

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

**Application Number:** 19/1842/DEM

**Grid Ref:** E: 306306  
N: 260901

**Community Council:** Llandrindod Wells  
Community

**Valid Date:** 11.11.2019

**Applicant:** Powys County Council

**Location:** Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG.

**Proposal:** Application for prior notification of proposed demolition of buildings

**Application Type:** Demolition Notification

### The reason for Committee determination

Powys County Council is the applicant.

### Consultee Responses

#### Consultee

#### Received

Community Council

20th Nov 2019

The above application was placed before my Council at its meeting held on 19th November 2019.

No objections were made.

PCC-Ecologist

20th Nov 2019

Thank you for consulting me with regards to application 19/1842/DEM which concerns an application for prior notification of proposed demolition of buildings at Powys County Council DSO Yard & Archives, County Hall, Spa

Road East, Llandrindod Wells, Powys.

As the application concerns the demolition of existing buildings consideration of the potential impacts to ecology has been made and a suite of ecological surveys have been

undertaken to inform the application, I have reviewed the submitted Ecology Survey Reports produced by Middlemarch Environmental, these reports include the following documents:

- o Preliminary Ecological Appraisal - Report No. RT-MME-130473-01 produced by Middlemarch Environmental dated August 2019
- o Bat Surveys Report - Report No. RT-MME-130473-02 Rev A produced by Middlemarch Environmental dated September 2019
- o Great Crested Newt Survey Report - Report N. RT-MME-130473-03 produced by Middlemarch Environmental dated September 2019

I consider that the survey effort and methods used for the various surveys were in accordance with current best practice and guidelines and that the information provided is appropriate and sufficient to enable the LPA to assess the impact of the proposed demolition to biodiversity.

The preliminary ecological appraisal included an ecological desk study and a walkover survey which was carried out on the 29th March 2019. The survey identified that the site was predominantly occupied by disused buildings, with a hardstanding courtyard and some scattered trees. Two small areas of amenity grassland were identified in the south of the site and a hedgerow delineated the northern section of the eastern site boundary. Consideration was given to the potential for the presence of and likely impact to protected or priority species.

The buildings were subject to a preliminary bat roost assessment which identified high potential for the presence of roosting bats - bat activity surveys were therefore undertaken to determine the presence of and nature of any bat roosts within the buildings proposed to be demolished, the results and recommendations as a result of these surveys are discussed in detail below.

Records of badgers were identified within 1km of the proposed works, the survey of the site did not identify any badger setts on or within 30 m of the survey area, However evidence of badgers using the site for foraging and further evidence of badger activity was noted in the woodland to the west of the site boundary. The PEA report concludes that it is likely that badgers will use the site for commuting and foraging and recommendations have been made with regards to foraging terrestrial mammals to ensure no negative impacts to this species during the proposed demolition works.

The survey identified that the site provides some potential refuge and foraging habitat for hedgehog in the form of the hedgerow, semi-improved grassland and a wood pile. Recommendations have been made with regards to foraging terrestrial mammals to

ensure no negative impacts to this species during the proposed demolition works.

No suitable habitat for water voles was found within or adjacent to the survey site, the report concludes that there is therefore no risk of impact to this species.

No evidence of otter was identified on or adjacent to the survey area and the habitats were considered to be of generally low value to otters as they are dominated by the built environment. However, due to the presence of watercourses in the wider landscape it is possible that otters may commute through the site and recommendations have been made with regards to foraging terrestrial mammals to ensure no negative impacts to this species during the proposed demolition works.

No suitable habitat for brown hare was found within or adjacent to the survey site, the report concludes that there is therefore no risk of impact to this species.

Records of great crested newts were identified within 1km of the proposed development, the report identifies that there are no waterbodies within the site of the proposed demolition works that would provide potential breeding habitat for amphibians however it was identified that there are two waterbodies within 500 m of the site, located approximately 20 m and 250 m south. The PEA report identifies that a number of the great crested newt records identified during the desk study relate to the pond located 250 m south and there is connectivity to the site from this pond in the form of woodland. The report identifies that the habitats on the site of the proposed demolition works are generally considered to be of low value for amphibians as they are dominated by buildings and hardstanding, however small areas of suitable terrestrial habitat were present in the form of woodland, hedgerow and grassland. In light of the identified records of great crested newts in the local area and proximity of ponds to the proposed demolition site a great crested newt survey was undertaken to confirm presence or absence of this European protected species and determine whether there would be any likely negative impacts to this species. The two ponds present within 500m of the proposed demolition works were assessed following current survey guidelines. The assessment included a Habitat Suitability Index assessment and 4 presence absence surveys - utilising a mixture of survey techniques in accordance with the survey guidelines- these surveys were undertaken between 28th March 2019 and 12th May 2019. The great crested newt survey report confirms that during the surveys no great crested newts were located in either of the ponds surveyed and as such this species is not a notable consideration for the proposed demolition and no mitigation measures are required.

The PEA report identifies that several bird species were observed on site during the field survey and evidence of nesting activity within the buildings was also recorded and therefore concludes that if works are undertaken during bird nesting seasons there is the potential to directly impact or disturb nesting birds. Recommendations have therefore

been made with regards to avoidance of impacts to nesting birds to ensure compliance with the relevant legislation.

Section 7 of the PEA identifies recommendations with regards to the proposed works, having reviewed the identified measures it is considered that they are in accordance with current best practice and subject to adherence an implementation of these measures it is considered that the proposed demolition works would not result in any negative impacts to or loss of biodiversity.

In light of the results of the preliminary bat roost assessment which identified that the buildings proposed to be demolished had high potential to support roosting bats, bat activity surveys were undertaken to confirm presence or absence of roosting bats and determine the nature of any roosts present in order to enable assessment of the impact of the proposed development as well identify an appropriate mitigation strategy. The preliminary bat roost assessment was undertaken on the 10th April 2019. Three bat surveys were carried out consisting of two nocturnal emergence bat surveys - undertaken on the 3rd June 2019 and 24th June 2019 - and one dawn re-entry bat survey - undertaken on the 7th August 2019. Having reviewed the survey methodology I am satisfied that the survey effort was appropriate and in accordance with current National Guidelines and sufficient to enable a robust assessment of bat activity at the site and inform an appropriate mitigation strategy..

Five species of bat were recorded during the nocturnal emergence surveys, common pipistrelle, soprano pipistrelle, brown long-eared bat, noctule and Natterer's bat. Three species, common pipistrelle, soprano pipistrelle and brown long-eared bat were identified as roosting within three of the four buildings proposed to be demolished. The remaining species were identified as utilising habitats on/adjacent to the site for foraging and/or commuting purposes.

The report evaluates the finding of the surveys in light of the numbers and associated activity as follows:

- o Due to the observation of one brown long-eared bat emerging from a gap at the ridge of building B2 during the first nocturnal survey it is considered that this building is used as a day roost for low numbers of this species.
- o It is considered that building B3 is used for day roosting purposes by common and soprano pipistrelles due to the observation of low numbers of these species emerging from/re-entering features associated with this building.
- o Due to the observation of low numbers of common pipistrelles emerging from and re-entering features associated with building B4 is it considered that this building is used

as a day roost.

The report identifies that a European Protected Species (EPS) licence will be required for the destruction of a bat roost from Natural Resources Wales (NRW), prior to any works commencing on the buildings.

The report identifies a scheme of mitigation which includes the following principles:

- o Pre-works survey including a daytime assessment and a dusk emergence survey (where the works are undertaken during the bat activity season).
- o New roost creation through the erection of a minimum of 8 bat boxes on suitable trees or buildings on adjacent land within the applicants ownership
- o Timing of works
- o Supervision of works by an appropriately experienced and licensed Ecological Clerk of Works
- o Use of soft-strip demolition technique

The proposed measures and identified mitigation are considered to be appropriate and achievable. Subject to adherence to the identified mitigation strategy it is considered that the proposed demolition would not result in negative impacts to the favourable conservation status of bat species identified as roosting in the buildings proposed to be demolished.

Subject to the mitigation measures identified being adhered to it is considered that there would be no likely detrimental impacts to the favourable conservation status of bat species identified as roosting at the site as a result of the propose demolition.

Having reviewed the submitted survey reports and associated recommendations I am satisfied that sufficient information has been submitted to demonstrate that the proposed demolition works would not result in negative impacts to biodiversity.

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

The demolition shall be carried out strictly in accordance with the mitigation measures identified in Section 7 of the Preliminary Ecological Appraisal - Report No. RT-MME-130473-01 produced by Middlemarch Environmental dated August 2019 and Sections 6 & 7 Of the Bat Surveys Report - Report No. RT-MME-130473-02 Rev A produced by Middlemarch Environmental dated September 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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](mailto: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.

PCC-Rights of Way Senior Manager

19th Nov 2019

Countryside Services does not wish to make any comments on this application at this time, as there is no recorded public right of way through the development area.

## **Representations**

Following the display of a site notice on 11/11/2019 no public representations or objections have been received at the time of writing this report.

## **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026

Town and Country Planning (General Permitted Development) Order 1995

### **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 Town Council area of Llandrindod Wells and is located within the settlement development boundary of Llandrindod Wells as defined by the Powys Local Development Plan (2018). The application site is surrounded by the County Highway (C1339) to the north, the County Hall building to the south, an existing car park to the east, and an area of trees to the west.

This notification seeks consent for the demolition of the former Archive and DSO Buildings at Powys County Hall Offices, Llandrindod Wells.

#### Principle of Development

Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 permits the demolition of a building providing that the developer applies to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required with respect to the method of demolition and any proposed restoration of the site.

In instances where the Local Planning Authority consider that additional information is required in respect of the above, they are required to confirm to the applicant that prior approval will be required. Where the information submitted is acceptable, the Local Planning Authority will confirm that prior approval is not required and therefore permits the developer to exercise permitted development rights under Class A as above. In every instance, consideration must be limited to the method of demolition and proposed site restoration. It is not for the Local Planning Authority to consider the general acceptability of the proposal or the loss of a specific structure/building.

The sequence of works in support of the application states that all demolition works must be carried out by March 2020 in order to carry out the works outside of the bat roosting season. The proposed method of demolition will be by hand and mechanical plant machinery, and once completed the site will be restored with all excavations being

filled in. Following the completion of these works, a full planning application will be submitted for a proposed car park.

The application is accompanied by a Preliminary Ecology Appraisal (dated August 2019), a Bat Survey Report (dated September 2019) and a Great Crested Newt Survey Report (dated September 2019).

The Ecological Survey Report identifies a scheme of mitigation which includes the following principles:

- Pre-works survey including a daytime assessment and a dusk emergence survey (where the works are undertaken during the bat activity season).
- New roost creation through the erection of a minimum of 8 bat boxes on suitable trees or buildings on adjacent land within the applicants ownership.
- Timing of works.
- Supervision of works by an appropriately experienced and licensed Ecological Clerk of Works.
- Use of soft-strip demolition technique.

The proposed measures and identified mitigation are considered to be appropriate and achievable by the PCC Ecologist. Subject to adherence to the identified mitigation strategy it is considered that the proposed demolition would result in no likely detrimental impacts to the favourable conservation status of bat species identified as roosting at the site as a result of the propose demolition. In addition, having reviewed the submitted survey reports and associated recommendations, the Ecologist is satisfied that sufficient information has been submitted to demonstrate that the proposed demolition works would not result in negative impacts to biodiversity.

In light of the above, and subject to adherence to the informative notes recommended by the Ecologist, it is considered the prior approval of the Local Planning Authority is not required.

### **RECOMMENDATION – Prior Approval Not Required**

The submitted notification is in accordance with Schedule 2, Part 31, Class A of the Town and Country Planning (General Permitted Development) Order 1995 – Demolition of Buildings.

### **Informative Notes**

#### PCC – Ecologist

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- 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.

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