

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting Date
Thursday, 12 April 2018

Meeting Time
9.30 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
Carol Johnson
01597826206
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5 April, 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meetings of the Committee held on 21 February, 2018, 8 March 2018 and 15 March 2018 as correct records.

(To Follow)

Planning

3.	DECLARATIONS OF INTEREST
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.

c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 5 - 8)

4.1. Updates

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(To Follow)

4.2. P/2017/1298 Black Hall, Llandyssil, Montgomery, Powys SY15 6HR

(Pages 9 - 66)

4.3. P/2018/0101 Upper Llegodig, Abermule, Montgomery, Powys, SY15 6JY

(Pages 67 - 80)

4.4. DIS/2018/0005 Leighton Arches Gypsy and Traveller Site, Leighton Road, Welshpool, Powys, SY21 8FJ

(Pages 81 - 86)

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Regeneration and Regulatory Services under delegated powers.

(Pages 87 - 102)

6.	APPEAL DECISION
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To receive the Planning Inspector's decision regarding an appeal.

(Pages 103 - 106)

Taxi and other licensing

7. MINUTES OF TAXI LICENSING SUB-COMMITTEE

To authorise the Chair presiding at the following Taxi Licensing Sub-Committee to sign the minutes as a correct record: 12 December, 2017.
(Pages 107 - 108)

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Planning, Taxi Licensing and Rights of Way Committee
12th April 2018

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>P/2017/1298</p> <p>Llandyssil</p> <p>320356.94 294049.12</p> <p>21/11/2017</p>	<p>FULL: Expansion of existing free range egg complex encompassing the construction of an additional 32,000 free range poultry unit, erection of six feed silos, extension to hardstanding yard, alteration to private access road, new manure store and landscaping details</p> <p>Black Hall, Llandyssil, Montgomery Powys SY15 6HR</p> <p>R.B Jones & Son Mr & Mrs R Jones, Llwynobin, Montgomery, Powys SY15 6JA</p> <p>Recommendation: Conditional Consent</p>
<p>P/2018/0101</p> <p>Llandyssil</p> <p>317135.66 296165.09</p> <p>18/01/2018</p>	<p>Full: Erection of an agricultural building and all associated works</p> <p>Upper Llegodig, Abermule, Montgomery, Powys, SY15 6JY</p> <p>Mr Gareth Pugh, Upper Llegodig, Abermule, Montgomery, Powys, SY15 6JY</p> <p>Recommendation: Conditional Consent</p>

DIS/2018/0005	Discharge of conditions no. 6, 8, 9, 10, 11 & 12 of planning approval P/2016/1240
Welshpool	Leighton Arches Gypsy and Traveller Site, Leighton Road, Welshpool, Powys, SY21 8FJ
323589.04 307013.7	Powys County Council
08/01/2018	Recommendation: Approval

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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1298	Grid Ref:	320356.94, 294049.12
Community Council:	Llandyssil	Valid Date:	Officer: 21/11/2017 Bryn Pryce
Applicant:	R.B Jones & Son Mr & Mrs R Jones, Llwynobin, Montgomery, Powys SY15 6JA		
Location:	Black Hall, Llandyssil, Montgomery Powys SY15 6HR		
Proposal:	FULL: Expansion of existing free range egg complex encompassing the construction of an additional 32,000 free range poultry unit, erection of six feed silos, extension to hardstanding yard, alteration to private access road, new manure store and landscaping details		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

This application is before committee as the application is accompanied by an Environmental Statement.

Site Location and Description

This site is accessed via a private farm track off the U2684 unclassified highway approximately 2.7 miles south east of Llandyssil. The proposed site occupies an area of land currently forming an areas of hardstanding to the east of the existing poultry unit and agricultural land used for the purposes of grazing. The site is located directly adjacent to the existing poultry unit and this application seeks an extension to the existing building. The site is bound by agricultural land to the north, south and east and the existing poultry unit to the west.

Consent is sought in full for the expansion of existing free range egg complex encompassing the construction of an additional 32,000 free range poultry unit, erection of six feed silos, extension to hardstanding yard, alteration to private access road, new manure store and landscaping details. The proposed extension building is to accommodate a further 32,000 free range egg laying hens taking the cumulative total number of birds within the unit to 64,000 laying hens.

The proposed extension building is to measure 107 metres in length, 27.2 metres in width, 3.4 metres in height to the eaves and 7.2 metres in height to the ridge. The proposed extension will within the first 4.7 metres accommodate a centrally controlled plant room, egg store, store room, office and welfare facilities. The application also include the installation of six feed silos centrally to the north west of the building. The feed silos are to measure 7.8 metres in height and juniper green in colour which are automatically conveyed into the building.

This application also includes the creation of a new access track, substantial additional landscaping and tree planting and a purpose built manure store building. The proposed manure store building is to be located to the south of the proposed access track a short distance from the main poultry unit. The proposed building is to measure 20 metres in length, 12 metres in width, 4.8 metres in height to the eaves and 7.8 metres in height to the ridge.

The proposed buildings are to be of steel frame construction with concrete chattered plinth walls with box profile polyester coated composite panel sheeting juniper green in colour, The roof is to be clad in box profile polyester coated composite sheeting juniper green in colour. The proposed windows and doors are to be UPVC white in colour with the unit doors being polyester coated composite box profile sheeting juniper green in colour and a galvanised roller shutter. The proposed truning and parking area is to be laid in concrete with a tarmac entrance and hardcore track leading to the site off the existing private track. The boundaries to the building and ranging area will be a mix of landscaping and planting to comprise mixed native thorn hedgerow and tree planting and timber post and wire fencing.

Consultee Response

Abermule with Llandyssil CC

Correspondence received 4th January 2018]

Council supported this application stating that this is a local farmer and would assist with future proofing providing employment within the local community.

Correspondence received 21st January 2018

Council discussed this application on 17th January and have no further comment.

PCC - Highways

Correspondence received 4th December 2017

The County Council as Highway Authority for the County Unclassified Highway, U2684

Wish the following recommendations/Observations be applied Recommendations/Observations

This application should be deferred.

Reasons for Deferral

The application does not include any detail of the proposed vehicle movements associated with the development, therefore the Highway Authority request that this data is submitted for consideration.

To ensure that adequate provision is made for highway access onto the County Highway to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Correspondence received 18th December 2017

The County Council as Highway Authority for the County Unclassified Highway, U2684

**Wish the following recommendations/Observations be applied
Recommendations/Observations**

With reference to the planning application relating to the following proposed development:

HC8 Prior to the first beneficial use of the site, provision shall be made within the curtilage of the site for the parking of not less than two cars and two HGV's provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

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

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

HC37 Prior to any works being commenced on the development site the applicant shall construct two passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Wales & West Utilities

Correspondence received 29th November 2017

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

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Correspondence received 29th December 2017

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

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

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Correspondence received 7th December 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

Correspondence received 30th November 2017

Re: Expansion of existing free range egg complex encompassing the construction of an additional 32,000 free range poultry unit, erection of six feed silos, extension to hardstanding yard, alteration to private access road, new manure store and landscaping details.

Noise

Mechanical plant

The nearest property not in the applicant's control is identified as Black Hall Farmhouse, approximately 175m from the building. A noise impact assessment has been carried out to

determine the effect of the ventilation fans. I am satisfied with the conclusion of the report that there is predicted to be no adverse impact upon amenity.

Collections/deliveries

The supporting documentation states that deliveries of birds, feed and collection of eggs will be limited to avoid sensitive periods. Environmental Protection would recommend the following planning condition be attached to any consent:

“Deliveries (except for the purpose of bird removals) shall not be taken or dispatched from the site outside the hours of 0700 to 2100 hrs Monday to Friday; 0700 to 1700 hrs on Saturdays and; 0900 to 1700 hrs on Sundays and Bank Holidays.”

Odour

As part of this application, the manure store will be relocated from its current location, approximately 25m from Black Hall Farmhouse, to a new location approximately 250m away. I am satisfied with the conclusion of the odour dispersion modelling report, which incorporates the new manure store location, which indicates that none of the properties outside the control of the applicant are predicted to experience unacceptable levels of odour in accordance with the Environment Agency H4 Odour Management Guidelines.

Dust

I am satisfied with the dust management plan submitted in support of this application.

Lighting scheme

I am satisfied that the proposed lighting scheme will not have a detrimental impact upon amenity.

Private water supplies

Our records indicate that there are private water supplies, either inside or within 50m of the development and the associated manure spreading areas, serving Black Hall (approximate grid ref: 320547, 294054) and White Hall (320853, 293949). Please can the plans/manure management plan be amended so as to create a 50m buffer zone around these sensitive areas, in order to minimise the risk of contamination of these sources of potable water?

Correspondence received 5th December 2017

With regard to my previous enquiry concerning the protection of private water supplies in the area, the agent has responded (below) to confirm that the manure management plan has now been amended to include a 50m buffer zone for manure spreading.

Correspondence received 7th December 2017

I can confirm that I have no objection.

Correspondence received 16th January 2018

A letter of representation, and an accompanying report, submitted by a neighbour of the development site has brought to my attention an issue with the odour dispersion modelling which requires clarification.

The report suggests that the data which has been used in the odour dispersion modelling is inaccurate when compared to the latest guidance in *SCAIL- Agriculture Update (March 2014)*. The suggestion is that out-of-date assumptions have been made with regard to both the internal odour concentrations within the building and the ventilation rates of emissions from the building, which have resulted in an under-estimation of odour impact at nearby properties. Please can this discrepancy be addressed by the agent, and any deviation from the latest guidance justified?

Correspondence received 18th January 2018

I have reviewed the response from Mr S Smith of AS Modelling & Data, who has addressed my query in relation to the odour dispersion modelling following a critique of the assessment by Mr S Peirson of RSK ADAS UK Ltd.

I am satisfied that Mr Smith has provided a robust justification for the use of the various parameters in the odour dispersion modelling assessment, and has addressed each of the points raised by Mr Peirson.

Therefore, I do not wish to change my previous position on the matter, which is to say that I am satisfied that neighbouring properties should not be exposed to an unacceptable level of odour from the proposed development.

Correspondence received 14th December 2017

We have significant concerns regarding this application and considering the effect on Ancient Semi Natural Woodland, and recommend that the comments that have been provided accordingly below under Local Sites should lead on the determination of this application. However, comments have also been provided on the potential impacts on other ecological receptors.

Ecological Topic		Observations
EIA Screening Opinion needed?	Yes	The proposed scheme is an intensive livestock installation which exceeds the Schedule 1 (17a) threshold for this type of development of 60,000 places for hens. A formal EIA Screening Opinion has been provided by PCC in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations Wales 2017, confirming that the proposals represent an EIA development and subsequently an Environmental Statement has been presented with the application.
Ecological Information included with application?	No	<p>An Environmental Statement (Ian Pryce Property Services, 2017) has been presented with the application which contains relevant ecological information in the following appendices: Appendix 1 - Ranging Plan; Appendix 4 – Ammonia Assessment; Appendix 6 – Ecology Assessment; Appendix 9 – Landscape Plan; Appendix 10 – Manure Management Plan; Appendix 11 – Pollution Prevention Plan.</p> <p>These observations are based on a review of the ES and an interpretation of available aerial imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposed extension is located directly adjacent to the existing unit in the southern part of a large agricultural field which is surrounded by hedgerow, with a woodland block running along the west field boundary. The immediate landscape consists of improved agricultural fields separated by hedgerow and scattered blocks of woodland. The proposal would require the removal of some vegetation to the east of the current unit which was presumably planted on its</p>

		<p>construction for screening purposes. No other vegetation removal appears to be required for the proposed development.</p> <p>Also a new manure store would be constructed in an agricultural field to the south of the proposed unit, and proposed access track would link the egg laying unit to the manure store and the current access track to the south of the property.</p> <p>The ranging area would be spread across six fields to the north and south of the proposed unit.</p>
Protected Species & Habitats ¹	European Species <input checked="" type="checkbox"/>	<p>No records of European Species exist within the 1km search area.</p> <p>The Ecology Report which appends the Environmental Statement (Jon Sloan Ecology/Churton Ecology, July 2017) discusses potential impacts upon foraging/commuting bats as a result of new artificial lighting introduced by the proposed development. Recommendations are made for a sensitive lighting design which would limit impacts upon bats. Also the report recommends the protection of retained trees and vegetation during construction of the proposed development.</p> <p>The report also makes recommendations to enhance the hedgerows which surround and separate fields within the ranging area by installation of fencing either side of the existing hedgerows and planting of gaps that currently exist.</p>
	UK Species <input checked="" type="checkbox"/>	<p>Records of Hare exist within the 1km search area.</p> <p>The Ecology Report which appends the Environmental Statement (Jon Sloan Ecology/Churton Ecology, July 2017) makes recommendations for the removal of vegetation outside of the bird nesting season, with best practice measures to be applied should this not be possible.</p>

¹ Species records within 1km (minimum).

	<p>Section 7 Species & Habitats</p>	<p>Records of Common lizard exist within the 1km search area.</p> <p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Recommendations are made in the Ecology Report to protect hedgerows, a Section 7 Priority Habitat, during construction of the proposed development, and also to protect and enhance existing hedgerows surrounding and within the proposed foraging area.</p> <p>The proposed site plan submitted with the application shows large areas of introduced planting surrounding the proposed unit and manure sheds, which is welcomed; and a landscaping design specifying the use of native species trees and shrubs is included as an Appendix to the Environmental Statement.</p> <p>☒ Rivers are also Section 7 Priority Habitat, and numerous watercourses run through the immediately surrounding area, including the proposed ranging and manure application areas. It is recommended that further information is provided to demonstrate that watercourses within the ranging area will be protected from pollution during operation, including position of boundary features and run-off control provisions.</p> <p>A manure management plan has been submitted with the application as an Appendix to the Environmental Statement, which includes provisions to restrict the application of manure near watercourses. The proposed areas of application, split between the application farms and a neighbouring family farm, have been identified within the plan showing buffer zones adjacent to the surrounding watercourses, wells and springs as appropriate.</p> <p>The proposed arrangements for the clean surface water and dirty water collected during operation of the unit are shown on the proposed site plan. Dirty water would be collected in an underground tank via a sump during cleaning operations and spread within the manure application area.</p>
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		<p>A pollution prevention plan has been submitted with the application demonstrating that there are measures in place to limit the risk of polluting surrounding watercourses during construction of the proposed extension. It is recommended that the pollution prevention plan is adapted to be specifically relevant to the proposed site <i>i.e.</i> should discuss the sensitive receptors within the proposed site, and include a plan of measures to be adopted during construction works.</p>
	<p>LBAP Species & Habitats <input checked="" type="checkbox"/></p>	<p>Please refer to the observations above.</p>
Protected Sites	<p>International Sites <input checked="" type="checkbox"/></p>	<p>An ammonia and nitrogen deposition modelling report has been submitted with the application as an Appendix to the Environmental Statement (AS Modelling and Data Ltd, June 2017). The assessment has been carried out in accordance with current NRW guidance OGN 41 'Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission'.</p> <p>The report identifies the Montgomery Canal SAC as the only European site within the 5km screening distance. Modelling has determined that the predicted process contribution is below the relevant lower threshold percentage of the critical level and critical load for this site.</p> <p>It is recommended that NRW are given the opportunity to comment on the assessment of impacts upon designated sites provided in the report.</p>
	<p>National Sites <input checked="" type="checkbox"/></p>	<p>An ammonia and nitrogen deposition modelling report has been submitted with the application as an Appendix to the Environmental Statement (AS Modelling and Data Ltd, June 2017). The assessment has been carried out in accordance with current NRW guidance OGN 41 'Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission'.</p> <p>The report identifies the Montgomery Canal SSSI and Hollybush Pastures as the only SSSIs within the 5km screening distance. Modelling has determined that the predicted process contribution is</p>

		<p>below the relevant lower threshold percentage of the critical level and critical load for these sites.</p> <p>It is recommended that NRW are given the opportunity to comment on the assessment of impacts upon designated sites provided in the report.</p>
	<p>Local Sites (within 500m)</p> <p><input checked="" type="checkbox"/></p>	<p>The large woodland block that extends along the west field boundary is designated as an Ancient Semi Natural Woodland (ASNW). Planning Policy Wales states that Local planning authorities should seek to protect Ancient and semi-natural woodlands as irreplaceable habitats of high biodiversity value, which should be protected from development that would result in the loss or deterioration of ASNW unless the need for, and benefits of the development in that location clearly outweigh the damage (https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences).</p> <p>Detailed ammonia and nitrogen deposition modelling (AS Modelling and Data Ltd, June 2017) predicts that the process contribution to ammonia concentration would exceed the upper threshold percentage of 100% for precautionary critical level (1µgm³) for 0.92ha area within this woodland.</p> <p>There are no historic lower plant records from these sites. Therefore, rather than recommend that this application is refused, the applicant should be given the opportunity to undertake a lower plant survey of the woodland. This will determine the sensitivity of the woodland and confirm the correct critical level to be applied to this woodland block.</p> <p>It is therefore recommended that initially a lower plant survey by an NRW recognised lichenologist is carried out in winter. These results should be forwarded for review by the local planning authority. This survey would enable an assessment of the impacts generated from emissions, which should lead on the determination of this application.</p> <p>When detailed modelling shows that PC is above the threshold levels the EA H1- Annex B Guidance recommends that the assessment should include proposals to reduce ammonia emissions. This could consider the adaption of the unit's ventilation to reduce emissions, the location of the proposed unit and the number of birds so that predicted process contribution is</p>

		adequately reduced. However, background ammonia concentrations are already high, which would seem to suggest that the area has reached a saturation point in terms of agricultural pollution and I advise that this factor should also be taken into consideration in the final determination of this application.
Invasive Non-Native Species	Unknown	The presence of invasive non-native plant species at the site is unconfirmed but considered unlikely due to the current land use.
Recommendations		<p>The recommendations made in the Ecology Report regarding protection and enhancement of bat commuting/foraging habitat and protection of nesting birds should be adhered to. The protection and enhancement of the existing hedgerows should be shown in a separate biodiversity enhancement plan.</p> <p>It is recommended that the adjacent hedgerows and trees should be protected during construction works in accordance with BS5837:2012.</p> <p>The detail shown in the landscaping specification included as an Appendix to the ES should be adhered to.</p> <p>A pollution prevention plan has been submitted with the application demonstrating that there are measures in place to limit the risk of polluting surrounding watercourses during construction of the proposed extension. It is recommended that the pollution prevention plan is adapted to be specifically relevant to the proposed site <i>i.e.</i> should discuss the sensitive receptors within the proposed site, and include a plan of measures to be adopted during construction works.</p> <p>It is recommended that further information is provided to demonstrate that watercourses within the ranging area will be protected from pollution during operation, including position of boundary features and run-off control provisions – this should be included in an updated prevention plan</p> <p>It is recommended that NRW are given the opportunity to comment on the assessment of</p>

	impacts upon designated sites provided in the report.
Further information required prior to determination of application	In light of the high concentration of atmospheric ammonia at the ASNW block to the west of the proposed site, predicted in the detailed ammonia and nitrogen deposition modelling report (AS Modelling and Data Ltd, June 2017), it is recommended that a lower plant survey by an NRW recognised lichenologist is carried out in winter. These results should be forwarded for review by the local planning authority. This survey would enable an assessment of the impacts generated from emissions, which should lead on the determination of this application.
Recommended Conditions	<p>Should you be minded to approve this application, and subject to receipt of the information requested above, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding bats and birds identified in section 5 of the Ecology Report by Jon Sloan Ecology/Churton Ecology, dated July 2017 including the recommendation for hedgerow enhancements shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p>

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

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

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

Reason: To comply with Powys County Council's UDP Policies ENV3, and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

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

	<p>TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage</p> <p>ENV 2: Safeguard the Landscape</p> <p>ENV 3: Safeguard Biodiversity and Natural Habitats</p> <p>ENV 6: Sites of Regional and Local Importance</p> <p>ENV 7: Protected Species</p>

Document Author	Rhydian Roberts	Approved by	Chris Jones
Version	1	Approved Date	13/12/2017

Correspondence received 19th December 2017

I can confirm that we did consider the mitigation recommended in report mentioned below. However the measures proposed in the report are unlikely to mitigate or offset effects upon priority lower plant species should they be present within the adjacent ASNW block, and a lower plant survey is therefore recommended to better establish the ecological baseline.

Ecological Topic		Observations
Comments on Additional Information		<p>We provided ecological observations on this application on 13/12/17 and recommended that a lower plant survey was carried out to determine the sensitivity of an adjacent block of ancient semi-natural woodland, and confirm the correct critical level to be applied to this woodland in assessing the impacts of ammonia emissions for the proposed development. Additional information provided subsequent to these comments includes a report titled 'Report on findings of a botanical survey undertaken in the vicinity of a proposed poultry unit and the implications of aerial emissions', prepared by Chris F Brown (January 2018).</p> <p>Comments made following receipt of this information are included in bold text below. Otherwise the previous observations remain valid.</p>
EIA Screening Opinion needed?	Yes	<p>The proposed scheme is an intensive livestock installation which exceeds the Schedule 1 (17a) threshold for this type of development of 60,000 places for hens. A formal EIA Screening Opinion has been provided by PCC in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations Wales 2017, confirming that the proposals represent an EIA development and subsequently an Environmental Statement has been presented with the application.</p>
Ecological Information included with application?	No	<p>An Environmental Statement (Ian Pryce Property Services, 2017) has been presented with the application which contains relevant ecological information in the following appendices: Appendix 1 - Ranging Plan; Appendix 4 – Ammonia Assessment; Appendix 6 – Ecology Assessment; Appendix 9 – Landscape Plan; Appendix 10 – Manure Management Plan; Appendix 11 – Pollution Prevention Plan.</p> <p>These observations are based on a review of the ES and an interpretation of available aerial imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposed extension is located directly adjacent to the existing unit in the southern part of a</p>

		<p>large agricultural field which is surrounded by hedgerow, with a woodland block running along the west field boundary. The immediate landscape consists of improved agricultural fields separated by hedgerow and scattered blocks of woodland. The proposal would require the removal of some vegetation to the east of the current unit which was presumably planted on its construction for screening purposes. No other vegetation removal appears to be required for the proposed development.</p> <p>Also a new manure store would be constructed in an agricultural field to the south of the proposed unit, and proposed access track would link the egg laying unit to the manure store and the current access track to the south of the property.</p> <p>The ranging area would be spread across six fields to the north and south of the proposed unit.</p>
<p>Protected Species & Habitats²</p>	<p>European Species</p> <p style="text-align: right;">☒</p>	<p>No records of European Species exist within the 1km search area.</p> <p>The Ecology Report which appends the Environmental Statement (Jon Sloan Ecology/Churton Ecology, July 2017) discusses potential impacts upon foraging/commuting bats as a result of new artificial lighting introduced by the proposed development. Recommendations are made for a sensitive lighting design which would limit impacts upon bats. Also the report recommends the protection of retained trees and vegetation during construction of the proposed development.</p> <p>The report also makes recommendations to enhance the hedgerows which surround and separate fields within the ranging area by installation of fencing either side of the existing hedgerows and planting of gaps that currently exist.</p>
	<p>UK Species</p> <p style="text-align: right;">☒</p>	<p>Records of Hare exist within the 1km search area.</p> <p>The Ecology Report which appends the Environmental Statement (Jon Sloan Ecology/Churton Ecology, July 2017) makes recommendations for the removal of vegetation outside of the bird nesting season, with best practice measures to be applied should this not be possible.</p>

² Species records within 1km (minimum).

	<p>Section 7 Species & Habitats</p>	<p>Records of Common lizard exist within the 1km search area.</p> <p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Recommendations are made in the Ecology Report to protect hedgerows, a Section 7 Priority Habitat, during construction of the proposed development, and also to protect and enhance existing hedgerows surrounding and within the proposed foraging area.</p> <p>The proposed site plan submitted with the application shows large areas of introduced planting surrounding the proposed unit and manure sheds, which is welcomed; and a landscaping design specifying the use of native species trees and shrubs is included as an Appendix to the Environmental Statement.</p> <p>Rivers are also Section 7 Priority Habitat, and numerous watercourses run through the immediately surrounding area, including the proposed ranging and manure application areas. It is recommended that further information is provided to demonstrate that watercourses within the ranging area will be protected from pollution during operation, including position of boundary features and run-off control provisions.</p> <p>A manure management plan has been submitted with the application as an Appendix to the Environmental Statement, which includes provisions to restrict the application of manure near watercourses. The proposed areas of application, split between the application farms and a neighbouring family farm, have been identified within the plan showing buffer zones adjacent to the surrounding watercourses, wells and springs as appropriate.</p>

		<p>The proposed arrangements for the clean surface water and dirty water collected during operation of the unit are shown on the proposed site plan. Dirty water would be collected in an underground tank via a sump during cleaning operations and spread within the manure application area.</p> <p>A pollution prevention plan has been submitted with the application demonstrating that there are measures in place to limit the risk of polluting surrounding watercourses during construction of the proposed extension. It is recommended that the pollution prevention plan is adapted to be specifically relevant to the proposed site <i>i.e.</i> should discuss the sensitive receptors within the proposed site, and include a plan of measures to be adopted during construction works.</p>
	LBAP Species & Habitats ☒	Please refer to the observations above.
Protected Sites	International Sites ☒	<p>An ammonia and nitrogen deposition modelling report has been submitted with the application as an Appendix to the Environmental Statement (AS Modelling and Data Ltd, June 2017). The assessment has been carried out in accordance with current NRW guidance OGN 41 '<i>Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission</i>'.</p> <p>The report identifies the Montgomery Canal SAC as the only European site within the 5km screening distance. Modelling has determined that the predicted process contribution is below the relevant lower threshold percentage of the critical level and critical load for this site.</p> <p>It is recommended that NRW are given the opportunity to comment on the assessment of impacts upon designated sites provided in the report.</p>
	National Sites ☒	An ammonia and nitrogen deposition modelling report has been submitted with the application as an Appendix to the Environmental Statement (AS Modelling and Data Ltd, June 2017). The assessment has been carried out in accordance with current NRW guidance OGN 41 ' <i>Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental</i>

		<p>Permit or Planning Permission’.</p> <p>The report identifies the Montgomery Canal SSSI and Hollybush Pastures as the only SSSIs within the 5km screening distance. Modelling has determined that the predicted process contribution is below the relevant lower threshold percentage of the critical level and critical load for these sites.</p> <p>It is recommended that NRW are given the opportunity to comment on the assessment of impacts upon designated sites provided in the report.</p>
	<p>Local Sites (within 500m) <input checked="" type="checkbox"/></p>	<p>The large woodland block that extends along the west field boundary is designated as an Ancient Semi Natural Woodland (ASNW). Planning Policy Wales states that Local planning authorities should seek to protect Ancient and semi-natural woodlands as irreplaceable habitats of high biodiversity value, which should be protected from development that would result in the loss or deterioration of ASNW unless the need for, and benefits of the development in that location clearly outweigh the damage (https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences).</p> <p>Detailed ammonia and nitrogen deposition modelling (AS Modelling and Data Ltd, June 2017) predicts that the process contribution to ammonia concentration would exceed the upper threshold percentage of 100% for precautionary critical level (1µgm³) for 0.92ha area within this woodland.</p> <p>There are no historic lower plant records from these sites. Therefore, rather than recommend that this application is refused, the applicant was given the opportunity to undertake a lower plant survey of the woodland. This survey would determine the sensitivity of the woodland and confirm the correct critical level to be applied to this woodland block.</p> <p>Additional information provided subsequent to these comments includes a report titled ‘Report on findings of a botanical survey undertaken in the vicinity of a proposed poultry unit and the implications of aerial emissions’, prepared by Chris F Brown (January 2018). The report concludes that there was no evidence to suggest that NH3 is at an especially high level in the area. Furthermore, an increase in ammonia deposition due to establishment of a poultry unit</p>

		<p>will not have detrimental impacts on the species present. There is likely to be a small increase in species suited to higher nitrogen levels, but effects are likely to be localised. Furthermore, there are <u>no species of conservation concern (Section 7/LBAP) present</u> and therefore there can be no detrimental impact on these.</p> <p>Given that the botanical survey implies a capacity within the woodland to tolerate increased air ammonia concentration/nitrogen deposition, and that no lower plant species of conservation concern were identified during the survey, it is considered that the potential impacts upon the woodland in this instance should be deemed as acceptable. Notwithstanding this, as some effects upon the condition and composition of woodland are likely over time, it is considered that the mitigation recommendations included in the ammonia and nitrogen deposition modelling report submitted with the application (AS Modelling and Data Ltd, June 2017) should be incorporated into the proposal by means of a biodiversity enhancement plan.</p>
Invasive Non-Native Species	Unknown	The presence of invasive non-native plant species at the site is unconfirmed but considered unlikely due to the current land use.
Recommendations		<p>The recommendations made in the Ecology Report regarding protection and enhancement of bat commuting/foraging habitat and protection of nesting birds should be adhered to. The protection and enhancement of the existing hedgerows should be shown in a separate biodiversity enhancement plan.</p> <p>It is recommended that the adjacent hedgerows and trees should be protected during construction works in accordance with BS5837:2012.</p> <p>The detail shown in the landscaping specification included as an Appendix to the ES should be adhered to.</p> <p>A pollution prevention plan has been submitted with the application demonstrating that there are measures in place to limit the risk of polluting surrounding watercourses during construction</p>

	<p>of the proposed extension. It is recommended that the pollution prevention plan is adapted to be specifically relevant to the proposed site <i>i.e.</i> should discuss the sensitive receptors within the proposed site, and include a plan of measures to be adopted during construction works.</p> <p>It is recommended that further information is provided to demonstrate that watercourses within the ranging area will be protected from pollution during operation, including position of boundary features and run-off control provisions – this should be included in an updated prevention plan</p> <p>It is recommended that NRW are given the opportunity to comment on the assessment of impacts upon designated sites provided in the report.</p>
<p>Further information required prior to determination of application</p>	<p>None</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, and subject to receipt of the information requested above, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding bats and birds identified in section 5 of the Ecology Report by Jon Sloan Ecology/Churton Ecology, dated July 2017 including the recommendation for hedgerow enhancements shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p>

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

Prior to commencement of development, a Biodiversity Enhancement Plan, incorporating the mitigation measures identified in the ammonia and nitrogen deposition modelling report submitted with the application (AS Modelling and Data Ltd, June 2017), shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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

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

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

Reason: To comply with Powys County Council's UDP Policies ENV3, and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act

	<p>2016.</p> <p><i>No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p>

NRW

Correspondence received 25th January 201

Thank you for referring the above application, which we received on 27/11/2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the condition listed below. Otherwise, we would object to this planning application.

Requirement 1 – Amendment of Manure Management Plan to include a contingency plan
Subject to the satisfaction of this requirement, we would request the following condition:

Condition 1 – Pollution Prevention: To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- *Ranging Area Plan (Appendix 1 of the Environmental Statement by Matthew Evans of Ian Pryce Property Services, page 26)*
- *Drainage Plan (plan titled 'Proposed Building', drawing number SK.005 dated April 2017 by Ian Pryce Property Services)*
- *Pollution Prevention Plan (beginning on page 186 of the Environmental Statement, Prepared by Matthew Evans)*
- Manure Management Plan (subject to Requirement 1 being satisfied)

Manure Management Plan

We have assessed the manure management plan ('Manure Management Plan for planning application for a new 32,000 poultry unit by Cyswllt Ffermio/Farming Connect, dated 30/07/2017) submitted in support of this proposal.

The plan shows that the manure will be spread on land in accordance with the Code of Good Agricultural Practice, and states that buffer zones will be implemented to sensitive receptors.

Requirement 1 - Amendment of Manure Management Plan to include a contingency plan
Applications need to demonstrate that there is contingency for storing any manure, slurry and dirty water produced at times when spreading may not be possible e.g. due to wet, waterlogged or frozen conditions in accordance with the Code of Good Agricultural Practice.

Contingency for storing wash water during and after disease outbreak must be detailed, as this is classified as hazardous waste and depending on the severity and type of outbreak, may need to be stored for longer than other wastes and separate from other manure and slurry.

Protected Sites and Aerial Emissions

We have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & data Ltd.20th June 2017) submitted in support of this proposal.

Without prejudice to further confirmation from the permitting service, the conclusions of the report indicate that for Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI the predicted process contributions are below the relevant lower threshold percentage (i.e. 1%) of the critical level or critical load for the site.

Therefore, we would conclude that we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are below the thresholds that we apply in our assessment of potential impacts on protected sites.

Protected Species

Bats, Great Crested Newt, Otter and Dormouse and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012) and they are a material consideration for planning.

We have assessed the Ecological Report ('Ecological Assessment of land at Black Hall, Llandyssil, Powys by Churton Ecology assisting Jon Sloan Ecological Consultants dated July 3rd 2017) which has been submitted in support of the proposal.

An extended Phase 1 habitat survey has been carried out, and an assessment of the suitability of the proposal location for protected species.

The report finds two ponds near to the proposal location, which were assessed for their suitability for Great Crested Newts. The report states "Given the low overall terrestrial habitat suitability of the main development site and the distance of over 250m from any pool, the presence of Great Crested Newt on the development is highly unlikely."

The report assesses the potential of the site to support bats. The report concludes that bats are not considered to be an important ecological feature of the proposal site, but the hedgerows could potentially be important for commuting.

The report considers that otter, water vole and dormouse are not important ecological features of this site.

We agree with the findings of the report, and have no further advice to provide. The recommendations made by the report should be adhered to, to avoid adverse impacts on protected species.

Care should be taken in the type and location of any external lighting with the new development, to ensure the trees and hedgerows identified on site are not illuminated. We advise that should any external lighting be proposed, a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Environmental Permitting Regulations

As the proposal is for doubling the existing 32,000 free range poultry unit to create a 64,000 unit, the number of birds will exceed the permit threshold of 40,000. The unit will therefore require a permit from NRW under the Environmental Permitting (England and Wales) Regulations 2010 (as amended).

Please note the grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before any work commences on site. Further information is available on our website:

<https://naturalresources.wales/permits-and-permissions/installations/intensive-farming-pigs-and-poultry/?lang=en>

Applicants are encouraged to enter pre-application discussions with NRW prior to applying for a permit to help ensure all aspects are fully considered. Where possible, permit and planning application should be made at the same time to avoid delays.

Drainage Plan

The drainage details are included in the plan titled 'Proposed Building', drawing number SK.005 dated April 2017 by Ian Pryce Property Services. The plan shows the surface water and dirty water being drained separately.

The dirty water storage tank must be built to comply with the Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (SSAFO) standards.

Ranging Area Plan

We have assessed the Ranging Area Plan (Appendix 1 of the Environmental Statement by Matthew Evans of Ian Pryce Property Services, page 26). There is a small stream bordering the ranging area, which will be fenced out. There are no other sensitive receptors in the area. Provided the proposal operates in accordance with this plan, it is unlikely pollution will spread to the wider environment.

Pollution Prevention Plan

We have assessed the pollution prevention plan (page 186 of the Environmental Statement, Prepared by Matthew Evans) submitted in support of this proposal.

Provided the works on the site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

NRW guidance on Poultry Units

The developers should follow the advice provided in NRW's guidance document 'GN021 Poultry Units: planning permission and environmental assessment' when submitting planning applications for poultry units.

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

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

Correspondence received 21st February 2018

Thank you for referring the additional information in support of the above application, which we received on 20/02/2018.

Further to our previous letter referenced SO29/GB/CAS-48381-L5L1 dated 25/02/2018, we have the following advice to provide.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the condition listed below. We would object if the consent does not include this condition.

Condition 1 – Pollution Prevention: To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- *Ranging Area Plan (Appendix 1 of the Environmental Statement by Matthew Evans of Ian Pryce Property Services, page 26)*
- *Drainage Plan (plan titled 'Proposed Building', drawing number SK.005 dated April 2017 by Ian Pryce Property Services)*

- *Pollution Prevention Plan (beginning on page 186 of the Environmental Statement, Prepared by Matthew Evans)*
- *Manure Management Plan ('Manure Management Plan for planning application for a new 32,000 poultry unit by Cyswllt Ffermio/Farming Connect, dated 30/07/2017, which we received from the agent by email on 20/02/2018)*

Manure Management Plan

We have assessed the manure management plan ('Manure Management Plan for planning application for a new 32,000 poultry unit by Cyswllt Ffermio/Farming Connect, dated 30/07/2017, which we received from the agent by email on 20/02/2018) submitted in support of this proposal.

The plan shows that the manure will be spread on land in accordance with the Code of Good Agricultural Practice, and states that buffer zones will be implemented to sensitive receptors.

The amended plan includes a contingency plan for the storage of contaminated wash water after disease outbreak. The plan also includes a letter from a neighbouring farmer who has agreed to take manure at times when spreading on the farm cannot be undertaken. The site plan titled 'Proposed Site Plan' (project number 04/17/2355, drawing number SK.004 amendment A by Ian Pryce Property Services) includes a tank for the storage of contaminated wash water which will be kept separate from other wash waters.

Provided the site operates in accordance with this manure management plan, the proposal is unlikely to cause pollution to the wider environment.

Protected Sites and Aerial Emissions

We have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & data Ltd. 20th June 2017) submitted in support of this proposal.

Without prejudice to further confirmation from the permitting service, the conclusions of the report indicate that for Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI the predicted process contributions are below the relevant lower threshold percentage (i.e. 1%) of the critical level or critical load for the site.

Therefore, we would conclude that we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are below the thresholds that we apply in our assessment of potential impacts on protected sites.

Protected Species

Bats, Great Crested Newt, Otter and Dormouse and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012) and they are a material consideration for planning.

We have assessed the Ecological Report ('Ecological Assessment of land at Black Hall, Llandyssil, Powys by Churton Ecology assisting Jon Sloan Ecological Consultants dated July 3rd 2017) which has been submitted in support of the proposal.

An extended Phase 1 habitat survey has been carried out, and an assessment of the suitability of the proposal location for protected species.

The report finds two ponds near to the proposal location, which were assessed for their suitability for Great Crested Newts. The report states “Given the low overall terrestrial habitat suitability of the main development site and the distance of over 250m from any pool, the presence of Great Crested Newt on the development is highly unlikely.”

The report assesses the potential of the site to support bats. The report concludes that bats are not considered to be an important ecological feature of the proposal site, but the hedgerows could potentially be important for commuting.

The report considers that otter, water vole and dormouse are not important ecological features of this site.

We agree with the findings of the report, and have no further advice to provide. The recommendations made by the report should be adhered to, to avoid adverse impacts on protected species.

Care should be taken in the type and location of any external lighting with the new development, to ensure the trees and hedgerows identified on site are not illuminated. We advise that should any external lighting be proposed, a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

Environmental Permitting Regulations

As the proposal is for doubling the existing 32,000 free range poultry unit to create a 64,000 unit, the number of birds will exceed the permit threshold of 40,000. The unit will therefore require a permit from NRW under the Environmental Permitting (England and Wales) Regulations 2010 (as amended).

Please note the grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant’s responsibility to ensure that all relevant authorisations are obtained before any work commences on site. Further information is available on our website:

<https://naturalresources.wales/permits-and-permissions/installations/intensive-farming-pigs-and-poultry/?lang=en>

Applicants are encouraged to enter pre-application discussions with NRW prior to applying for a permit to help ensure all aspects are fully considered. Where possible, permit and planning application should be made at the same time to avoid delays.

Drainage Plan

The drainage details are included in the plan titled ‘Proposed Building’, drawing number SK.005 dated April 2017 by Ian Pryce Property Services. The plan shows the surface water and dirty water being drained separately.

The dirty water storage tank must be built to comply with the Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (SSAFO) standards.

Provided the drainage arrangements for the proposal are built in accordance with this plan, the proposal is unlikely to adversely impact the wider environment.

Ranging Area Plan

We have assessed the Ranging Area Plan (Appendix 1 of the Environmental Statement by Matthew Evans of Ian Pryce Property Services, page 26). There is a small stream bordering the ranging area, which will be fenced out. There are no other sensitive receptors in the area.

Provided the proposal operates in accordance with this plan, it is unlikely pollution will spread to the wider environment.

Pollution Prevention Plan

We have assessed the pollution prevention plan (page 186 of the Environmental Statement, Prepared by Matthew Evans) submitted in support of this proposal.

Provided the works on the site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

NRW guidance on Poultry Units

The developers should follow the advice provided in NRW's guidance document 'GN021 Poultry Units: planning permission and environmental assessment' when submitting planning applications for poultry units.

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

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on

our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Correspondence received 22nd March 2018

Thank you for consulting NRW on the letter from ADAS dated 28 February 2018 'Further points RE: Odours from proposed new laying house and manure store at Blackhall Farm' regarding fly infestation and odour assessments. The letter is critical of the information provided in the detailed modelling report by AS Modelling & Data Ltd dated 20th June 2017. The Agent has supplied emails from AS Modelling & Data Ltd in response to the points raised in the letter from ADAS.

Given this application is above the 40,000 threshold for requiring an EPR permit from NRW, issues to do with odour will be dealt with at the permitting stage.

CADW

Correspondence received 17th January 2018

Thank you for your letter of 18 December 2017 inviting our comments on 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 monuments MG236 Cefn Llan Hillfort and MG237 Mount Pleasant Enclosure. Our assessment of the application is 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 circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings 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 an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. 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.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The proposed development is located some 560m southwest of scheduled monument MG236 Cefn Llan Hillfort. The monument comprises the remains of an Iron Age hillfort and is a quadrilateral enclosure on a hill top, comprising two banks and ditches in varying degrees of preservation. The interior is varied so that the internal bank is merely a scarping in the slope, while the ditch is well preserved and 1.5m deep. The outer bank is used as a hedge bank on the north, North West and east, and is 2m high at its most impressive on the north, but is less apparent on the south. The position of the outer ditch is visible as a break in the slope on the west, but elsewhere is barely apparent. The entrance is probably on the south east side. The hillfort was probably located to control access from the Severn Valley along the two small valleys to the west and north; therefore the views along these valleys are the most significant, although the views in all directions were of importance.

The proposed extension will be some 107m long, 27.2m wide and 7.2m high and will be attached to the eastern end of the existing poultry house. The existing poultry house is mainly blocked in views from the scheduled monument by the topography and existing vegetation, but the proposed extension will be clearly visible along the small stream valley to the north of Black Hall from scheduled monument MG236.

The construction of the extension will require excavation into the hillslope to provide a flat construction area and the resulting fill will be redistributed to the north which will provide some screening to the development in the view from scheduled monument

MG236 and this will be enhanced by a proposed planting scheme but this will take some time to become effective.

A landscape and visual impact assessment of the proposed development has been submitted with the application and this has assessed the impact of the development on the setting of the scheduled monument as being moderate. As the proposed development is not located in one of the identified significant views from scheduled monument MG236 we concur with the assessment.

The development will also be visible from scheduled monument MG237 Mount Pleasant Enclosure but this will be of a very small extension to the western gable of the existing poultry house and this will not cause any additional damage to the setting of this scheduled monument.

In conclusion, the proposed development will be visible from scheduled monument MG236, although partly screened by proposed landscaping and tree planting. This will cause moderate, but not significant, damage to the setting of the scheduled monument.

CPAT

Correspondence received 28th November 2017

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Correspondence received 3rd January 2018

Thank you for the additional information relating to this application.

This does not change our previous advice and we have no objection to the development.

PCC – Built Heritage

Correspondence received 27th February 2018

Thank you for consulting me on the above application.

The site lies between and is adjacent to a number of historic assets namely;

SAM

MG236 Cefn Llan Hillfort
MG237 Mount Pleasant enclosure

Listed Buildings

White Hall Farmhouse Cadw ID 18518 included on the statutory list on 14 July 1997

Cadw are the Authority responsible for advising on setting of Scheduled Ancient Monuments and I note their comments dated 17 January 2018 as such I shall not comment in this regard.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “ Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and

- the benefits to the asset itself and/or the wider community or society as a whole.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

White Hall Farm is located on a possible platform site downslope from Cefn y Coed, with timber and masonry farmbuildings to the W. The house is a C18 masonry house, possibly encasing an earlier timber framed structure. The house is a Three-unit lobby entry plan. Two storeys, attic and cellar. Rendered masonry under a slate roof. Red brick stack opposite entrance and red brick end stack to E gable. The front elevation is a 3-window range, the windows under segmental arched heads, and comprising transomed 3-light casements. Planked front door. Three gabled attic dormers containing 2-light casements.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

White Hall Farm retains its interior layout and many internal architectural features which indicate the age of the house and the architectural aspirations of those who constructed it

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

White Hall is included on the statutory list as a substantial C18 vernacular stone-built farmhouse (with possible earlier origins) retaining its original plan form, and consistently detailed.

The property is a valuable academic resource relating to the architecture of Montgomeryshire, and its setting and appearance evoke a sense of the past.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 that was issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The proposed poultry unit would be directly adjacent to an existing poultry unit, which is sited to the west of White Hall Farm. The farmstead of Whitehall is not readily visible from the access road to the south of the property as the land slopes northwards from the road with White Hall being at a lower level than the road. A number of small relatively recent corrugated iron agricultural buildings are adjacent to the access road that serves White Hall. The farm buildings of Black Hall are visible from the public highway, albeit at a much lower level than the road. The existing poultry unit is sited to the west of these buildings and on lower ground and not readily visible from the public highway. In addition I note the proposed landscaping that would screen the development further. It is noted that White Hall farmstead is not visible from the viewpoint that affords a view of Black Hall farm buildings.

Given its location in the landscape, it sitting next to an existing poultry unit and the topography of the farmland it is not considered that the proposed poultry unit or its access would have an impact on the setting of White Hall Farm.

Given the topography where there is a plateau adjacent to the road and then a steep slope, it is understood that the proposed manure store would not be visible from the public highway.

I note the evidence in the submitted Landscape and Visual Impact Assessment and would not disagree with the findings. I can confirm that I would **not object to the proposal on built heritage grounds** subject to appropriate and robust landscaping conditions being imposed.

PCC – Public Rights of Way

Correspondence received 28th March 2018

I can confirm that public rights of way will not be affected by this application.

Representations

A public site notice was displayed on the site on the 28/11/17 and subsequent notices placed at the site dated 02/02/18 following the receipt of additional information. The application was also advertised in the press on the 08/12/17 and subsequently on the 02/02/18 following the receipt of additional environmental information.

A number of public representations have been received during this application process. A summary of the points raised is given below:

- Spillage of manure from trailers
- Impact upon private water supplier and water table
- Landscape impact
- Impact upon neighbours self-catering holiday accommodation
- Impacts on tourism in the area
- Odour from poultry unit and manure store
- Proximity of proposed manure store to holiday accommodation
- Errors in Manure Management Plan
- Access road and track will cause further disturbance to neighbouring properties
- Contamination of ground and surface water
- Pollution of watercourses
- Mature tree landscaping required
- Public footpath not accessible
- Fly infestations
- Increased volume of traffic to and from site in local area
- Close proximity of development to Black Hall farm house
- Human health concerns
- Devalued properties
- Ancient woodland impacts
- Number of vehicular movements as a result of the proposal is inaccurate
- Concern for local Wildlife
- Area of land available for the spreading of manure inaccurate

- Inaccuracies in topography of land data for Manure Management Plan
- No information regarding two other farms for contingency plan to spread manure
- Manure should be removed to a digester or biomass unit
- Narrow highway infrastructure
- Landscaping proposals long term rather than short
- Odour report not in accordance with NRW standards
- Under estimation of traffic as a result of the proposal
- Late involvement in consultation process
- Light pollution
- Noise pollution

Montgomeryshire Wildlife Trust

Correspondence received 5th January 2018

With reference to the above planning application, the Montgomeryshire Wildlife Trust **objects** to this proposal in its current form.

Ancient woodland

The Aderyn planning viewer shows that 4.46% of the land area within 1000m is ancient woodland (0.25% of which is NRW Priority woodland). One block of ancient woodland is immediately west of the existing and proposed unit. It is not clear from the manure treatment report maps whether this woodland is coloured red (no spread) or orange (very high risk); no manure can be spread in any woodland. The maps should be re-submitted removing any ambiguity.

Ancient woodland is particularly susceptible to air pollution from these sorts of developments. Given the very close proximity of ancient woodland to this proposed development and the already high levels of ammonia in the area (as stated in the YGC report), it seems highly likely that the increase in air pollution will be unacceptable. It is worth noting that this part of Wales supports many lichen species which only grow because of the clean air. We support the recommendation of the YGC ecologist that a suitably qualified lichenologist carry out a survey within the adjacent ancient woodland, but would also urge the Local Authority to expand this to all the ancient woodland within 1km, or at least any woodland adjacent to manuring areas.

Further advice on this matter should also be sought from Natural Resources Wales (NRW), ensuring that cumulative impacts are properly assessed as per Powys UDP Policy EC10.

Designated sites

As stated in the Environmental Statement, there are two Sites of Special Scientific Interest (SSSIs) within 5km of the site, namely Montgomery Canal SSSI which is also designated as a Special Area of Conservation (SAC) and Hollybush Pastures SSSI. The Local Authority should be assured that atmospheric pollution will have no negative impact on these protected sites, in particular the Montgomery Canal, due to its internationally important aquatic plants. The application should not be determined without a consultation response from NRW which shows that the Montgomery Canal SAC would not be negatively affected.

Conclusion

Should planning application P/2017/1298 be given approval in its current form, it may be contrary to sections 2 & 7 of Powys UDP Policy EC1 which would therefore also be contrary to policy EC10. The proposal may also be contrary to policy ENV2. Montgomeryshire Wildlife Trust therefore objects to this proposal in its current form.

If there is any other information the Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

Planning History

SO/2017/0004 - Screening Opinion: Erection of a 32,000 bird poultry unit extension – Environmental Impact Assessment Required

P/2010/1317 - Erection of a 32,000 bird free range egg production unit and associated feed bins, installation of a septic tank, alterations to existing access and creation of 2 no. passing bays – Conditional Consent

Principal Planning Constraints

Scheduled Ancient Monuments

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (2007)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local planning policies

Powys Unitary Development Plan 2010

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally Important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Species
ENV14 – Listed Buildings
ENV17 – Ancient Monuments and Archaeological Sites
EC1 – Business, Industrial and Commercial Developments
EC7 – Farm/Forestry Diversification for Employment purposes in the Open Countryside
EC9 – Agricultural Development
EC10 – Intensive Livestock Units
T1 – Highways Improvement Schemes
RL6 – Rights of Way and Access to the Countryside
TR2 – Tourist Attractions and Development Areas
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC9 – Protection of Water Resources
DC13 – Surface Water Drainage

Powys County Council Local Development Plan (Binding Report received – yet to be adopted).

SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

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

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

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

Powys County Council Local Development Plan Policies

The inspectors binding report has now been received for the Powys Local Development Plan (LDP) and is now to be given significant weight in determining applications, the proposal has been screened against the relevant LDP policies as well as with the UDP policies.

Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists those developments where EIA is mandatory and Schedule 2 where the development must be screened to determine if it is EIA development.

Prior to the application being submitted a screening opinion for the proposed development was sought from the Local Planning Authority under SO/2017/0004. This opinion screened the proposed development as requiring an Environmental Impact Assessment to be submitted with any application submitted for the proposal. Given the scale and nature of the proposed development an Environmental Statement was produced following advice from the Local Planning Authority and has been submitted in support of this application.

Principle of Development

Policies EC1, EC7, EC9 and EC10 of the Powys Unitary Development Plan and policies E6 of the Powys Local Development Plan, accept the principle of appropriate agricultural development within the open countryside. In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Farm Diversification

The existing farm at Black Hall (193 acres) forms part of the larger farming business along with Lwynobin Farm (263 acres). The farm has an existing flock of 32,000 free range layers adjacent to the proposed site. The farm also has a spring calving suckler herd of 50 Limousin suckler cows and also a flock of 600 Charollais cross Texel breeding ewes.

Planning policy acknowledges that rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasises the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities therefore encouraging Local Authorities to facilitate appropriate rural development.

Notwithstanding the policy presumption in favour of appropriate rural development, support needs to be balanced against other material considerations including landscape and visual impact, highway safety implications, ecology together with the potential impact on local amenity. Consideration of such matters is duly given below.

Landscape and Visual Impact

Guidance within the Powys Unitary Development Plan (policies ENV2) and policy DM4 of the Powys Local Development Plan, indicate that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LAMNDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

This application site is located within the Llandyssil Hill and Scarp Grazing aspect area which is characterised as an area of rolling upland grazing centre on an intricate patchwork of small field parcels bounded by treed hedgerows. The majority of the area is of a more open nature with larger grazed and cultivated fields and dispersed settlements / farmsteads overlooking the flat open farmland of the Severn Vale. LANDMAP recognises its scenic quality as High with its rarity being moderate. It's overall sensory and visual assessment is Moderate.

The proposed building is to form an extension to the existing poultry unit to accommodate a further 32,000 free range layers. The proposed site currently forms an area of hardstanding and agricultural land used for the purposes of grazing. The proposed unit is currently accessed via a private access track off the U2684 unclassified highway. As part of this proposal consent is sought for a new private access track is sought so that the route of vehicles into and out of the site does not go directly past the neighbouring property of Black Hall itself which is no longer within the applicants ownership. The site is bound by agricultural land to the north east and south with the existing poultry unit to the west.

This application also seeks consent for the erection of a separate manure store building purpose built for the storage of manure from the existing and proposed poultry units. The building is to be located a short distance from the existing poultry unit along the newly proposed access track and is to be screened by nature planting and is to be dug into the existing topography of the field which is of a moderate slope from south to north. The proposed manure store is close to existing field margins and will be further screened by the proposed landscaping and planting to the north, east and south of the building. The application is supported by a comprehensive landscaping proposal document and plan prepared by HEJ Landscapes which details all landscaping measures to be implemented to include a detailed list of native species, densities and sizes. The proposed landscaping and planting is designed sympathetically to help assimilate the proposed development into the landscape and to further screen the proposed buildings within the wider landscape.

The Powys Unitary Development Plan through policy EC9 seeks to ensure that the harm from new agricultural buildings is minimised through sensitive design and siting. Guidance within EC9 suggests that wherever possible, new buildings should be grouped with existing buildings and utilise materials which are sympathetic to the site's surroundings. Policy E6 of

the Powys Local Development Plan states that farm diversification proposals should be of an intensity appropriate to the location and setting and have no significant detrimental effect on the vitality and viability of adjacent land uses.

The proposed extension is directly adjacent to the existing poultry unit and within close proximity (approximately 110 metres) of the existing agricultural buildings at Black Hall (still within the applicant's ownership). Whilst the proposed manure store building is not directly adjacent to any existing buildings it is within close proximity of the existing poultry unit and alongside the proposed access track. The building is positioned in this manner taking into account potential odour impacts to the neighbouring properties which has been assessed via the ammonia modelling work and reports submitted in support of this application.

In support of this application the Environmental Statement includes a Landscape and Visual Impact Assessment carried out by HEJ Landscapes. The report considers the LANDMAP landscape characterisation for the area, the historic landscapes register, visual impact upon the surrounding area, impact upon the sensitive residential receptors around the site, popular viewpoints, impact upon footpath users and road users. The report concludes that some of the residential receptors will experience effects of major significance during the construction phase however when completed and planting is established the visual impact will be moderate at worst. The impact upon the town Hill viewpoint are considered to be minor or even negligible with the impact to footpath users also being assessed as minor or negligible.

It is considered that the proposed siting is acceptable. Officers consider that the proposal is capable of being accommodated without causing unacceptable harm to existing character and appearance of the surrounding area and landscape.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. Officers consider that the visual and landscape impact associated with the proposed poultry unit development can be appropriately managed thereby safeguard the Powys landscape in accordance with relevant policies, including SP3, ENV2, EC1, EC9 and EC10 of the Powys Unitary Development Plan and policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

Highways Safety and Movement

Policy GP4 of the Powys Unitary Development Plan and Policy T1 of the Powys Local Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking.

This application is supported by a Design and Access Statement which provides information regarding the proposed access, parking and sustainability arrangements for the proposed development. A vehicle routing plan is also included as part of the Environmental Statement. As part of this application process the relevant highways authority have been consulted and have raised no objections to the proposed development subject to suggested conditions. The conditions seek to secure two passing bays in locations to be agreed, hardstanding areas for construction traffic and hardstanding and parking areas for the relevant vehicles. Officers consider that these conditions are reasonable and should be attached to any grant of consent.

In light of the highways officer's comments and suggested conditions, officers consider that subject to the conditions suggested, the proposed development is in accordance with planning policy, particularly policies GP4 of the Powys UDP, policy T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Biodiversity and Ecology

SAC's and SSSI's

Policies ENV4, ENV5 and ENV6 indicate that development proposals should preserve and enhance biodiversity and features of ecological interest. Specific guidance within UDP policy ENV4 confirms that development proposals should not significantly affect the achievement of the conservation objectives for which a SAC is designated either individually or in combination with other proposals. In addition to the above, policy ENV5 confirms that there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest. LDP policy DM2 seeks to maintain biodiversity and safeguard protected important sites.

It is considered that the key impacts associated with the proposed development include the potential impacts upon nearby watercourses and woodlands as a result of the contribution of the process on the existing ammonia levels in the area. An ammonia modelling report has been submitted in support of the application. The report identifies a number of environmentally important sites within 10 km of the proposed site. Natural Resources Wales have been consulted as part of this application process and have concluded that for all of the protected sites the ammonia and nitrogen deposition levels for the proposed unit are below the threshold applied in the assessment of potential impacts upon SSSI's.

As part of this application process the County Ecologist has been consulted and initially raised concerns regarding the ammonia modelling assessment carried out which identified that the proposal would fall below the relevant lower threshold percentages of the critical level or critical load for the site for all wildlife sites, Hollybush pastures SSSI and Montgomery Canal SAC. However the modelling report suggests that the proposal would exceed the precautionary critical level for ammonia concentration on approximately 0.92 Ha of the nearest Ancient Woodland and exceed the upper threshold of the critical load for nitrogen deposition rate upon approximately 0.34 Ha of the Ancient Woodland. In response to this the application is proposing substantial planting of native woodland species within the ranging areas to the north and south of the proposed and existing poultry unit building with a 10 metres buffer being maintained around the ancient woodland.

In response the ecologist requested that a lower plant life survey be carried out of the existing woodland to establish the sensitivity of the woodland and confirm the correct critical level to be applied to the woodland. The lower plant life survey identified that there is capacity within the woodland to tolerate an increase in air ammonia concentration/nitrogen deposition and no lower plant species of conservation concern were identified during the survey. The report concluded that the effects upon the condition and composition of the woodland in this instance are deemed to be acceptable.

In support of this application the Environmental Statement also includes a pollution prevention plan which details the process and procedures in the event of any event of potential pollution occurring during the construction stage and during the operation of the site on a day to day basis. This plan is supported by Natural Resources Wales who have requested that the details of the plan be secured and implemented are secured via a condition upon any grant of consent. Officers consider that the pollution plan will be listed in a condition with the approved plans and documents upon any grant of consent.

Both Natural Resources Wales and the ecologist have raised no objections to the scheme subject to the suggested conditions being included upon any grant of consent. Officers consider that most of the suggested conditions are reasonable and will be included upon any grant of consent and worded appropriately.

In light of the above and subject to the imposition of conditions suggested by both NRW and the County Ecologist, it is considered that the proposed development is in accordance with policies ENV4, ENV 5 and ENV 6 of the Powys UDP, policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

Policy ENV7 of the Powys UDP, policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats.

In support of this application an ecological assessment has been provided. The conclusions of the report shows that there are potential impacts upon important ecological features across the site, however the report recommends a number of avoidance measures, mitigation and enhancement measures to be implemented as part of the development proposal. The county ecologist and Natural Resources Wales have been consulted as part of this application process. No objections have been raised to the proposed development and the ecologist has recommended a number of conditions to be attached to any grant of consent to secure mitigation and recommendations included within the ecological assessment.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys UDP, policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour. A number of third party objection letters have been received by Development Management at the time of writing this report highlighting their concern over the potential emissions of noise and odour. There are a number of residential dwellings not within the applicants ownership within 500 metres of the proposed poultry unit extension and the site for the proposed manure store.

Officers have considered the proximity of the proposed development to the existing dwelling and consider that there would be no significant adverse impact upon the residential amenity

enjoyed by the occupants of the property as a result of the proposal. In addition to this any potential noise and odour generated from the proposed building has been considered in the sections below.

Noise

UDP policy GP1 and LDP DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

In support of this application the applicant has provided a noise impact assessment carried out by John Waring (Acoustic Consultant) as part of the Environmental statement which considers the potential impact upon the amenities enjoyed by the occupants of the nearby residential dwellings and sensitive receptor sites. The conclusions of the report state that the predicted sound from the proposed development has been assessed against the current background levels and the impact on the local residents within the residential dwellings is predicted to be low.

As part of this application process Environmental Health officers have been consulted. The Environmental Health officer is satisfied with the information submitted with the application. No further information has been requested, however offices have recommended that a condition in relation to the timing of deliveries to and from the site be attached to any grant of consent in order to reduce the impact upon amenity.

On the basis of the submitted information and comments received, officers consider that sufficient information has been submitted in support of the application to demonstrate that the proposed poultry development will not have an unacceptable adverse impact on the amenities enjoyed by the occupants of the neighbouring properties by reasons of noise. As such, the proposed development is considered to fundamentally comply with UDP policies GP1, EC1 and EC10, LDP policies DM13, Technical Advice Note 11 and Planning Policy Wales.

Odour

In terms of odour, odour levels can be assessed using odour dispersal model based on standardised values. Odour concentrations are expressed as European odour units per cubic metre (ouE/m³). The Environment Agency (EA) has published guidance for the objective assessment of odour impacts: How to Comply with Your Permit- H4 Odour Management. It recommends the use of 98th percentile of hourly average odour concentrations modelled over a year. Appendix 3 of this document provides a benchmark of 3.0 ouE/m³ for moderately offensive odours. Moderately offensive odours are identified as including those associated with intensive livestock rearing. It is noted that the use of this threshold has been supported by Inspectors in planning appeal decisions.

A manure management plan has been submitted in support of this application. The plan indicates that there is 186 hectares of land across the two farms which form the farming business and 153.01 Ha is required to spread manure at the maximum spreading level to

conform with the Good Code of Agricultural and Environmental Practice. This figure takes into account all livestock held on the farm holdings. Taking into account the no spread buffer areas around watercourses, boreholes, land likely to flood, land drains etc. there is still enough land to support the spreading of manure on the holding without the need to export the manure. This application also includes a poultry manure store building which will be used to store poultry manure prior to the spreading on land. The building will have a capacity to store the manure from both the existing and proposed shed for a total of 22 weeks or 5 months. High risk areas for spreading have been identified within the risk maps and the plan is supported by a contingency plan which consists of signed letters from two separate holdings which have capacity to spread manure on their ground in line with the relevant legislation if required in the event that Black Hall has an excess of manure. There is considered to be sufficient land for the purposes of spreading manure in accordance with the relevant regulations and legislation. As part of this application process Environmental Health have been consulted, no objections have been raised by the officer and they are satisfied that the information provided in respect of ammonia dispersal for the proposed development is satisfactory.

As part of the comments received from the ecologist they have recommended that upon any grant of consent that the manure is to be transported in sheeted trailers to prevent any spillage and is to be spread in line with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil. Officers consider that these conditions are necessary and would be attached to any grant of consent.

During this application process a number of objections letters have been received in response to the proposed development in relation to manure management, odour and fly infestations. Independent evidence was provided by the objector in this case to question the validity of the information submitted in support of this application. This evidence has been circulated to the relevant consultees including environmental health and Natural Resources Wales. No objections have been raised to the proposed development in light of the new evidence brought forward and consultees find the information submitted to be acceptable and no further information has been requested. Natural Resources Wales have provided additional comments in relation to Odour which state that odour is a matter that is a matter subject to part of the environmental permitting process for intensive poultry developments over 40,000 birds for layers and therefore this will be considered by them in this permit process separate to the planning process. No objections have been received from NRW or Environmental Health in respect of odour.

In light of the above, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Following consultation, it is noted that no concerns have been raised by the Environmental Health Department in this respect. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular UDP Policy GP1 and LDP policy DM13.

Dust

A dust assessment is included within the Environmental Statement submitted in support of the application. This assessment states that the potential for any dust impact will be greater during the summer months when the ventilation system fans will be at a higher rate. The dust

assessment concludes that the concentrations of dust as a result of the development will be indistinguishable from normal background dust levels and any nearby receptor sites will be protected by the existing and proposed landscaping scheme. In order to mitigate any potential impacts the proposed ventilation fans will be fitted with dust baffles and the feed delivery lorries will be covered and be blown directly from the lorry into the storage silos. Feed will be delivered to the buildings from the silos via a pipe system therefore minimising any dust emissions during feeding.

As part of this application process Environmental Health officers have been consulted on the proposal and they have raised no objections in respect of dust emissions as a result of the proposed development. In light of the above, it is considered that the proposed development fundamentally complies with policy GP1 of the Powys UDP and policy DM13 of the Powys LDP.

Surface and Dirty Water Drainage

This application is accompanied by a Surface Water Management scheme and plans to show the surface water drainage system, separate dirty water storage tank system and a separate biohazard dirty water tank in case of emergency situations. As part of this application process Natural Resources Wales have been consulted and have raised no objections to the drainage plans and details submitted and have stated that the proposed system is unlikely to adversely impact the wider environment if built in accordance with the plans. Officers consider that the proposed drainage systems are acceptable and a condition will be attached to any grant of consent referring to the surface water drainage scheme and drainage plans as submitted with the application.

In light of the above, it is considered that the proposed surface and dirty water drainage systems proposed fundamentally comply with policy DC13 of the Powys Unitary Development Plan 2010 and policy DM6 of the Powys Local Development Plan.

Private Water Supplies

During this application process Environmental health officers raised some concern over private water supplies within the vicinity of the site and areas where manure may be spread. The agent has since amended the manure management plan to ensure that a 50 metres buffer zone around any private water supply is maintained as a no spread zone. On this basis EH officers were re-consulted on the manure management plan and have no objections to the amended plan.

In light of the above officers consider that the proposed development fundamentally complies with policy DC9 of the Powys Unitary Development Plan 2010.

Public Rights of Way

This application site lies in close proximity to two sections of public footpath. The first of these (223/75/1) and closest to the proposed extension building is approximately 70 metres from the building to the north east of the site. This section of footpath is not connected to the wider network and is a short section of approximately 150 metres between the existing agricultural buildings at Blackhall and the corner of a field to the north of the site. The application site does not directly affect the public right of way in any way however would be visible from this route. The proposed building will be partially screened by existing and proposed landscaping measures together with the proposed topography of the ground to surround the proposed building extension. This route does not connect with the wider network and is very rarely used. Officers consider that overtime the views to the south west from the public footpath will form a sensitively landscaped site and the substantial views to the north would not be unacceptably adversely affected.

Another right of way route passes to the south of the site in close proximity (approximately 60 metres) from the proposed access track and manure store building. The existing poultry shed is not highly visible from the public footpath route (223/60/2) as it is screened by the existing topography of the ground to the south. The long distance views from this route are not directly affected as the existing and proposed building is to be much lower in ground level than the route of the footpath. The proposed manure store building will be visible from the footpath, however the proposed manure building is to be screened to the north, east and south by areas of trees planting.

The topography of this field at this location is moderately steep and therefore the proposed manure store building is again a lot lower in the landscape than the route of the footpath. Officers consider that the views from the footpath overtime will not be unacceptably adversely impacted as a result of the proposal with the long distance views not being affected.

As part of this application process the countryside services team have been consulted who have confirmed they have no objection to the proposal and that no public rights of way will be affected by the proposed development.

In light of the above, given the siting and proposed landscaping and tree planting, it is considered that the proposal will not have a significant adverse impact upon the public rights of way network. The proposed development fundamentally complies with policy RL6 of the Powys Unitary Development Plan 2010 and policies SP7 and DM13 of the Powys Local Development Plan.

Tourism

UDP TR2 seeks to oppose development of any kind, which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions. LDP Policy DM13 states that proposals will only be permitted where it does not have an unacceptable adverse impact on existing and established tourism assets and attractions. The application site sits in the heart of rural Powys, an area that has a strong tourism industry in a variety of guises although it is noted that many tourists are drawn to the area for its scenic quality and utilise the public right of way network to enjoy the area.

A representation has been received from a neighbouring property stating that the proposed development could have an impact on their self-catering holiday accommodation business.

Whilst the objection makes reference to potential impact of odour emissions and manure storage on the holiday let enterprise consideration should also be given to the technical reports submitted with the application and the comments raised by the Environmental Health Officer who offers no objection to the proposed development. Whilst the concerns raised by the objector are noted the evidence submitted and reviewed detail odour emissions that are in line with relevant guidelines.

As such it is considered that the proposed development fundamentally complies with policy TR1 of the Powys Unitary Development Plan 2010 and policies SP7 and DM13 of the Powys Local Development Plan.

Scheduled Ancient Monuments

The proposed site is located approximately 560 metres south west of the scheduled ancient monument known as Cefn Llan Hillfort (MG236). As part of this application process CADW have been consulted. In their assessment they have identified that the views of the existing poultry unit is mainly blocked from the scheduled ancient monument by the existing topography and existing vegetation surrounding the site but the proposed extension will be clearly visible along the small stream valley to the north of Black Hall from the SAM (MG236). It is acknowledged that the proposed development includes significant landscaping and tree planting which will take time to become effective.

CADW have also confirmed that the scheduled ancient monument known as Mount Pleasant (MG237) we have views of the proposed development, however it will be only a very small part of the western gable of the existing poultry unit and will not have any additional damage to the setting of this SAM.

In summary CADW have concluded that the proposed development will be visible from MG236 although partly screened by the proposed landscaping and tree planting. They believe that this would result in moderate but not significant damage to the setting of the scheduled ancient monument. Officers have considered the response from CADW and the proposed landscaping and topography of the proposed site and believe that the proposed development would not have a significant impact upon the setting of any scheduled ancient monument. The site is located directly adjacent to the existing poultry unit and therefore it is considered that the proposed development would not have any greater impact upon the setting of the SAM over and above that of the existing poultry unit. Officers consider that the proposed siting, landscaping and tree planting of the proposed development is acceptable.

In light of the above, the proposed development complies with policy ENV 17 of the Powys Unitary Development Plan 2010 and policies SP7 and DM13 of the Powys Local Development Plan.

Archaeology

As part of this application process Clwyd Powys Archaeological Trust have been consult in respect of potential archaeological implications for the site. Comments have been received in response confirming that there are no concerns in respect of archaeology on the proposed site.

In light of the above, it is considered that the proposed development fundamentally complies with ENV17 of the Powys Unitary Development Plan 2010 and policies SP7 and DM13 of the Powys Local Development Plan.

Listed Buildings

The proposed development and extension to the existing poultry unit is located approximately 580 metres north west of the grade II listed building known as Whitehall Farm house. The proposed manure store building is located much closer at approximately 300 metres west of the listed farm house. As part of this application process Powys built heritage officer has been consulted and has raised no objection to the proposal on built heritage grounds stating that the intervening topography of the land and existing woodland planting would mean that the proposed development would not be visible from the listed farmhouse. The proposed development is not considered to have an impact upon the setting of White Hall Farm.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV14 of the Powys Unitary Development Plan 2010 and policies SP7 and DM13 of the Powys Local Development Plan.

Recommendation

Officers are satisfied that the proposed development complies with the relevant policies within the Powys Unitary Development Plan 2010 and Powys County Council Local Development Plan and the recommendation is one of conditional consent in line with the conditions as set out below.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received on 21st November 2017 (drawing no's: SK.001, SK.002, SK.005, SK.006, Documents: Planning Design and Access Statement, prepared by Matthew Evans - Ian Pryce Property Services, Ranging Plan, Noise Assessment by John Waring dated 5th August 2017, Odour Dispersion Study by AS Modelling & Data Ltd. dated 20th June 2017, Ammonia Dispersion Report by AS Modelling & Data Ltd. dated 20th June 2017, Surface Water Management Details by KRS Environmental dated 31st August 2017, Ecological Assessment by Churton Ecology dated 3rd July 2017, Routing Plan, Landscape Proposals by HEJ Landscapes, Pollution Prevention Statement by Matthew Evans - Ian Pryce Property Services) amended plans received 5th December 2017 (drawing no's: SK.003 A, documents: Landscape and Visual Impact Assessment) documents received 18th December 2017 (Document: Environmental Statement by Matthew Evans - Ian Pryce Property Services) documents received 18th January 2018 (document: Botanical survey prepared by Chris F. Brown) amended plans received 30th January 2018 (Drawing no's: SK.004 A) amended documents received 19th February 2018 (Document: Technical - Manure Management Plan by Farming Connect).

3. Prior to the first beneficial use of the site, provision shall be made within the curtilage of the site for the parking of not less than two cars and two HGV's provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
4. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
5. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.
6. No storm water drainage from the site shall be allowed to discharge onto the county highway.
7. Prior to the commencement of development the applicant shall construct two passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed to an adoptable standard.
8. The recommendations regarding bats and birds identified in section 5 of the Ecology Report by Jon Sloan Ecology/Churton Ecology, dated July 2017 including the recommendation for hedgerow enhancements shall be adhered to and implemented in full.
9. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
10. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval. Development shall be carried out in accordance with the approved details.
11. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
12. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

13. Deliveries shall not be taken or dispatched from the site outside the hours of 0700 to 2100 hrs Monday to Friday; 0700 to 1700 hrs on Saturdays and; 0900 to 1700 hrs on Sundays and Bank Holidays (Except for the delivery or removal of birds).
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.

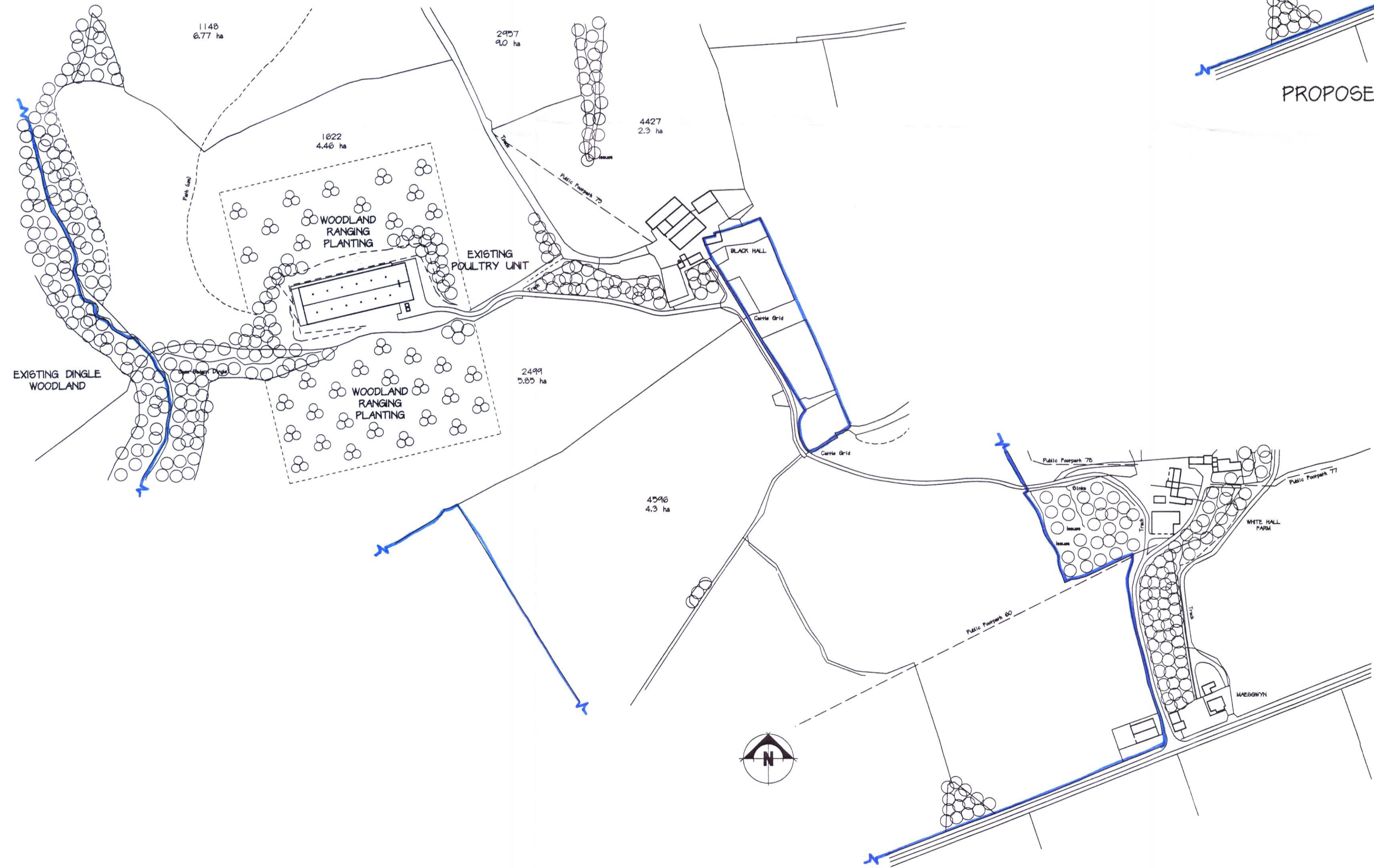
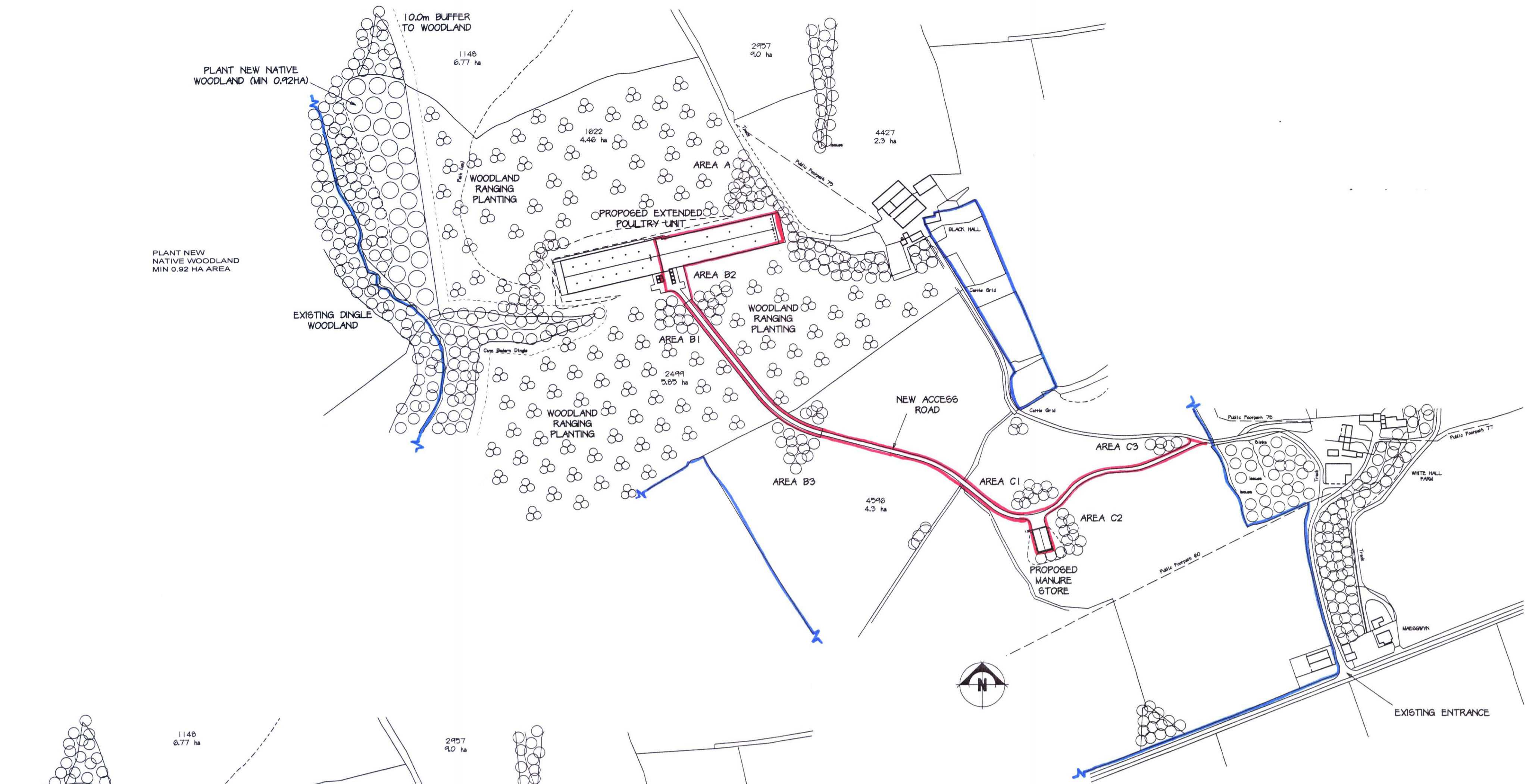
Reasons

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 ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
4. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
5. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
6. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
7. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
8. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
9. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5:

Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

10. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
11. To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
13. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
14. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
15. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk



RANGING AREA

THE BIRDS WITHIN THE FREE RANGE UNIT WILL GRAZE THE DESIGNATED LAND ON A ROTATIONAL FIELD SYSTEM.

THE FREE RANGE AREA WILL BE EXTENDED FROM 16.18 HECTARES TO 32.56 HECTARE TO ACCOMMODATE THE ENTIRE 64,000 BIRDS.

THE FREE RANGE AREA SHALL BE SURROUNDED BY ELECTRIC FENCING TO SUBDIVIDE FIELDS AND PREVENT PREDATORS ENTERING THE LAND.

WATERCOURSES, SPRINGS, BOREHOLES WITHIN THE RANGE AREA WILL BE FENCED USING CHICKEN FENCING TO PREVENT THE BIRDS ACCESS.

ECOLOGICAL ENHANCEMENT AND MITIGATION

AN AREA OF .02HA ADJOINING THE DINGLE ANCIENT WOODLAND WILL BE PLANTED WITH NATIVE SPECIES OF TREES.

THE DINGLE ANCIENT WOODLAND WILL BE FENCED OFF FROM FORAGING CHICKENS TO PROVIDE A 100M BUFFER AREA.

THE DEVELOPMENT IS FOR WOODLAND FREE-RANGE EGGS AND THEREFORE NATIVE TREES WILL BE PLANTED OVER THE ROAMING AREAS IN ADDITION TO THE LANDSCAPE SCREENING PLANTINGS.

ALL EXISTING HEDGEROWS WILL BE ENHANCED WITH GAPS PLANTED WITH NATIVE SPECIES (HAZEL, HAWTHORN, BLACKTHORN, HOLLY, DOG ROSE).

A 2.0m MARGIN WILL BE FENCED EITHER SIDE OF THE HEDGEROWS TO PROTECT THE HEDGEROW.

ANY CLEARANCE OF HEDGEROW SHOULD BE UNDERTAKEN IN THE LATE SUMMER OR WINTER MONTHS TO AVOID BIRD NESTING SEASON.

EXTERNAL LIGHTING MUST BE MINIMAL THROUGHOUT THE SITE AND DESIGNED WITH LITTLE ILLUMINATION OF BOUNDARY HEDGEROWS.

LIGHTING SHOULD BE LOW INTENSITY WITH LIGHT SPREAD KEPT BELOW THE HORIZONTAL USING COWLS, LOUVER OR SCREENS.

ANY PIR SYSTEM SHOULD BE SET ON A SHORT TIMER AND RESPONSIVE ONLY TO LARGER MOVING OBJECTS.

ANY PIT OR TRENCH LEFT OPEN OVERNIGHT MUST BE PROVIDED WITH A SLOPING END OR TIMBER RAMP.

ANY LARGE DIAMETER PIPE WORK LEFT OPEN OVERNIGHT MUST HAVE THE OPEN END CAPPED OFF.

TREE SCHEDULE AREA B1 (340M), AREA B2 (270M) AND AREA B3 (650M) - 1.2m CENTRES						
LATIN NAME	COMMON NAME	SIZE	AREA B1 NUMBERS	AREA B2 NUMBERS	AREA B3 NUMBERS	NOTES
ACER CAMPESTRE	FIELD MAPLE	600 - 900mm	25	20	30	PLANT IN GROUPS AT EDGE
ALNUS GLUTINOSA	ALDER	600 - 900mm	25	15	25	PLANT THROUGHOUT AREA
BETULA PENDULA	SILVER BIRCH	600 - 900mm	20	20	25	PLANT IN GROUPS
CORYLUS AVELLANA	HAZEL	400 - 600mm	10	10	25	PLANT THROUGHOUT AREA
FRAXINUS EXCELSIOR	ASH	600 - 900mm	20	15	25	PLANT IN GROUPS OF 3 - 7
LLEX AQUIFOLIUM	HOLLY	400 - 600mm 2L POT	15	15	15	PLANT IN GROUPS OF 3
PINUS SYLVESTRIS	SCOTTS PINE	600 ROOTBALLED	10	5	20	PLANT IN GROUPS NEAR ROAD
POPULUS TREMULA	ASPEN	900 - 1200mm			10	PLANT IN GROUPS AT EDGE
PRUNUS PADUS	BIRD CHERRY	600 - 900mm	20	15	20	PLANT IN GROUPS NEAR EDGE
QUERCUS PETRAEA	BESSIE OAK	900 - 1200mm	25	20	25	PLANT THROUGHOUT AREA
SUB TOTAL			170	135	220	
TOTAL					525	

TREE SCHEDULE AREA C1 (150M) AND AREA C2 (450M) - 1.2m CENTRES					
LATIN NAME	COMMON NAME	SIZE	AREA C1 NUMBERS	AREA C2 NUMBERS	NOTES
ACER CAMPESTRE	FIELD MAPLE	600 - 900mm	10	30	REAR OF MANURE STORE
BETULA PENDULA	SILVER BIRCH	600 - 900mm	10	50	PLANT IN GROUPS OF 3 OR MORE
CORNUS SANSUIEA	DOGWOOD	600 - 900mm	10	30	PLANT IN GROUPS OF 3 AT EDGE
CORYLUS AVELLANA	HAZEL	600 - 900mm	10	30	PLANT IN GROUPS AT EDGE
CRATAEGUS MONOGYMA	HAWTHORN	400 - 600mm		30	
FRAXINUS EXCELSIOR	ASH	600 - 900mm	10	20	
POPULUS TREMULA	ASPEN	600 - 900mm	15	20	
PRUNUS AVIUM	WILD CHERRY	600 - 900mm	10	20	
PRUNUS PADUS	BIRD CHERRY	600 - 900mm	10	30	PLANT IN GROUPS NEAR EDGE
QUERCUS PETRAEA	BESSIE OAK	900 - 1200mm	10	30	5.0m MIN SPACINGS BETWEEN OAKS
SALIX ALBA	WILLOW	600 - 900mm	10	20	
SORBUS AUCUPARIA	ROWAN	600 - 900mm		10	
SUB TOTAL			105	310	
TOTAL				415	

TREE SCHEDULE AREA C1 (150M) AND AREA C2 (450M) - 1.2m CENTRES					
LATIN NAME	COMMON NAME	SIZE	AREA C3 NUMBERS	AREA C4 NUMBERS	NOTES
QUERCUS PETRAEA	BESSIE OAK	1200 - 1500mm	5	5	7.0M MIN SPACINGS
SALIX ALBA	WILLOW	900 - 1200mm	3	3	3.0M MIN SPACINGS
SUB TOTAL			8	8	
TOTAL				16	

AREA B HEDGE PLANTING (250 LINEAR METRES ENCLOSING NEW PRIVATE DRIVE)						
LATIN NAME	COMMON NAME	SIZE	#	NUMBER	NOTES	
ACER CAMPESTRE	FIELD MAPLE	400 - 600mm	10	150		
CORNUS SANSUIEA	DOGWOOD	400 - 600mm	5	75		
CORYLUS AVELLANA	HAZEL	400 - 600mm	10	150		
CRATAEGUS MONOGYMA	HAWTHORN	400 - 600mm	60	900		
LLEX AQUIFOLIUM	HOLLY	400 - 600mm 2 LITRE POT	5	75	PLANT IN GROUPS OF 3 - 5	
PRUNUS SPINOSA	BLACKTHORN	400 - 600mm	10	150		
FRAXINUS EXCELSIOR	ASH	600 - 900mm	7		PLANT ALONG EACH SIDE OF ROAD AT IRREGULAR INTERVALS IN 2 OR 3 CLUSTERS	
QUERCUS PETRAEA	OAK	600 - 900mm		9		
TOTALS				1516		

PLANTING NOTES -

TREE PLANTING

ALL TREES ARE TO BE PIT PLANTED IN PITS SIZED TO ACCOMMODATE THE ROOTBALL.

PITS TO BE BACKFILLED WITH RETAINED TOPSOIL TOGETHER WITH PEAT FREE TREE PLANTING COMPOST AND SLOW RELEASE COMPOUND FERTILISER.

STANDARD TREES TO BE SHORT-STAKED (600mm ABOVE GROUND) AND TIED WITH HEAVY RUBBER TREE TIES AND SPACERS. ALL PLANTS TO BE PROTECTED BY GIRAL RABBIT GUARDS.

HEDGE PLANTING

ALL PLANTS ARE TO BE PLANTED WITHIN A 500mm WIDE AND 300mm DEEP TRENCH FORM A 1.0 X 0.3m HEDGE BANK WITH TOPSOIL ARISING FROM THE BROILER UNIT EXCAVATIONS.

PLANT HEDGE GAPPLINGS IN A DOUBLE STAGGERED ROW 150mm BETWEEN ROWS.

THE HEDGE WILL COMPRISE MIXED DECIDUOUS SPECIES @ PER LINEAR METER.

ALL PLANTS TO BE PROTECTED WITH RABBIT GUARDS.

GENERAL

PLANTING SITES TO BE TREATED WITH 'ROUNDUP' OR SIMILAR APPROVED WEED KILLER PRIOR TO PLANTING ACCORDING TO MANUFACTURERS INSTRUCTIONS.



<p>All dimensions on site to be checked prior to commencement of work or ordering of materials and components. No dimensions to be scaled from this drawing.</p> <p>All materials and workmanship to comply with relevant British Standards and Codes of Practice. All works to conform to Building Regulations and NHBC Standards (where applicable).</p> <p>COPYRIGHT</p> <p>This drawing and any design therein is the copyright of Ian Pryce Property Services and must not be reproduced without written consent.</p>		<p>IAN PRYCE CIQB Property Services Building Surveyors, Architectural Services and Project Management. PRINCES SQUARE, PRINCES STREET, MONTGOMERY, POWYS, SY15 6PZ Telephone : 01686 668594 Fax : 01686 668699</p>
<p>Date: Ref: Revision:</p>		
<p>Project: EXTENSION TO EGG UNIT BLACK HALL FARM CEFN Y COED MONTGOMERY POWYS SY15 6HR</p>		<p>Client: R B JONES & SON</p>
<p>Scope: EXIST & PROP LOCATION PLAN</p>		
<p>Date: APRIL 2017</p>		<p>Drawn: Gwera Mason</p>
<p>Project Number: 04 / 17 / 2395</p>		
<p>CAD Reference: DRAWINGS\BLACKHALLFARM-CEFN Y COED\PHASE 2\EXIST-PROP\LOCATION PLAN.rvt</p>		<p>Scale: 1 / 2500</p>
<p>Drawings Number: SK - 003</p>		<p>Amendment:</p>

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This application should be Deferred.

Reasons for Deferral

A full application such as this should include highway access details, such as the location, width, gradient of the proposed access along with the means of draining the access and the access visibility splays, these should all be shown on plan.

Furthermore, a full breakdown of current and proposed traffic movements for all vehicle types, associated with the development should be submitted for consideration.

The applicant is requested to submit revised drawings to address the above points for consideration.

Additional correspondence received 1st March 2018-

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority have had a dialogue with the applicant in relation to likely movements that will result from the proposed development. In conclusion, the land currently is classed as agricultural and the application will therefore not result in a significant number of additional movements through the previously improved access.

On the above basis, the Highway Authority wish to remove their previous recommendation of deferral and do not wish to comment further on the application.

Wales & West Utilities-

You will note the presence of our intermediate / high pressure gas main(s) in proximity to your site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with wales & west utilities

We enclose an extract from our mains records of the area covered by your proposals. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

The Wales & West Utilities High Pressure Network may be affected by your proposals and a copy of the information you have provided has been forwarded to Asset for their comment. They will then contact you as necessary. Please note, 7 days notice is required if you require a site visit from an Engineer.

Severn Trent-

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

NRW-

Thank you for consulting Natural Resources Wales (letter dated 25/01/2018) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

Protected Species

NRW has not considered European Protected Species (EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

Flood Risk

The application site lies 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 outside the 1% (1 in 100 year) but within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Severn, a designated main river.

Given the scale and nature 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, where appropriate.

This may include ensuring mechanical and electrical equipment are sited above the locally determined extreme flood level and/or measures put in place to remove valuable equipment and livestock.

The landowner should sign up to the NRW Flood Warning service, if not done already. The applicant is advised to source flood level information for the River Severn via the NRW Data Distribution team. This may be required in order to address insurance related queries. To avoid any potential impact to third parties, we recommend that there should be no raising of ground levels in the vicinity of the proposed.

Scope of NRW Comments

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

CPAT-

Thank you for the consultation on this application. I can confirm that there are no archaeological implications for the proposed development at this location.

CADW-

Thank you for your letters of 25 January 2018 inviting our comments on the above planning applications.

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 MG014 Cefn Bryntalch Mound & Bailey Castle. Our assessment of the application is 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 circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological

remains, whether scheduled or not, and their settings 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 an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The scheduled monument MG014 Cefn Bryntalch Mound & Bailey Castle lies 275m to the east northeast; a motte and bailey castle formed by adapting a ridge-end position above the Severn to produce two enclosures. The site is covered in deciduous trees which extend as a belt of woodland to the west; this serves to screen the location of the proposed development from the monument. This reduced inter-visibility means the impact on the setting of the monument is not considered significant.

Environmental Health-

Environmental Protection has no objection to the application.

PCC Ecology-

Sources of Information:

No ecological information has been provided with the application. These observations are based on the documents and plans presented, an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposals involve the construction of an agricultural unit in an improved agricultural field, immediately to the north of the property. The proposed unit would be situated adjacent to a mature hedgerow, and would screen the building from views from a road that runs nearby. Access would be provided via a proposed track that runs through the garden towards the location of the proposed unit.

Summary of historical species records:

There are historical records of the following protected and priority species within 1km of the proposed development:

Badgers – The closest record is within 690m

Bat species— including but not restricted to Brown long-eared bat (494 m), Common Pipistrelle (641m) and Soprano Pipistrelle (789m)

Otter – The closest record is within 525m

Various bird species – including but not restricted to Peregrine (403m) and Barn owl (21m).

Hazel Dormice- 890m

Protected Species/Habitats:

The proposed construction work would make use of improved grassland. There are hedgerows and trees bounding the site which could be used by species such as bat for foraging and navigation, and also by common reptile species, such as common lizards and grass snake; but, the field boundaries appear to be unaffected by the proposed work, therefore, it is not considered likely that these species would be affected.

Should external lighting be required, I would recommend implementing a sensitive lighting plan in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use the surrounding hedgerows. Details of any proposed lighting should be included in a lighting plan, which should be submitted to the LPA for approval prior to commencing the works.

There is a 2002 BIS record of a potential barn owl roosting site in the barn conversion at Upper Llegodig with indications of a possible breeding site. Recommendations at the time were made to seal off loft space and install a breeding box. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting within 3 days of work commencing.

Priority and LBAP Species/Habitats:

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

There appear to be mature trees close to the construction footprint of the proposed access and building. I recommend that trees are retained where possible and their root protection areas protected during construction phase. A tree protection plan will be required by the LPA for approval prior to commencement of works.

Non-native Invasive Species:

Unknown

Designated Sites for Nature Conservation:

Considering the distance and nature of the proposal, no adverse impacts on the Montgomery Canal SAC and SSSI are anticipated as a result of the proposed works.

Further information required prior to determination of application:

It is assumed from the submitted plans that the proposed new access and agricultural building lie within 30m of the barn owl roost record within the barn conversion at Upper Llegodig although the agent may want to confirm the location of roost and whether the distance is less than 30m. Otherwise the recommended condition below for barn owls has been made to ensure legal compliance and guidance from the Barn Owl Trust.

Recommendations:

It is recommend that trees are retained and protected during the construction phase and a protection plan has been recommended. Should vegetation need to be removed, this should be undertaken outside the bird nesting season if possible, or immediately preceded by a check by an ecologist for active nests.

Recommended Conditions:

No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting within 3 days of work commencing.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and 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. The development shall be carried out in accordance with the scheme details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

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

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

Relevant UDP Policies:

- SP3 Natural, Historic and Built Heritage
- ENV 3: Safeguard Biodiversity and Natural Habitats
- ENV 7: Protected Species

Public Response

No letters of public representation have received at the time of writing this report.

Principal Planning Constraints

Flood Zone

Officer Appraisal

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2007)

Local Policies

Unitary Development Plan (March 2010)

SP3 Natural, Historic and Built Heritage
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
EC9 – Agricultural Development

Emerging Local Development Plan (2011-2026) (Binding Report received – yet to be adopted)

DM2- The Natural Environment
DM4- Landscape
DM5- Development and Flood Risk
DM13- Design and Resources
SP7- Safeguarding of Strategic Resources and Assets

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

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

Principle of Development

The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effects on Powys landscape. Other planning considerations to take into account are design and building materials.

The proposed agricultural building will be located on grade 3a agricultural land which is considered to be good to moderate agricultural land.

In light of the above and given that the proposal is to support the running of the agricultural enterprise it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy subject to the following:

Design

With respect to design specific reference is made to UDP policy GP1 and LDP policy DM13. This indicates that development proposals will only be permitted where the design, proportion, scale, materials and fenestration complements or enhances the character of the existing buildings and surrounding area.

Consent is sought for the erection of an agricultural building. The design of the proposed structure is considered to be consistent with buildings of this type and is deemed to be in keeping with the surrounding area; it is also considered to be of an appropriate scale relative to the holding. As such it is considered to be of an acceptable design in this setting.

The materials selected for this building, concrete and box profile sheeting to the walls and roof, are typical and practical for farming operations and assist in assimilating the building into its local setting. It is, therefore, considered that the selected materials are acceptable in their use at this location.

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

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area. The Highway Authority has been consulted on the development and confirmed that they did not wish to comment on the application.

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

Biodiversity

With respect to biodiversity, specific reference is made to UDP policy ENV3 and LDP policy DM2; as such the PCC Ecologist and NRW was consulted with regard to this application.

The Ecologist reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. They also noted the distance between the proposed development and the Montgomery Canal SAC and SSSI, however after considering the distance and nature of the proposal, no adverse impacts were anticipated as a result of the proposed works. After consideration of the proposals it was deemed unlikely that the proposed development would have any negative impacts to biodiversity subject to the recommended conditions being attached to any grant of consent.

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

Amenities enjoyed by occupiers of neighbouring properties

The proposed development is not considered to impact on any neighbouring properties due to the distance between and the natural landscaping and topography of the area. The nearest neighbouring residential dwelling is located at a distance of approximately 100 metres to the south of the development site which is situated with the existing holding dwelling (within the applicants ownership) in between the proposed development and therefore providing shielding from the proposed development.

Environmental Protection have been consulted and have confirmed that they have no objection to the proposed development.

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

Flood Risk

The application site lies 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).

NRW have been consulted and have confirmed that given the scale and nature of the proposed development (and in the absence of a flood consequence assessment), NRW 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, where appropriate.

This may include ensuring mechanical and electrical equipment are sited above the locally determined extreme flood level and/or measures put in place to remove valuable equipment and livestock.

In light of the above an informative will therefore be attached to any grant of consent notifying the owner of the potential flood risks.

Scheduled Ancient Monument

The scheduled monument MG014 Cefn Bryntalch Mound & Bailey Castle lies 275m to the east northeast; a motte and bailey castle formed by adapting a ridge-end position above the Severn to produce two enclosures. The site is covered in deciduous trees which extend as a

belt of woodland to the west; this serves to screen the location of the proposed development from the monument.

Cadw have been consulted and have confirmed that this reduced inter-visibility means the impact on the setting of the monument is not considered significant.

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

RECOMMENDATION

In light of the above and subject to appropriately worded conditions and informative it is considered that the proposed development can be managed to an acceptable level and the recommendation is therefore one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on (drawing no's: Proposed Elevations dated 27/09, Proposed Block Plan dated 27/09, Location Plan dated 15/01).
3. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting within 3 days of work commencing.
4. 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. The development shall be carried out in accordance with the scheme details.
5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

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 comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7, LDP policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.
4. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 and LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.
5. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 and LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of

TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informative Notes

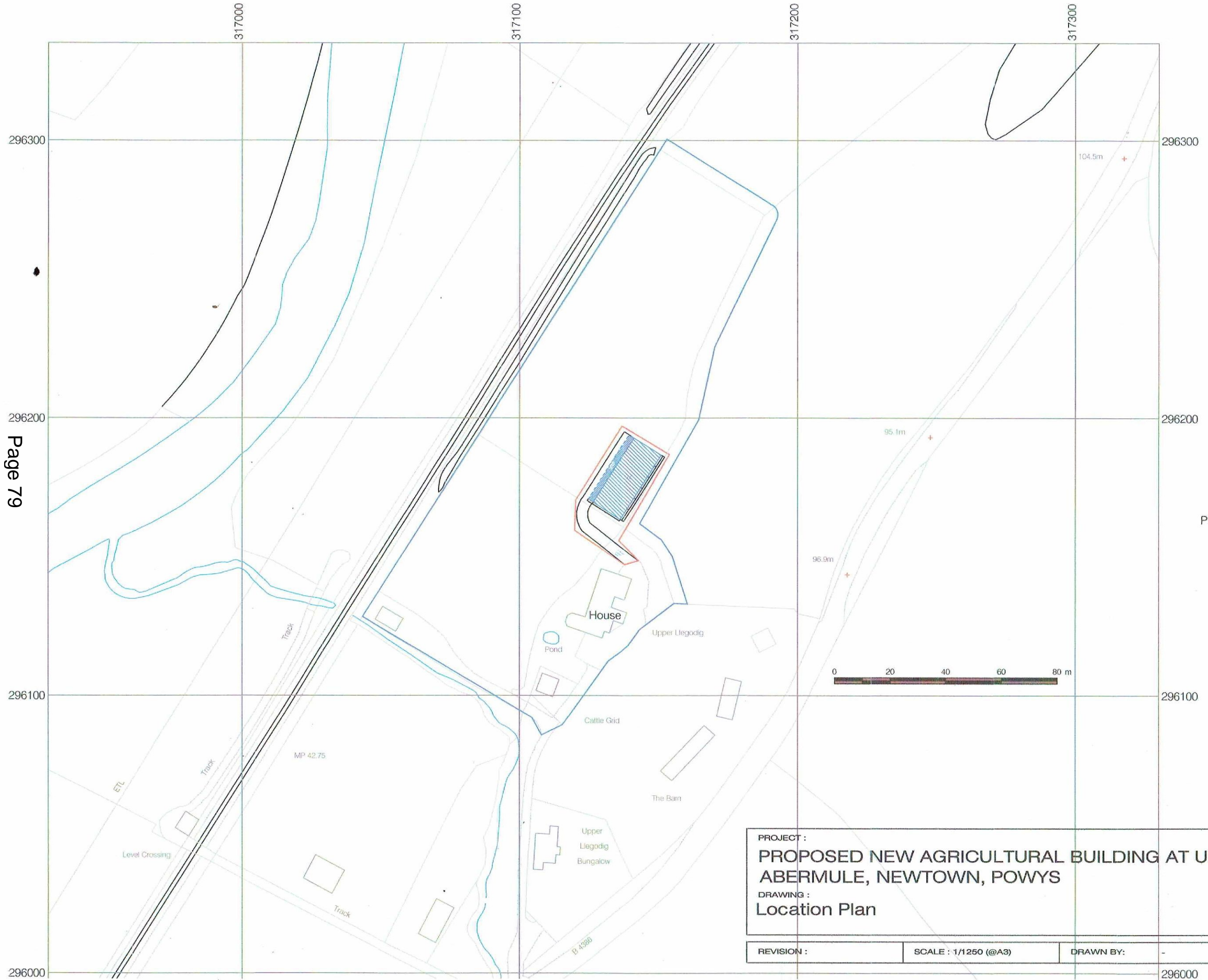
Flood Risk

Given the scale and nature 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, where appropriate.

This may include ensuring mechanical and electrical equipment are sited above the locally determined extreme flood level and/or measures put in place to remove valuable equipment and livestock.

The landowner should sign up to the NRW Flood Warning service, if not done already. The applicant is advised to source flood level information for the River Severn via the NRW Data Distribution team. This may be required in order to address insurance related queries.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk



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Proposed Site ———
Property owned by applicant ———

PROJECT :
**PROPOSED NEW AGRICULTURAL BUILDING AT UPPER LLEGODIG,
ABERMULE, NEWTOWN, POWYS**
DRAWING :
Location Plan

REVISION :	SCALE : 1/1250 (@A3)	DRAWN BY: -	DATE: 15/01
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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	DIS/2018/0005	Grid Ref:	323589.04 307013.7
Community Council:	Welshpool	Valid Date:	Officer: 08/01/2018 Luke Jones
Applicant:	Powys County Council		
Location:	Leighton Arches Gypsy and Traveller Site, Leighton Road, Welshpool, Powys, SY21 8FJ		
Proposal:	Discharge of conditions no. 6, 8, 9, 10, 11 & 12 of planning approval P/2016/1240		
Application Type:	Application for Approval of Details Reserved by Condition.		

The reason for Committee determination

As the applicant is Powys County Council

Site Location and Description

The application site is located within the community council area of Welshpool. The application site is located to the south eastern edge of Welshpool and is accessed off the B4381. The application site is known as Leighton Arches (formerly the Withy Beds) and currently accommodates 12 caravans for use by the Gypsy and Traveller community.

The application is for the discharge of conditions no. 6, 8, 9, 10, 11 & 12 of planning approval P/2016/1240 at Leighton Arches Gypsy and Traveller Site, Leighton Road, Welshpool, Powys.

Condition 6 requires that:

“No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any pitches are occupied.”

Condition 8 requires that:

“Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.”

Condition 9 requires that:

“Prior to commencement of development, a detailed Japanese Knotweed Control Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.”

Condition 10 requires that:

“A lighting design scheme to take any impacts on nocturnal wildlife into consideration (particularly the hedgerows at the site boundaries) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.”

Condition 11 requires that:

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

Condition 12 requires that:

“Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.”

Consultee Response

PCC Ecology

Thank you for consulting me with regards to application DIS/2018/0005 submitted to discharge conditions no. 8, 9, 10, 11 & 12 of planning approval P/2016/1240 at Leighton Arches Gypsy and Traveller Site, Leighton Road, Welshpool, Powys.

Condition 8 requires that:

Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Condition 9 requires that:

Prior to commencement of development, a detailed Japanese Knotweed Control Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Condition 10 requires that:

A lighting design scheme to take any impacts on nocturnal wildlife into consideration (particularly the hedgerows at the site boundaries) shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Condition 11 requires that:

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

Condition 12 requires that

“Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.”

I have reviewed the information submitted by the applicant to discharge these conditions which consists of:

- Japanese Knotweed Control Plan
- Biodiversity Enhancement Plan
- Pollution Prevention Plan
- Lighting Design and Tree and Hedgerow Protection Plan

Having reviewed the information submitted I consider that sufficient detail has been provided and the measures identified and the information submitted is appropriate and sufficient to comply with the requirements of conditions 8, 9, 10, 11 & 12.

I therefore consider that sufficient information has been submitted to enable discharge of conditions 8, 9, 10, 11 & 12 of planning consent P/2016/1240.

Land Drainage

The submitted surface water drainage comments/details are deemed acceptable. I would recommend that Condition 6 can be discharged.

Planning History

P/2010/0718 - Erection of 5 semi-detached replacement amenity buildings, construction of 10 replacement caravan pitches, formation of a new vehicular access, together with construction of hardstanding for the provision of parking /turning areas & associated works, Conditional Consent

P/2016/1240 - Extension to existing gypsy and traveller site to incorporate two additional pitches, an amenity building and parking together with the relocation of an existing field access, Conditional Consent

Principal Planning Constraints

Flood Zone
B58 Public Right of Way
B4381 County Highway

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

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

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

PCC Ecology

The PCC Ecologist has been consulted regarding the discharge of conditions 8, 9, 10, 11 and 12 of planning permission P/2016/1240.

The Ecologist reviewed the information submitted and considered that sufficient detail has been provided and the measures identified and the information submitted is appropriate and sufficient to comply with the requirements of conditions 8, 9, 10, 11 & 12.

It is therefore considered that sufficient information has been submitted to enable discharge of conditions 8, 9, 10, 11 & 12 of planning consent P/2016/1240.

PCC Land Drainage

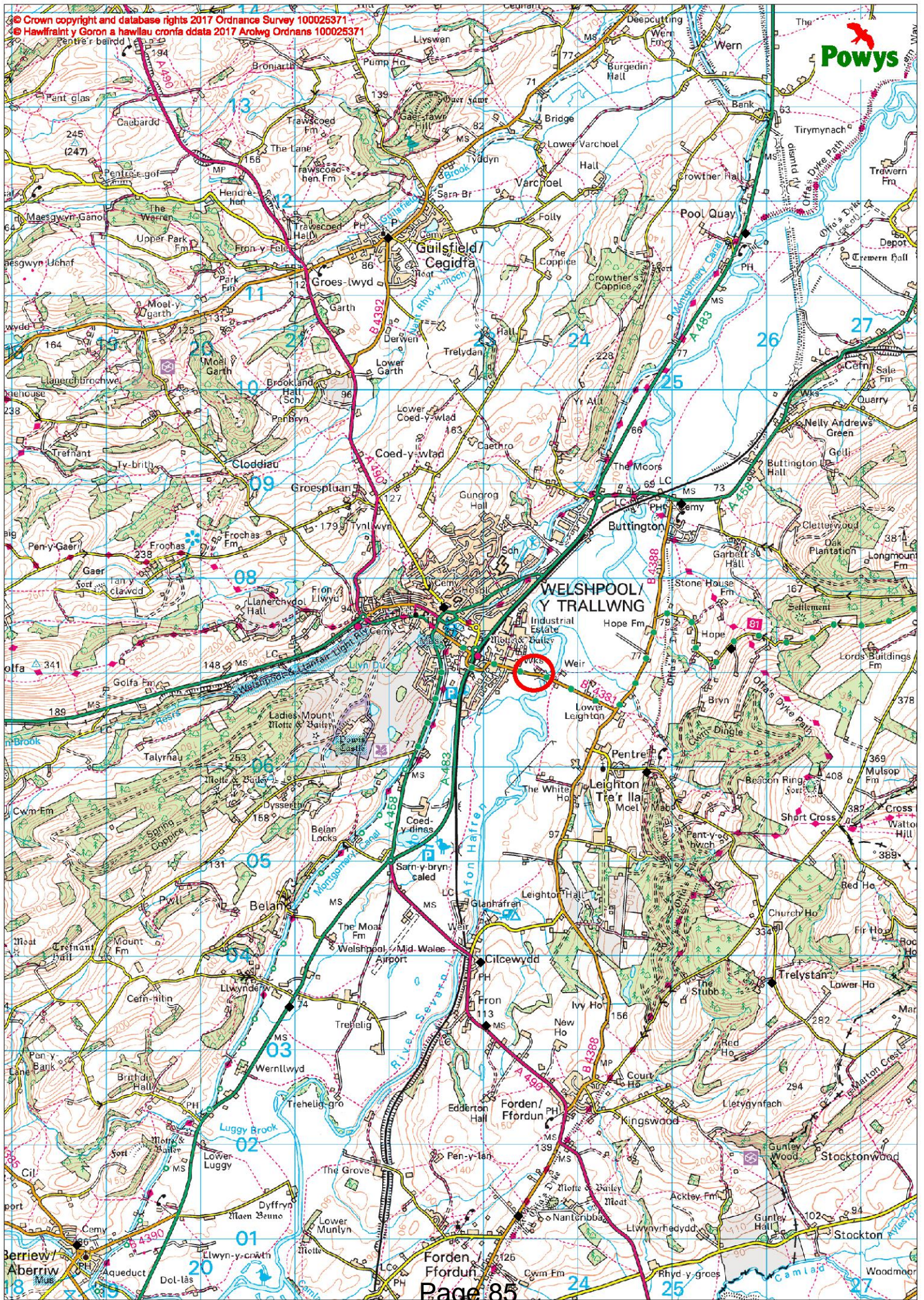
The PCC Land Drainage officer has been consulted regarding the discharge of condition 6 and noted the submitted surface water drainage comments/details are deemed acceptable and is therefore recommended that Condition 6 is discharged.

It is therefore considered that sufficient detail has been submitted to enable the discharge of condition 6 of planning permission P/2016/1240.

RECOMMENDATION

It is considered that sufficient information has been submitted to enable the discharge of conditions 6,8,9,10,11 and 12 of planning consent P/2016/1240 as sought by this application.

Case Officer: Luke Jones- Planning Officer
Tel: 01597 827115 E-mail:luke.jones@powys.gov.uk



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Delegated List

08/03/2018**04/04/2018**

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION

**Decisions of the Head of Regeneration, Property & Commissioning on
Delegated Applications**

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1019 FULL	14/09/2017	CONSENT	09/03/2018	Full: Erection of 5 no dwellings (1 no affordable), creation of access and all associated works	Development land adjoining Glan Dorddu Llanbister Llandrindod Wells LD1 6TD
P/2017/1201 REM	16/10/2017	CONSENT	09/03/2018	Section 19 application to vary condition no.2 to permission P/2013/0383 in relation to amended plans	Old Stores House Arthur Street Montgomery SY15 6RA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1238 OUT	01/11/2017	CONSENT	12/03/2018	Outline: Residential development of up to 7 dwellings and garages, formation of estate road and all associated works	Land South of Manledd Chapel Y Fan Llanidloes SY18 6NL
P/2018/0079 OUT	15/01/2018	REFUSE	12/03/2018	Outline application (all matters reserved) for erection of 4 no. detached houses with garages and all associated works (including demolition of school)	Land at Ysgol Gymunedd Rhosgor Rhosgoch Builth Wells LD2 3JY
P/2018/0027 FULL	15/01/2018	CONSENT	12/03/2018	FULL: Erection of an affordable dwelling and change of use from holiday caravan site to residential	Upper Clolyn Meifod SY22 6XZ
P/2017/0164 OUT	13/02/2017	CONSENT S106	13/03/2018	Outline - Erection of a rural enterprise dwelling, garage, access road and all associated works	Land at Meoliwrch Llannsilin Oswestry SY10 7PY
P/2017/0922 FULL	23/08/2017	REFUSE	13/03/2018	Full: Demolition of existing buildings and the erection of a dwelling for the benefit of a disabled person(s), and all associated works	Davela Llansteffan Brecon LD3 0AJ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0868 OUT	15/08/2017	REFUSE	14/03/2018	Outline: Erection of new dwelling and associated sewage treatment and outbuilding, together with new access and highway improvements to junction of U0233 with the B4520 and creation of 2 no passing bays	Plot opposite Blodau Bach Sarnau Brecon
P/2017/1152 OUT	04/10/2017	CONSENT	14/03/2018	Outline application (with some matters reserved) for residential development of up to 1 dwelling (affordable), formation of vehicular access and associated works	Land adjoining the Garage Adfa Newtown SY16 3DD
P/2017/1196 FULL	08/11/2017	CONSENT	14/03/2018	Full: Change of use of land to tourism including the stationing of 3 no. safari tents and associated drainage	Tyddyn Amlwg Llanwddyn Oswestry SY10 0NL
P/2017/1264 FULL	09/11/2017	CONSENT	14/03/2018	Full: Construction of a 32,000 bird free range egg complex encompassing poultry house, feed silos, hardstanding, landscaping, septic tank drainage, new vehicular access and passing bay	Upper Bryn Abermule SY15 6JW
P/2017/1377 FULL	17/11/2017	CONSENT	14/03/2018	Full: Construction of a vehicular access track and all associated works	Tyddyn Britton Pont Robert Meifod SY22 6HY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1497 OUT	27/12/2017	CONSENT	14/03/2018	Outline: Erection of an affordable dwelling, installation of septic tank and creation of access (some matters reserved)	Land adjacent to Malt House Llandrinio SY22 6RP
P/2017/1498 OUT	27/12/2017	REFUSE	14/03/2018	Outline: Erection of 3 no. dwellings, formation of vehicular access and all associated works (all matters reserved)	Land adj Llys Gwynant Llan SY19 7DW
P/2018/0038 REM	11/01/2018	CONSENT	14/03/2018	VAR: Section 73 application to modify of condition 1 of planning permission M/2007/0541 relating to occupancy	Gellidywyll Caravan Park Llandinam Caersws SY17 5BJ
P/2018/0037 REM	11/01/2018	CONSENT	14/03/2018	VAR: Section 73 application to modify condition 1 of planning permission M/2007/0539 relating to occupancy restrictions	Gellidywyll Caravan Park Llandinam Caersws SY17 5BJ
P/2018/0036 REM	11/01/2018	CONSENT	14/03/2018	VAR: Section 73 application to modify condition 1 of permission M/2007/0540 relating to occupancy	Gellidywyll Caravan Park Llandinam Caersws SY17 5BJ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0035 REM	11/01/2018	CONSENT	14/03/2018	VAR: Section 73 application to modify condition 1 of permission M/2007/0542 relating to occupancy	Gellidywyll Caravan Park Llandinam Caersws SY17 5BJ
P/2018/0056 FULL	18/01/2018	CONSENT	14/03/2018	Full: Extension to existing caravan park to provide 5 additional static caravan pitches and parking	Maesperthi Caravan Park Penegoes Machynlleth SY20 8UN
P/2018/0058 FULL	19/01/2018	CONSENT	14/03/2018	Application for reserved matters following the approval of P/2017/0942 for the erection of a dwelling and all associated works	Land at Pigeon House Trewern Welshpool SY21 8EE
P/2018/0097 LBC	17/01/2018	REFCADW	14/03/2018	LBC: Installation of a horticultural glasshouse	Battle House Battle Brecon LD3 9RW
P/2018/0157 HOUS	01/02/2018	CONSENT	14/03/2018	Hous: Erection of an extension	Lorraine Cottage Cilmery Builth Wells LD2 3NT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0855 RES	21/09/2017	CONSENT	15/03/2018	Reserved matters application in respect of outline planning permission P/2015/0599 for the erection of a dwelling, formation of vehicular access road including alterations to existing access and installation of sewage treatment	Land at The Old Rectory Aberhafesp Newtown SY16 3HL
P/2017/1047 FULL	27/09/2017	CONSENT	15/03/2018	Full: Erection of a free range poultry unit (extension to existing), erection of feed silos and all associated works	Land at Gorn Farm The Gorn Llanidloes SY18 6LA
P/2017/1309 HOUS	09/11/2017	REFUSE	15/03/2018	Householder: Modifications to the frontage of the building	The Gables Llandinam Llanidloes SY17 5BY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1382 FULL	20/12/2017	CONSENT	15/03/2018	Full: Demolition of dutch barn, cow shed and lean-to sheds, conversion of traditional farm building to a single residential dwelling including package treatment plant and all associated works	Twl Barn Guilsfield Pentre'r-Beirdd Welshpool SY21 9DN
P/2017/1484 FULL	19/12/2017	CONSENT	15/03/2018	Full: Construction of 1 no. detached dwellinghouse, detached garage and all associated works	Plot opposite 20 Ystradgynlais Rhestr Fawr Swansea SA9 1LD
P/2018/0089 FULL	22/01/2018	CONSENT	15/03/2018	Full: Proposed conversion of existing stables, erection of two new dwellings with associated works	Road leading to lower Garthmyl Garthmyl Montgomery SY15 6RR
P/2018/0025 OUT	04/01/2018	CONSENT	15/03/2018	Outline: Erection of a rural enterprise dwelling, detached garage, installation of a septic tank and all associated works	Cefn Coch Caravan Park Cefn Coch Welshpool SY21 0AE

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0028 RES	08/01/2018	CONSENT	15/03/2018	Reserved matters application in respect of outline planning approval P/2015/1203 for the erection of four houses and all associated works	Site adjacent Whitcott Crossgates Road Llandrindod Wells LD1 5BJ
P/2018/0073 FULL	09/02/2018	CONSENT	15/03/2018	Change of use from current Post Office to residential	Cwmgiedd 50 Afallon, Heol Giedd Ystradgynlais SA9 1LP
P/2018/0148 HOUS	30/01/2018	CONSENT	15/03/2018	Householder: Proposed single storey extension to the side and rear of existing detached bungalow	48 Holcombe Drive Llandrindod Wells LD1 6DN
P/2018/0176 HOUS	06/02/2018	CONSENT	15/03/2018	Householder: Erection of a two storey extension	Caencoed Old Hall Llanidloes SY18 6PJ
P/2017/1245 FULL	09/11/2017	CONSENT	16/03/2018	Full: Erection of a micro digestion plant and associated works	Lower Maen Meifod SY22 6BN

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0091 FULL	17/01/2018	CONSENT	16/03/2018	Full - Extension to dwelling and change of use of former agricultural building to a swimming pool	Oaktree Barn Guilsfield Welshpool SY21 9DT
P/2017/1462 LBC	13/12/2017	CONSENT	16/03/2018	LB - Internal fit-out works, and associated advertisement application	3-4 Broad Street Welshpool SY21 7RZ
P/2017/0200 OUT	23/02/2017	CONSENT S106	20/03/2018	Outline: Proposed residential development comprising of upto 42 no. dwellings, formation of estate road and all associated works (all matters reserved)	Land adj Llys Awel Llanfair Caereinion Pool Road Welshpool SY21 0SF
P/2017/0810 FULL	09/08/2017	CONSENT	21/03/2018	Full: Erection of agricultural building for the housing of Pullets (Rearing), installation of 2 no. feed bins, creation of vehicular access and all associated works	Dolymelinau Tregynon Newtown SY16 3PS
P/2017/1194 FULL	24/10/2017	CONSENT	21/03/2018	Full: Change of use of land from agricultural to tourism use for the siting of 5 no. log cabins, formation of associated access track, installation of package treatment plant and all associated works	Land at The Gaer Golfa Welshpool SY21 9BD

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1247 LBC	30/11/2017	CONSENT	21/03/2018	LBC: Works to a Listed Building to include internal alterations and refurbishment of existing roof	Old TSB Bank 2 Severn Street Welshpool SY21 7AB
P/2017/1428 FULL	07/12/2017	CONSENT	21/03/2018	Full: Erection of an agricultural livestock building and all associated works	Wernllwyd Berriew Welshpool SY21 8AA
P/2017/1480 HOUS	18/12/2017	CONSENT	21/03/2018	Householder: Conversion of existing garage into an additional bedroom with ensuite, erection of a rear extension to provide a utility room and a new pitched roof over the existing garage.	Glen View Bungalow Caerbont Abercrave SA9 1SW
P/2018/0062 HOUS	11/01/2018	CONSENT	21/03/2018	Householder: Demolition of the existing garage, porch and utility room, erection of a rear extension, front porch and alterations to the existing dwelling. (Part Retrospective)	Little Nant Bettws Disserth Llandrindod Wells LD1 5RP
P/2018/0112 HOUS	22/01/2018	CONSENT	21/03/2018	Hous: Erection of an extension	Bausley Hill Farm Bausley Crew Green SY5 9BP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0141 HOUS	25/01/2018	CONSENT	21/03/2018	Householder: Erection of a first floor extension over the existing flat roofed bungalow to provide two ensuite bedrooms and storage space	Brynhaul Van Road Llanidloes SY18 6HR
P/2018/0175 FULL	07/02/2018	CONSENT	21/03/2018	Full: Extention to existing general purpose agricultural building	Tyn Yr Wtra Llanwyddelan Newtown SY16 3BT
P/2017/1502 HOUS	21/12/2017	CONSENT	22/03/2018	Householder: Demolition of the existing garage and rear porch, erection of a side and rear extension together with a new double garage and carport & formation of a driveway from the existing access (Part Retrospective)	8 Guilsfield Glanaber Drive Welshpool SY21 9PW
P/2018/0081 HOUS	15/01/2018	CONSENT	22/03/2018	Householder: Erection of a side extension over the existing garage, a single storey to the rear and internal & external alterations.	31 Arddleen Llwyn Perthi Llanymynech SY22 6QX
P/2018/0124 HOUS	24/01/2018	CONSENT	22/03/2018	Householder: Demolition of existing rear extension and erection of single storey extension	Tydu Gwenddwr Builth Wells LD2 3HQ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0130 REM	24/01/2018	CONSENT	22/03/2018	Section 73 application to vary condition no.1 attached to planning permission P/2013/0290 to allow an extension of time in which to commence development approved namely "Erection of a new retail convenience store with petrol sales	Station Garage Machynlleth Heol y Doll Powys SY20 8BH
P/2018/0132 REM	31/01/2018	CONSENT	22/03/2018	Section 73 application to vary condition 2 of permission P/2017/0051 (approved plans)	Plot Opposite 17 Ystradgynlais Rhestr Fawr Swansea SA9 1LD
P/2018/0159 FULL	31/01/2018	CONSENT	22/03/2018	Full: Erection of an agricultural building, access road, and improvements to existing vehicular entrance	Carreg Wen Manafon Welshpool SY21 8BW
P/2018/0075 HOUS	23/01/2018	CONSENT	23/03/2018	Creation of parking area and formation of access	Manchester House Market Square Llanfair Caereinion SY21 0RJ
P/2017/1499 OUT	28/12/2017	REFUSE	26/03/2018	Outline: Erection of 3 dwellings, formation of vehicular access and all associated works	Land at Bronllys Court Bronllys Brecon LD3 0LF

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2018/0004 FULL	01/02/2018	CONSENT	26/03/2018	Full: Installtion of a 25m telecommunications mast; 3x Antennas, 2x Microwave dishes, pole mounted satellite dish, ancillary equipment cabinets and cabling, and creation of a stone access track	Land West of Bivvy 4 Tirabad Sennybridge Training Estate Brecon LD4 4DR
P/2018/0171 HOUS	15/02/2018	CONSENT	26/03/2018	Hous: Demolition of part of dwelling / outhouse and erection of an extension	Burnt House Llanymynech SY22 6JZ
P/2018/0172 HOUS	05/02/2018	CONSENT	26/03/2018	Hous: Erection of an extension, replacement of roof, removal of existing extensions	27 Hospital Road Builth Wells LD2 3HE
P/2017/0836 FULL	27/07/2017	CONSENT	27/03/2018	Full: Erection of a free range egg production unit and associated works	Land at Rhos y Glascoed Meifod SY22 6HW
P/2017/1031 FULL	07/09/2017	CONSENT	27/03/2018	Full: Erection of an agricultural building for free range broiler production and associated works	Tanhouse Dolau Llandrindod Wells LD1 5TL

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1466 CLA2	15/12/2017	PP NOTNEEDED	27/03/2018	Section 192 application for lawful development certificate of proposed use in relation to the siting of a mobile home incidental to the main dwelling	Barn 2 Moonlight Barns Churchstoke Montgomery SY15 6EB
P/2017/1065 FULL	19/09/2017	CONSENT	28/03/2018	Full: Proposed loading bay suitable for timber haulage	Dinas Forest Llanwrtyd Wells LD5 4TL
P/2017/1478 HOUS	20/12/2017	CONSENT	28/03/2018	Householder: Erection of an extension	Abercrave 29 Tanyrallt Terrace Swansea SA9 1XF
P/2017/0872 FULL	28/07/2017	REFUSE	29/03/2018	Full: Proposed agricultural workers dwelling and installation of package treatment plant	Land adj to Fferm Wylfa Carno Caersws SY17 5JS
P/2017/1254 FULL	09/11/2017	CONSENT	29/03/2018	Full: Siting of 3 no. holiday chalets, upgrade of vehicular access and formation of access roads, installation of sewage treatment plant and all associated works	Land at Pentre Uchaf Carno Caersws SY17 5JP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1455 REM	13/12/2017	CONSENT	29/03/2018	Section 73 application to vary condition 1 attached to planning permission P/2016/0460 (amend size of caravans and installation of an electrical sub-station)	Maesmawr Farm Moat Lane Caersws SY17 5SB
P/2018/0005 FULL	01/02/2018	CONSENT	29/03/2018	Full: Installation of a 15m telecommunication mast, ancillary equipment cabinets, fenced compound and access track	Land at Alltcerrig Pontfaen Brecon LD3 9RY
P/2018/0061 FULL	26/01/2018	CONSENT	29/03/2018	Full: Extention to building	Unit 47 Pamargan Mochdre Mochdre Industrial Estate Newtown SY16 4LE
P/2018/0099 FULL	29/01/2018	CONSENT	29/03/2018	Full: Conversion of redundant agricultural building to residential dwelling, alterations to existng access and installation of a sewage treatment plant	Bwlch Cae Haidd Bwlch y Ffridd Newtown SY16 3JB
P/2017/1015 ADV	12/10/2017	CONSENT	03/04/2018	Listed building consent for installation of shop sign lettering, installation of hanging sign and 4 no. up/down lights to front elevation	44 Broad Street Newtown SY16 2AU

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1225 LBC	19/10/2017	CONSENT	03/04/2018	LBC: Erection of an enclosed staircase; Formation of door openings; internal alterations and all associated works	Queens Head Pool Road Newtown SY16 1DG
P/2017/1443 RES	11/12/2017	CONSENT	03/04/2018	Appliction for reserved matters for a single dwelling following outline approval P/2015/0226	Stones Lane Old Radnor LD8 2RH
P/2018/0166 FULL	02/02/2018	CONSENT	03/04/2018	Conversion and change of use of Knighton Police Station to a residential development	Police Station Bridge Street Knighton LD7 1HU

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/01/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09/02/18

Appeal Decision

Site visit made on 30/01/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09/02/18

Appeal Ref: APP/T6850/A/17/3188174

Site address: Land west of Dolgar, Adfa, Newtown, Powys

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ben Lloyd & Martha Watkins against the decision of Powys County Council.
- The application Ref P/2017/0554, dated 17/05/2017, was refused by notice dated 19/09/2017.
- The development proposed is erection of a local needs dwelling, improvement to vehicular access and installation of a sewage treatment plant.

Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application is submitted in outline with access considered at this stage and with all other matters reserved for later determination.

Main Issue

3. The main issue is whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies having regard to policies to control residential development in the countryside.

Reasons

Policy

4. The appeal site lies to the west of a small collection of houses and to the east of a farm, a house, and bungalow. New Mills village is situated to the east and Llanwyddelan to the north. The site is some distance from these settlements and is positioned broadly equidistant from the collection of houses and farm/houses on a minor classified road. A small agricultural building lies adjacent to the site and a static caravan. The site is marked as 'paddock' on the plan and lies next to the garden of Dolgar. The appeal site is situated in the countryside and the application is for the erection of an affordable dwelling.
5. The Powys Unitary Development Plan (UDP) 2001-2016 Policy HP9 indicates that as an exception to normal housing policies, the development of single dwellings within rural

settlements which provide affordable housing for local need will be permitted where they comply with criteria. The criteria lists that the dwelling would be sensitively located and designed and be capable of being integrated into the settlement without unacceptably affecting the amenity and character of the area; satisfactory arrangements have been made to ensure the house remains affordable and that it complies with Policies HP7 and HP10. HP7 deals with affordable housing within settlements and HP10 with the affordability criteria. The Council refers to Policy HP6 dwellings in the countryside, although no case is being made out that the proposal meets the requirements of this policy other than for an affordable local needs dwelling.

6. In my view, the location of the appeal site is not within a settlement and is separate from the clusters of development referred to by the appellants. I consider it is situated in an isolated location away from built development. Whilst the garden of Dolgar lies adjacent to the site that by itself is not a reason for allowing an isolated and remote residential dwelling away from established rural settlements. The appellants refer to the point that the appeal site is not agricultural land but maintained as garden land. However, even if it were lawfully garden land not all previously developed land is suitable for development due to the location. However, curtilage is defined in figure 4.4 of Planning Policy Wales as the area of land attached to a building. The definition excludes agricultural buildings and so I am not persuaded that the appeal land could be regarded as previously developed.
7. In my view the proposal would conflict with Policy HP9 in all respects. The proposed dwelling would not be integrated into the settlement because it would stand alone in the context of its countryside location. There is also no mechanism in place or before me to ensure the property would remain affordable as the policy requires. Development in the countryside is restricted by national policy and local planning policy HP6, and as presented the development would conflict with these policies.

Material planning considerations

8. However, the appellants refer to several examples of local need affordable housing that have been granted planning permission. They refer to a large number of permissions in rural settlements, all of which have slightly different locations as some are natural extensions to clusters and others are in open countryside. However, as noted these applications may be differentiated to the appeal proposal by the particular context of the location, the history or the personal circumstances put forward in each case. These examples do not serve to justify the appeal proposal as I have considered it on its individual merits against the planning policies and other material considerations.
9. The UDP is outside of its plan period and the Council is unable to demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1¹. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

10. The appellants have referred to the fact that they meet the affordability criteria and there is support for the proposal from the Powys Affordable Housing Officer, and from local residents and the Community Council.

Planning balance and conclusions

11. I have concluded that the proposal would not deliver a local need affordable housing unit due to the lack of a planning obligation as there is no mechanism in place in this appeal. I have considered the possibility of a planning condition but I have no information on important matters controlling tenure, price or ownership having regard paragraph 5.41 of Circular 016/2014².
12. The proposal would not accord with the development plan and national planning policy in relation to the policies HP6 and HP9 controlling residential development in the countryside. The presumption in favour of sustainable development does not apply having regard to the key principles and key policy objectives of sustainable development³.
13. The considerable weight given to the lack of housing land supply is not applied where the development does not comply with the development plan and national planning policies.
14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
15. I conclude that other material considerations are insufficient to outweigh the conflict with local and national planning policies having regard to policies to control residential development in the countryside.
16. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR

² Circular 016/2014 The Use of Planning Conditions for Development Management

³ PPW paragraphs 4.2.2, 4.2.4, 4.2.5

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**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
CONFERENCE ROOM - NEUADD BRYCHEINIOG ON
TUESDAY, 12 DECEMBER 2017**

PRESENT

County Councillor K S Silk [Chair]

County Councillors K Laurie-Parry and H Lewis

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Review of a licence - JBS

Applicant – JBS

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The Licence Holder made representations to the Sub-Committee.

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That JBS be allowed to continue to hold a licence.	On the balance of the evidence the applicant was a fit and proper person to hold a Private hire and Hackney Carriage Licence.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

County Councillor K S Silk
Chair