

owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission. 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.

Ward Councillor

5th Aug 2019

Please could planning application Ref: 19/1059/FUL be called into committee due to the wider public interest of it being potentially controversial

I have included a copy of the letter I have received from the chamber of trade asking me to call in the planning application

I have also had various conversations and email from other traders in the town centre who have raised concerns.

Highway Authority

6th Aug 2019

Does not wish to comment on the application

Hafren Dyfrdwy

19th Jul 2019

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with

Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Environmental Protection

24th Jul 2019

Environmental Protection has no objection to the application.

Ecologist

13th Aug 2019

Thank you for consulting me with regards to planning application 19/1059/FUL which concerns an application for the demolition of former 'Radio Hafren' building and construction of two storey community building with associated paddle sport/cycle hiring facilities, and landscaping at Former Radio Hafren Building, Wesley Street, Newtown.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 104 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; pipistrelle, noctule and brown long-eared, otter, grass snake, tree sparrow and house sparrow.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

Ecological Assessment

I have reviewed the Ecological Assessment Report produced by Marches Ecology dated June 2019 - I consider that the survey methods and effort employed were in accordance with current National Guidelines.

The report details the findings of a phase 1 habitat survey and protected fauna and habitat suitability assessment undertaken in April and May 2019 as well as the results of an associated desk based study. Habitats identified within and immediately adjacent to the proposed development site include;

- o Ornamental shrubs

- o Trees and woodland
- o 3 semi mature trees
- o 2 mature trees
- o Amenity grassland
- o Buildings
- o Hard-standing
- o Watercourse

Bats - European Protected Species

The proposed development requires the demolition of an existing building, consideration therefore has been given to the potential for the building to support roosting bats - bats being a European protected species - and for the proposed development to impact roosting bats.

Therefore a Bat Roost Assessment has been undertaken as part of the Ecological Assessment and submitted to support the application and enable the LPA to assess the potential impact of the development to roosting bats.

The survey undertaken included internal and external inspections of the building affected by the proposed development to identify any potential features suitable to provide access into the structure and/or to support roosting bats.

The preliminary roost assessment undertaken on the 3rd April 2019 assessed the existing building as having moderate potential to support roosting bats due to the presence of access points into the building including a gap in the soffits.

Two activity surveys were undertaken on 12th May 2019 (dusk emergence) and 5th June 2019 (dawn re-entry). No bats were seen emerging or re-entering the building during the activity surveys.

Following the finding of the bat roost assessment and subsequent surveys - the report identifies that the proposed development will not result in the disturbance, loss of roost locations or destruction of resting places, as such no European Protected Species Development Licence will be required.

However I note that reasonable avoidance measures and enhancement measures have been identified in section 4 of the Ecological Appraisal Report. Measures include;

- o Inclusion of a tool-box talk for all contractors
- o Installation of a number of bat boxes as part of the new development to include 4 on the building and 4 to be erected on surrounding trees
- o Inclusion of a wildlife friendly lighting scheme

I also note that if the building is not demolished by 2020 then the report has identified that updated surveys will be required prior to demolition.

Subject to the identified mitigation measures being implemented it is considered that the proposed development would not result in a negative impact to the favourable conservation status of bats roosting at the site. It is therefore recommended that the identified mitigation measures to minimise impacts to bats are secured through an appropriately worded planning condition.

Otters - European Protected Species

Given the proximity of the proposed development to the River Severn the site was assessed for its potential to support otter. No evidence of otter was identified during the survey. However it is noted that precautionary measures to reduce any potential negative impact on otters have been suggested. Measures include;

- o The erection of protective fencing around the development site

It is therefore recommended that the identified precautionary measures to minimise impacts to otter are secured through an appropriately worded planning condition.

Nesting Birds

No evidence of nesting birds was identified during the Preliminary Roost Assessment however given the potential for the site to support nesting birds mitigation measures have been outlined in section 4 of the Ecological Assessment Report. Measures include;

- o Timing of works - works to take place OUTSIDE of the nesting season (March to August inclusive)
- o Should this not be possible then the sight is to be checked for presence or absence by a suitably qualified ecologist
- o Inclusion of 8 new bird boxes as part of the new development with the locations to be determined by a suitably qualified ecologist

It is therefore recommended that the identified mitigation measures to minimise impacts to nesting birds are secured through an appropriately worded planning condition.

Other Protected Species

Two hedgehogs were observed on the proposed development site during the bat activity surveys. Given the presence of hedgehogs on the development site a 'watching brief' has been proposed; workers are to remain vigilant for the presence of hedgehogs during the development of the site. It is noted that the report recommends that if clearance works are to take place during the winter then further advice will need to be sought from an ecologist to avoid disturbing hibernating hedgehogs and two hedgehog next boxes are to be provided as part of the new development.

Given the records of grass snake in the proximity of the proposed development a 'watching brief' has also been proposed. If any reptiles are observed during clearance or construction works then all works must cease and a suitably qualified ecologist contacted for advice.

Pollution Prevention

Given the proximity of the works to the River Severn section 4 of the Ecological Assessment indicates that works will comply with the following Environment Agency/Natural Resources Wales Pollution Prevention Guidance (PPG) specifically PPG1, PPG5, PPG6 and PPG7.

It is recommended that adherence to the identified Pollution Prevention measures is secured through an appropriately worded planning condition.

Biosecurity

Two invasive non-native (plant) species (INNS) were recorded during the site survey, the Ecological Assessment also acknowledges the presence of other INNS are known along the River Sever corridor. Therefore the report identifies that a precautionary Biosecurity Method Statement (risk assessment) will be required in order to prevent the ingress of INNS onto the site from elsewhere.

As such, it is recommended that the submission of a Biosecurity Method Statement (Risk Assessment) is secured through an appropriately worded planning condition.

Tree Protection

Submitted plans and documents indicate the presence of a number of mature trees within or directly adjacent to the proposed development boundary. I have reviewed the Arboricultural Survey and Impact Assessment Report and subsequent Tree Protection Plan Drawing - the details provided and measures proposed are considered to be appropriate and acceptable.

It is recommended that adherence to the identified Tree Protection measures is secured through an appropriately worded planning condition.

Landscape Planting Scheme

It is noted that a Landscape Concept Plan drawing no. 3010-002 Rev B produced by Lingard-Farrow-Styles dated 22nd May 2019 has been submitted with the application, whilst the plan provides broad details of the proposed landscaping limited detail has been provided with regards to species proposed to be used and associated aftercare measures etc. in accordance with the recommendations in the Ecological Assessment Report where appropriate consideration should be given to the development of a native landscape planting scheme.

In order to ensure that the detailed proposals for landscaping of the proposed development are appropriate it is recommended that submission of a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

Given the proximity to the watercourse of the proposed development careful consideration will need to be given to any external lighting proposed to be erected on the proposed extensions. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The development shall be carried out strictly in accordance with the mitigation, pollution prevention and enhancement measures identified in Section 4 of the Ecological Appraisal Report produced by Marches Ecology dated June 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No development shall take place (including ground works and vegetation clearance) until a Biosecurity Risk Assessment has been submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To comply with Powys County Council's LDP Policy DM2, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the recommendations and protection measures identified in the Arboricultural Survey and Impact Assessment Report and illustrated on drawing number 3015-002A produced by Lingard Farrow Styles dated June 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Notwithstanding the details submitted, prior to first beneficial use of the development a detailed Landscaping Planting and Management Scheme shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season of the following occupation of the development. The submitted Landscaping and Management Planting Scheme shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long term retention. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 2017 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 0345 1300 228 or email enquiries@bats.org.uk.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

Otters are known to be present on the majority of watercourses in Powys. The otter 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:

- o Deliberately capture, injure or kill an otter;
- o Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- o Damage or destroy an otter holt;
- o Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- o Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- o No night working or lighting of the works area;
- o Ensuring that no barriers to movement of otters along the river are created;
- o Keep unnecessary noise to a minimum during the works; and
- o Do not light any fires close to areas of vegetation.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 - which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

Land Drainage

17th Jul 2019

Having assessed the Planning Application Ref 19/1059/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite

Clwyd Powys Archaeological Trust

18th Jul 2019

Thank you for the consultation on this application.

We have discussed these proposals in detail with the applicants at the pre-application stage and the existing earthwork bank immediately south of the Radio Hafren building,

which is thought to be associated with the Newtown Hall garden boundary (PRN 149081) will not be impacted by the proposals and lies outside the red boundary area.

We would therefore have no objection to the proposed development at this location.

Cadw

1st Aug 2019

Thank you for your letter of 16 July 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument described in our assessment given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes, where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical

protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Assessment

The application area is located some 165m north-north-west of scheduled monument Newtown Hall Castle Mound (MG160). The monument comprises the remains of a medieval earthwork castle and consists of a 'D'-shaped mound, measuring overall 55m (north-west to south-east) by 35m, with its flat top 40m by 15m. The height of mound is about 4m above the bottom of a broad ditch that encircles the mound, except on the north-west. The mound has been transformed into an ornamental feature of the grounds surrounding Newtown Hall. There are possible traces of a bailey to the north-west.

The major Welsh castle and town of Dolforwyn was located some 5.5km to the north-east. After the fall of Dolforwyn, the local market was shifted from that site, down to the valley, where Roger Mortimer created Newtown in 1280. There may have been an earlier settlement at this site, and the motte may predate the foundation of Mortimer's new borough. The site was refortified by Sir John Price during the English Civil War. When constructed the castle, would have had all-round views. However, the most significant would have been to the crossing of the River Severn on the site of the Long Bridge, and the medieval town to the north and eastward along the Severn Valley towards Dolforwyn.

The proposed development will see the demolition of the current Radio Hafren building, a single storey structure with hipped roof, and the construction of a two-storey flat roofed building containing a café, tourist information, canoe and bicycle hire, along with a play park.

The proposed building will be visible from the scheduled monument, although it will be screened - especially in the summer by existing vegetation. The new building is aligned north to south and is only slightly higher than the existing roof of the existing building. Consequently, the proposed building will not appear to be much larger than the existing one when viewed from the scheduled monument. It will be seen in the periphery of the identified significant view northwards towards the Long Bridge. But will not alter the way that the scheduled monument is experienced, understood and appreciated. Consequently,

the proposed development will not have any impact on the setting of scheduled monument MG160.

Sports Council For Wales

5th Aug 2019

I confirm that Sport Wales has no objection.

Natural Resources Wales

25th Jul 2019

Thank you for consulting Natural Resources Wales (letter dated 16/07/2019) 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 - CEMP: No development shall take place, including site clearance, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Protected Species

We note that the ecological report submitted in support of the above application (Ecological Appraisal report dated 18th June 2019 by Marches Ecology) has identified that bats use the site for foraging and there is also potential for presence of other species such as otter.

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

Ein cyf/Our ref: CAS-94575-L5T2

Eich cyf/Your ref: 19/1059/FUL

Swyddfa Llywodraeth Cymru/Welsh

Government Building,

Rhodfa Padarn,

Llanbadarn Fawr,

Aberystwyth

SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk

03000 654696

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i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range provided all the recommendations made in the ecological report are implemented.

Some of the trees scheduled for removal have bat roosting potential, Section 4 of the report makes several recommendations with regards to minimising disturbance to EPS and damage to the habitats that support them. These recommendations should be implemented and secured via appropriately worded conditions.

Condition 1 - CEMP: No development shall take place, including site clearance, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- o Construction methods: details of materials, how waste generated will be managed;
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- o Biodiversity Management: details of tree protection including a root protection plan; biosecurity risk assessment; species and habitats protection, avoidance and mitigation measures.
- o Lighting scheme
- o Details of required pre-commencement of works tree surveys to demonstrate no detrimental impact on bats.
- o Soil Management: details of topsoil strip, storage and amelioration for re-use.
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

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- o Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Please note we consider the biosecurity risk assessment must include

- (i) appropriate measures to control any invasive non-native species (INNS) on site, if present; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

We refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites: <http://www.nonnativespecies.org/checkcleandry/index.cfm>.

Flood Risk

The application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the river Severn, a designated main river.

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 developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

The proposed built development is not considered to be at risk of predicted fluvial flooding either now or with the impacts of climate change (excluding impacts of reservoir failure).

The proposed natural play area could be affected during extreme events. The design should take flood risk into consideration, ensuring items are fixed where possible.

There should be no ground raising in the play area to ensure any impacts on flood flows are minimised.

The developer can access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf

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Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the developer:

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.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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:

www.naturalresourceswales.gov.uk

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Flood Risk Activity Permit

The Applicant should be aware that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Severn, a designated "main river". Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Representations

Following the display of a site notice on 18/07/2019, 20 public representations have been received with 6 in support of the proposal whilst 14 have raised objections.

A summation of points raised is detailed below:

Support

- Revitalisation of an empty building and creation of jobs;
- Boost Newtown's tourism;
- Base for activities and benefit the town.

Object

- No part of the car park which does not form part of the lease to the town council is available to redevelop the former Radio Hafren building;
- General dislike of proposal;
- No need for another café;
- Close to adjoining properties;
- Impact on existing towns cafes;
- Overdevelopment;
- Strain on existing community facilities.

Planning History

App Ref	Description	Decision	Date
19/0048/RE M	Section 73 application to vary condition 2 and remove condition 23 of planning approval P/2017/1274 to allow a variation of the plans to include phase 2 of the hub building with the consent	Pending Consideration	
P/2017/1274	Full: Proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works	Approve	02/08/2018
M/2007/0419	Erection of a club house, with Steward's flat, construction of bowling greens and equipment store and formation of vehicular access together with associated works	Withdrawn	13/10/2008

Principal Planning Constraints

- Scheduled Ancient Monument within approximately 165 metres of the application site;
- C2 Flood zone;
- C1 Flood zone.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP4	Retail Growth		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM11	Protection of Existing Community Facilities & Services	Local Development Plan 2011-2026
DM13	Design & Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
R1	New Retail Development	Local Development Plan 2011-2026
R4	Neighbourhood and Village Shops and Services	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
RE1	Renewable Energy	Local Development Plan 2011-2026

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The application site is located within the settlement development boundary of Newtown as defined by the Powys Local Development Plan (2018). The proposed development is located to the rear of Back Lane carpark on the site of the former Radio Hafren Building, with the River Severn and National Cycle Route 81 to the rear of the proposed site. The proposed site is fronted by the car park and has close links to commercial properties and travel options with it being in close proximity to Newtown's town centre.

The application seeks consent for the demolition of the former 'Radio Hafren' building and construction of a two storey community building with associated paddle sport/cycle hiring facilities and landscaping. The proposed building's roof will measure approximately 43.5 metres in length at the longest point and 35 metres at the shortest point, whilst being 13 metres in width at the widest point and 11 metres at the narrowest point. The height of the two storey building will be approximately 7 metres to the ridge.

Principle of Development

Full planning permission was granted in respect of a Green Infrastructure Project comprising of a change of use of land to form a play park / amenity area and erection of play equipment (Site A); construction of a BMX pump track (Site B) together with the erection of a hub building & formation of storage compound, formation of car park, new entrance and all associated works (Site C) under planning reference P/2017/1274.

This application seeks consent for the demolition of the former 'Radio Hafren' building and construction of a two storey community building with associated paddle sport/cycle hiring facilities and landscaping which will be located within proximity of Site C as above. The proposed building will also accommodate a Community kitchen, Community Café, toilet

facilities and tourist information centre/associated retail. Multi purpose accommodation will be provided at first floor level.

In considering the principle of the proposed development, consideration is given to both policies TD1 (Tourism Development) and C1 (Community Facilities and Indoor Recreation Facilities).

In accordance with LDP Policy TD1, new tourist development is encouraged due to its contribution to the economy in terms of visitor spending, supporting local business and employment generation. Consideration however needs to be given to ensure that developments are sustainable and do not have an unacceptable adverse impact and effect upon the character and appearance of the area.

The proposed development seeks to replace an existing building within Newtown which has close links to sustainable transport options whilst being sited at a location that will make best use of the recreational facilities offered. The redevelopment of the area would be considered to enhance the existing character and appearance of the area whilst providing an asset to the town of Newtown.

It is therefore considered that the proposed development is compliant with criterion 1 of LDP Policy TD1

LDP Policy C1 supports the provision of community facilities such as community centres, youth centres, libraries, leisure centres, public swimming pools, other indoor recreational facilities, museums and art galleries. Facilities however should be appropriate in scale and nature to their location. Where multi-use is appropriate, consideration should be given to the use of the facility for other types of community use including multiple or shared use of the building for public or commercial purposes.

The proposed development is located within the settlement development limits of Newtown as defined by the Powys Local Development Plan (2018) and is accessible by car and foot. The proposed building will complement the recreational facility whilst also providing multi-functional accommodation at first floor level. Given the location and nature of the accommodation proposed, Officers are satisfied that the proposal fundamentally complies with Policy C1 of the Powys LDP.

Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed building measures approximately 43.5 metres in length at its longest point and 35 metres at its shortest point. The width of the proposed building ranges between

13 metres at the widest point and 11 metres at the narrowest point. The two storey building height will measure approximately 7 metres to the ridge. The proposed materials include corten steel rainscreen cladding with horizontal timber cladding (thermally modified) and long format brick walls with a biodiverse green roof and high performance windows and doors (powder coated aluminium). The roof will also have photovoltaic panels.

Landscaping has also been proposed for the surrounding area which will include a natural play circuit fenced by steel railing, sculpture and the creation of new hard and soft areas.

The proposed building is considered to be of an innovative design and has been sympathetically designed to complement and enhance the character of the surrounding area. Whilst it is acknowledged that the proposed building and development site is greater in extent than that of the former Radio Hafren building, it is not considered that the proposed scale of the building will detrimentally impact the character and amenity of the surrounding area. The proposed building is located away from residential properties and would therefore not be considered to detrimentally impact upon amenity by loss of light or privacy.

In light of the above, it is considered that the proposed development fundamentally complies with Policy DM13. Should permission be granted, it is recommended that a suitable condition is attached to any grant of consent to secure the maintenance of the proposed green roof.

Impact on an existing tourist facilities, Newtown retail centre and amenity

Powys Local Development Plan Policy DM13 requires that developments have regard to the significant importance to the existing tourism facilities in the area. The policy seeks to safeguard established attractions and businesses (including accommodation) from development proposals that could have an unacceptable adverse impact.

Public representations identified concern regarding the potential impact of the proposed development on existing businesses within Newtown, particularly eating establishments. Representations have requested that a condition be attached to any granting of planning permission that would limit the amount of covers provided. However, Officers would consider such a condition to be unenforceable as there would be no mechanism to effectively monitor and enforce the requirements of said condition and would therefore not meet the circular tests, WGC 016/2014.

These concerns were noted by the applicants' agent who subsequently submitted revised drawings detailing a reduction in the A3 floor space provided within the proposed building and the proposed A3 use now amounts to only 20% of the building's internal floor space.

Whilst Officers note the third party concerns expressed, it is not considered that the proposed development will unacceptably affect the viability of existing commercial

premises within the Town. Indeed, it is considered that the proposal will provide an additional asset within the Town serving both existing residents and visitors.

The proposed development seeks to enhance the local tourism of the area by providing services and equipment that will help residents and tourists utilise the natural and existing facilities within the settlement of Newtown which will support the local economy through spending and employment.

Powys Local Development Plan Policies R1 and R4 seek to ensure that retail development is located within existing Town Centre Areas where possible, which Newtown is. The proposed development is not considered to undermine the retail hierarchy of Newtown and would not be considered to have an unacceptable adverse impact on the vitality and viability of the Retail Centre.

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

Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 indicate that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

In responding to the consultation, the Highway Authority has confirmed that they do not have any comments to make.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and in particular LDP Policy DM13 (Part 1).

Environmental Protection

As part of the application process Powys County Council's Environmental Protection Officer has been consulted on the application, however no objection has been raised regarding the application. The proposed development and activities to be undertaken are not considered to detrimentally impact the amenity of the area or other properties within the vicinity.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and in particular LDP Policy DM13 (Part 11).

Land Drainage

As part of the application process Powys County Council's Land Drainage Officer has been consulted on the application. As the construction area is greater than 100m², the Land Drainage Authority has confirmed that the scheme will require SAB approval prior to any construction works commencing on site

In light of the above, it is considered that a suitable drainage scheme will be secured and therefore the proposed development is considered to be compliant with LDP Policy DM6.

Cultural Heritage

TAN 24 outlines that the conservation of archaeological remains are a material consideration in determining a planning application and that there should be a presumption in favour of their physical preservation in situ. Therefore, there is a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Due to the development site being approximately 165 metres from a scheduled ancient monument, Clwyd Powys Archaeological Trust has been consulted on the application and has raised no objection to the proposed development. They noted that discussions between the applicant has previously been undertaken at the pre-application stage and the existing earthwork bank immediately south of the Radio Hafren building, which is thought to be associated with the Newtown Hall garden boundary (PRN 149081) will not be impacted by the proposals and lies outside the red boundary area.

Cadw has also been consulted due to the site proximity to a scheduled ancient monument which is located approximately 165m north-north-west of scheduled monument Newtown Hall Castle Mound (MG160).

Cadw notes that the proposed building will be visible from the scheduled monument, although it will be screened - especially in the summer by existing vegetation. The new building is aligned north to south and is only slightly higher than the existing roof of the existing building. Consequently, the proposed building will not appear to be much larger than the existing one when viewed from the scheduled monument. Whilst the building will be seen in the periphery of the identified significant view northwards towards the Long Bridge, it will not alter the way that the scheduled monument is experienced, understood and appreciated. Consequently, Cadw considers that the proposed development will not have any impact on the setting of scheduled monument MG160.

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

Biodiversity

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

As part of the application process, the County Ecologist and Natural Resources Wales have been consulted and reviewed the proposed plans, aerial images along with local

records or protected and priority species and designated sites within 500m of the proposed development. This data search has identified 104 records of protected and priority species with 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed site include bat species; pipistrelle, noctule and brown long-eared, otter, grass snake, tree sparrow and house sparrow. However no statutory or non-statutory designated sites were identified within 500m of the proposed development.

The Ecologist notes the submission of the Ecological Assessment Report produced by Marches Ecology dated June 2019 and considers the survey methods and effort employed were in accordance with current National Guidelines. The Ecologist notes that following the findings of the bat roost assessment and subsequent surveys, the development will not result in the disturbance, loss of roost locations or destruction of resting places and therefore no European Protected Species Development License will be required.

The Ecologist notes the proposed mitigation measures identified within the report and recommends that these measures are secured by condition to minimise the impact to bats. Furthermore, if the building is not demolished by 2020 then the report has identified that updated surveys will be required prior to demolition.

Furthermore, the Ecologist has also recommended conditions in respect of otters and pollution prevention due to the developments proximity to the River Severn, whilst conditions in respect of mitigation for nesting birds, Biosecurity Method Statement (Risk Assessment), Tree Protection, Landscape Planting Scheme and Wildlife Sensitive Lighting Plan be secured by appropriately worded conditions attached to any granting of planning permission. Upon review of the proposed conditions in respect of the proposed development, Officers consider it to be both reasonable and appropriate to attach these conditions to any granting of planning permission.

NRW has also requested that a Construction Environment Management Plan be submitted and approved by the Local Planning Authority prior to development taking place.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with Policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Flood Risk

The application site lies partially with a C2 Flood Zone and therefore Natural Resources Wales has been consulted on the proposal. Given the scale of the proposal and absence of a flood consequence assessment, NRW considers the risk to be acceptable subject to the developers being made aware of potential flood risks. However, the proposed development is not considered to be at risk of predicted fluvial flooding either now or with the impacts of climate change. Due to the proposed location of the natural play area it is

considered this could be affected in extreme events, therefore NRW recommends no ground raising in the play area should take place.

Activities proposed from the development necessitate being within close proximity to the River Severn and its subsequent flood zones. Officers consider that the proposed location of the development, on the site of an existing building which falls outside of the C2 Floodzone, has taken into consideration the issues relating to the flood zone and that a considered development has been put forward. However, officers would consider it to be appropriate to attach an informative directing the applicant to advice and information on protection from flooding due to parts of the site being within the C2 Floodzone.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with Policies DM5 and DM6 of the Powys Local Development Plan, Technical Advice Note 15 and Planning Policy Wales.

Conclusion

Having carefully considered the proposed development, officers are satisfied that the proposal is in accordance with planning policy. The proposed development is considered to be of a modest scale, the design of which is in keeping with the site's surroundings. For the reasons stated above, the recommendation is therefore one of approval subject to the conditions detailed.

RECOMMENDATION

Approve

Conditions

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's: 10108 PL001 Rev A, 10108 PL002 REV A, 10108 PL003 REV A, 10108 PL005 REV B, 10108 PL006 REV B, 10108 PL007 REV B, 10108 PL008 REV A, 9440 PL010, 010 022 REV E, 3015-001 REV A & 3015-002 REV A).
3. Prior to the construction of the building, an implementation and upkeep strategy regarding the green roof of the building shall be submitted to and approved in writing by the local planning authority. The identified measures shall be adhered to and implemented in full and maintained thereafter.
4. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is

to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

5. The development shall be carried out strictly in accordance with the mitigation, pollution prevention and enhancement measures identified in Section 4 of the Ecological Appraisal Report produced by Marches Ecology dated June 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
6. No development shall take place (including ground works and vegetation clearance) until a Biosecurity Risk Assessment has been submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.
7. The development shall be carried out strictly in accordance with the recommendations and protection measures identified in the Arboricultural Survey and Impact Assessment Report, illustrated on drawing number 3015-002A produced by Lingard Farrow Styles dated June 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.
8. Notwithstanding the details submitted, prior to first beneficial use of the development a detailed Landscaping Planting and Management Scheme shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season following first occupation of the development. The submitted Landscaping and Management Planting Scheme shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable future management to ensure good establishment and long term retention. The measures identified shall be adhered to and implemented in full and maintained thereafter.
9. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
10. No development shall take place, including site clearance, until a Construction Environmental Management Plan has been submitted to and approved in writing

by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To safeguard the character and appearance of the dwelling and surrounding area in accordance with policy DM13 of the Powys Local Development Plan (2018).
4. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water and foul disposal in accordance with policies DM5 and DM6 of the Local Development Plan (2018).
5. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's LDP Policy DM2, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the

requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative

Biodiversity

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 2017 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 0345 1300 228 or email enquiries@bats.org.uk.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

Otters are known to be present on the majority of watercourses in Powys. The otter 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:

- o Deliberately capture, injure or kill an otter;
- o Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- o Damage or destroy an otter holt;

Intentionally or recklessly disturb any otter whilst it is occupying a holt; or

- o Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- o No night working or lighting of the works area;
- o Ensuring that no barriers to movement of otters along the river are created;
- o Keep unnecessary noise to a minimum during the works; and
- o Do not light any fires close to areas of vegetation.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 - which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

Land Drainage

Having assessed the Planning Application Ref 19/1059/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite

Flooding

Flood Risk Activity Permit

The Applicant should be aware that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures

located in, under, over or within 8 metres of the bank top of the River Severn, a designated "main river". Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

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