report notes that the mature trees on the northern boundary of the site have limited features that are suitable for bats to roost, such as cracks and rot holes. Following inspection, it has been confirmed that no signs of bats were observed. From the proposed plans (1500/PLN/01), it is clear that these trees would not be affected by the proposed work. However, boundary features including the hedgerows and the riparian corridor are likely to be used by bats to forage and commute. Drawing Number: 1500/PLN/01 details the lighting proposal for the development – the lighting takes into consideration boundary features and their use by nocturnal species such as bats, and therefore it is considered that dark corridors would be maintained. This lighting proposal should be fully implemented and adhered to unless agreed otherwise with the Local Planning Authority, to ensure bats and other nocturnal animals are not affected.

Whilst the PEA survey report notes that no signs of reptiles or amphibians were observed during the site survey, there are records of Great Crested Newts within 50m of the proposed developments and there is a pond within 140m to the west of the development. Considering the proximity of GCN records and suitable habitat it is considered that there is a high possibility that this species utilises the site. I am in agreement with NRW's consultation response (dated 20/11/2017) that a statement detailing Reasonable Avoidance Measures to be implemented in order to demonstrate how the proposal will not be detrimental to the maintenance of the population of GCN is required before any clearance work commences.

There are historical records of a variety of bird species within 1km of the proposed development including House sparrow (200m), Dunnock (500m) and Green sandpiper (500m). Other UK protected species recorded within 1km of the proposed development include and Slow worms (200m).

The PEA identifies that there is evidence of nesting birds within the hedgerow bounding the site. It appears that a section of hedgerow would need to be removed in order to accommodate an entrance to the proposed development site and this element of the work should be carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The hedgerow that borders the site to the north could also provide suitable shelter for common reptile species. Whilst the PEA notes that evidence of reptile species was not observed, it is considered likely that they would utilise the habitat bordering the site. It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.

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.

It appears that the creation of the access to the site would require the removal of a section of hedgerow. Hedgerows are a Section 7 Priority Habitat. The applicant has provided a hedgerow planting proposal (detailed on plan number 1500/PLN/01) which would result in net gain of hedgerows on site. Furthermore, all the hedgerows retained as part of the development in accordance with BS:5837:2012.

Also, it is noted on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes have been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity Enhancement Plan and submitted to the LPA for approval.

It is recommended that vegetation clearance work is carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.

It notes on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes has been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity enhancement plan and submitted to the LPA for approval.

A Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to Great Crested Newt and/or their habitats on site needs to be provided before the planning application can be determined.

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

Prior to commencement of development a reptile and small animals Reasonable Avoidance Method Statement 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 ENV7 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.

The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

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

Reason: To comply with Powys County Council's 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.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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.

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.

Informatives

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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.

Consultation response received 20/12/2017:

We provided ecological observations on this application on 01/12/17. Additional information provided subsequent to these comments includes a Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017.

Comments made following receipt of this information are included in bold text below. Otherwise the previous observations remain valid.

Whilst the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 it does not exceed the applicable thresholds and criteria specified in the Regulations.

A Phase 1 / Preliminary Ecological Appraisal (PEA) Survey report by Europaeus Land Management Services (October 2017) has been submitted with the application. These observations are based on an interpretation of these reports along with available plans, aerial and street imagery, and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

Further to the PEA, a Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 has been supplied with the application.

As identified in the PEA survey report, the site is located within the small village of Llanigon. To the northern boundary of the site is the Dulas Brook riparian corridor which flows westwards and feeds the River Wye. The site is bordered by properties to the west and east and generally surrounded by fields of pastoral farming and arable cultivation. The connectivity of habitat for wildlife is apparently reasonable with mixed species hedgerows and the riparian corridors forming boundaries and linked with patches of woodland, especially to the east. The main area of the application site comprises ancillary garden lawn / field with few small, exotic trees. There are significant and sizeable trees bordering the site to the north and also the Dulas Brook, including ash, sycamore, and alder.

There are historical records of various bat species within 1km of the proposed development, including Pipistrelle bats (300m), Brown long-eared bats (500m), Lesser horseshoe bats (500m), Noctule bats (520m) and Whiskered bats (520m). Other European species recorded within 1km of the proposed development include White-clawed Freshwater Crayfish (970m), Otter (300m), Atlantic Salmon (400m) and Great Crested Newts (60m).

The PEA survey report notes that the mature trees on the northern boundary of the site have limited features that are suitable for bats to roost, such as cracks and rot holes. Following inspection, it has been confirmed that no signs of bats were observed. From the proposed plans (1500/PLN/01), it is clear that these trees would not be affected by the proposed work. However, boundary features including the hedgerows and the riparian corridor are likely to be used by bats to forage and commute. Drawing Number: 1500/PLN/01 details the lighting proposal for the development – the lighting takes into consideration boundary features and their use by nocturnal species such as bats, and therefore it is considered that dark corridors would be maintained. This lighting proposal should be fully implemented and adhered to unless agreed otherwise with the Local Planning Authority, to ensure bats and other nocturnal animals are not affected.

Whilst the PEA survey report notes that no signs of reptiles or amphibians were observed during the site survey, there are records of Great Crested Newts within 50m of the proposed developments and there is a pond within 140m to the west of the development. Considering the proximity of GCN records and suitable habitat it is considered that there is a reasonable likelihood that this species utilises the site.

A Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 has been supplied with the application. The statement concludes that there is limited potential to encounter Great Crested Newts during the proposed works and therefore, provided that the Precautionary Method of Working outlined in Section 3 of the Method Statement is adhered to, it is considered unlikely that the proposed work would have any significant impact on this protected species.

There are historical records of a variety of bird species within 1km of the proposed development including House sparrow (200m), Dunnock (500m) and Green sandpiper (500m). Other UK protected species recorded within 1km of the proposed development include and Slow worms (200m).

The PEA identifies that there is evidence of nesting birds within the hedgerow bounding the site. It appears that a section of hedgerow would need to be removed in order to accommodate an entrance to the proposed development site and this element of the work should be carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The hedgerow that borders the site to the north could also provide suitable shelter for common reptile species. Whilst the PEA notes that evidence of reptile species was not observed, it is considered likely that they would utilise the habitat bordering the site. It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.

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.

It appears that the creation of the access to the site would require the removal of a section of hedgerow. Hedgerows are a Section 7 Priority Habitat. The applicant has provided a hedgerow planting proposal (detailed on plan number 1500/PLN/01) which would result in net gain of hedgerows on site. Furthermore, all the hedgerows retained as part of the development should be protected in accordance with BS:5837:2012.

Also, it is noted on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes have been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity Enhancement Plan and submitted to the LPA for approval.

It is recommended that vegetation clearance work is carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access – As per Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017

It notes on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes has been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity enhancement plan and submitted to the LPA for approval.

I consider that sufficient information has now been provided to determine the ecological impact of the application.

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

The Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: 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.

The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 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.

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

Reason: To comply with Powys County Council's 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.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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.

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.

Informatives

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;

- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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.

PCC Environmental Health

Consultation response received 09/11/2017:

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and 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:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

Secondly I would require further information regards the intended foul drainage system for the prosed development.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent

should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. Please see attached percolation test form. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

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

Representations

Following the display of a site notice and press advertisement, no public representations have been received at the time of writing this report.

Planning History

None as per GIS

Principal Planning Constraints

C2 Flood Zone
Historic Landscapes Register Outstanding

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 15 - Development and Flood Risk (2004)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 23 – Economic Development (2014)
Technical Advice Note (TAN) 24 – The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP3 - Natural, Historic and Built Heritage

SP5 – Housing Developments
SP14 - Development In Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 - Highway and Parking Requirements
HP1 – Shire Housing Allocations
HP3 – Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity & Natural Habitats
ENV 4 - Internationally Important Sites
ENV 5 - Nationally Important Sites
ENV 7 - Protected Species
ENV 8 - Tree Preservation Orders
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments & Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
DC11 – Non-mains Sewage Treatment
TR3 – Tourist Attractions and Development.

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

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 lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that:

‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’

The Powys Joint Housing Land Availability Study (JHLAS) 2015 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of two dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Llanigon is classified as a large village within the Powys Unitary Development Plan (2010). Although Llanigon has limited facilities the village does contain a school and consequently for planning purposes Llanigon has been classed as a large village. Llanigon is also within close proximity to the settlements of Hay on Wye and Glasbury where additional services can be found.

In light of the proximity to large settlements it is considered that the proposed scheme is in a sustainable location.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Access and Layout is reserved for future consideration, however, Powys County Council’s Highway Authority has been consulted on this application. The Highway Officer has stated that the Highway Authority has no fundamental objection to this proposal. It is noted that “all matters” including access are reserved for future consideration, however, the submitted “Proposed Site Layout” drawing clearly demonstrates that suitable levels of access visibility and off street parking and turning areas can be accommodated within the site limits. Given

that access, visibility splays and parking can be secured at the reserved matters stage it is considered that this can be achieved.

It is therefore considered that the proposed development complies with planning policy GP4 of the Powys Unitary Development Plan.

Appearance, Layout and Scale

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.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating two dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Affordable Housing

Given the scale of the development (two houses and 0.09 hectares) it is considered that Unitary Development Plan policies do not enable affordable housing to be secured as the site is less than 0.3 hectares and under 5 dwellings.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted as well as NRW. Powys' Ecologist initially stated that a Newt Reasonable Avoidance Method Statement would be required prior to determination in order to demonstrate that the proposed works, including construction activities would not result in negative impacts to Great Crested Newts.

Following the submission of the additional information in relation to the Great Crested Newts the Ecologist was re-consulted. The Ecologist confirmed that the information was acceptable and confirmed that no objections would be put forward. The Ecologist has required that appropriately worded conditions are attached to any granting of consent in order to secure that the method statement for reasonable avoidance measures are adhered to. As well as securing appropriate landscaping, a tree and hedgerow protection plan and a lighting scheme to ensure that protected species are not detrimentally impacted upon.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development will not have a significant negative impact upon protected species and their habitats and therefore comply with policy ENV3 and ENV7 of the Powys UDP.

Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. The majority of the site lies outside the C2 flood zone, however a small part of the site to the east does lie within the C2 flood zone and would be considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones. Natural Resources Wales (NRW) been consulted on the proposed development. Officers from NRW have noted the proximity of the development site to the C2 flood zone and have stated that given the scale of the proposed development NRW consider the risk acceptable subject to the development being implemented in accordance with the layout plan, which demonstrates that no building would be within the flood zone, (1500/PLN/01) and no ground raising to be carried out within the flood plain.

In light of the above and confirmation from NRW, that a FCA would not be required in this instance due to the location of the development site it is considered that the proposed development fundamentally complies with policy SP14 of the Powys UDP and TAN 15.

Environmental Health

Powys County Council's Environmental Health Officers have been consulted in relation to noise and the means of foul drainage. The Environmental Health Officer has stated that due to the surrounding residential dwellings a condition will be attached to any granting of permission in order to restrict operating hours to reduce noise impacts caused during construction.

The Environmental Health Officer has also considered the method of drainage and initially asked for additional information as to the means of foul drainage including percolation test results. The applicant has since confirmed via e-mail that they will be discharging to a watercourse. A separate permit is therefore required from NRW in relation to the means of foul drainage.

In light of the above it is therefore considered that the proposed development complies with policy GP1 in relation to noise and policy DC11 in relation to foul drainage of the Powys UDP (2010).

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 strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 1500/PLN/01, 1500/S/01 & Site Location Plan).

5. The Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europeans Land Management Services dated 13th December 2017 shall be adhered to and implemented in full.
6. The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full.
7. Prior to the commencement of development 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.
8. 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.

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

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

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

10. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

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. 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.
6. To comply with Powys County Council's UDP Policies SP3 and ENV2 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.
7. 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.
8. 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.
9. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
10. To safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.

Informative Notes

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.

Bats - 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 bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail: thomas.goodman@powys.gov.uk