

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 19/0458/HDG

**Grid Ref:** E: 289106  
N: 301784

**Community Council:** Llanbrynmair

**Valid Date:** 11.03.2019

**Applicant:** Powys County Council

**Location:** Hedgerow Removal Close to Llan Village, Llanbrynmair, Powys,

**Proposal:** Application for hedgerow removal notice

**Application Type:** Hedgerow Removal Notice

### Report Update

This report forms an update to the previous report circulated to Members.

### Consultee Responses

#### Consultee

#### Received

#### Llanbrynmair Community Council

19/0456/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL  
19/0457/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL  
19/0458/HDG - Hedgerow Removal Notice - Llan, Llanbrynmair, Powys, SY19 7DL

The members of Llanbrynmair Community Council discussed these applications at their last monthly meeting. Following a discussion, the members unanimously agreed that they support all three of these applications to remove sections of hedgerow adjacent to the active landslip area located at Rhiw Coed on the B4518 between Llan and Llanbrynmair.

The proposed work to realign the carriageway away from an active landslip area is clearly vital to the safety and wellbeing of the residents of the Llanbrynmair area as well as visitors utilising the B4518 as they pass through the Community of Llanbrynmair. It is hoped that work to remove these hedgerows and proceed with the realignment of the carriageway can proceed as soon as possible as there are clearly considerable concerns about the stability of the current carriageway.

Cllr Jones-Poston

Thank you for the notification of the removal of hedges on the B4518 between Llanbryn-mair and Llan. I note it is being considered at the Planning Committee on 11th April.

As the elected member for Llanbryn-mair and on behalf of local residents, I very much support the application of removal of hedges to allow for the realignment of the carriageway. The current road is affected by a landslide whereby the ground beneath is unstable.

I very much hope that the application will be approved to enable the works required to be progressed. The current road is posing safety issues to users and is deteriorating.

I look forward to hearing the outcome of the application

### **RECOMMENDATION – Approval**

Having considered the above responses, the recommendation is in accordance with the previous report which considered that the hedgerow does not qualify as an important hedgerow under the hedgerow regulations.

In light of the above, the council will not be serving a hedgerow retention notice.

### **Informative Notes**

#### Biodiversity

If a hedgerow removal notice is issued the applicant should be reminded that under the 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). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

Montgomeryshire Wildlife Trust

Removal of a hedgerow between the months of March and August would risk harm to nesting birds and the destruction of their nests. This would be an infringement of the 1981 Wildlife and Countryside Act. If application 19/0386/HDG is to be given consent, the removal should be carried out between September and February.

We recommend that habitat and species records be obtained from the Biological Information Service (BIS) for Powys: <https://www.bis.org.uk/>

Please feel free to contact me if you have any further queries.

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Case Officer: Luke Jones, Planning Officer  
Tel: 01597 827115 E-mail: [luke.jones@powys.gov.uk](mailto:luke.jones@powys.gov.uk)