

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

<b>Application No:</b>	P/2016/0787	<b>Grid Ref:</b>	327913.04 319288.53
<b>Community Council:</b>	Llandysilio	<b>Valid Date:</b>	<b>Officer:</b> 28/07/2016 Louise Evans
<b>Applicant:</b>	Mr M Evans, E M Evans, Llangedwyn, Priddbwll, Oswestry, Shropshire, SY10 9JZ		
<b>Location:</b>	Domgay Hall, Llanymynech, Powys, SY22 6SW		
<b>Proposal:</b>	Erection of intensive poultry installation to include highway improvements, landscaping, demolition of building and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### Reason for Committee determination

The application is accompanied by an Environmental Statement.

### Site Location and Description

Domgay Hall is located within open countryside, approximately 750 metres to the north east of the settlement boundary of Four Crosses. The application site extends to approximately 4.3 hectares of agricultural land and is bounded by agricultural land to the north, south and west. Located to the east and south east is the existing Domgay Hall farm complex and farmhouse. Further to the south across Domgay Lane is Oakhust, an agricultural holding which is financially connected to the applicant.

Consent is sought in full for the erection of two broiler units to include six feed bins, generator store, office, shower room, control room, tool room, w.c., hardstanding area for turning, loading and unloading and a vehicular access. The proposed broiler units would have the potential to accommodate 100,000 birds in total and each measure approximately 115 metres by 18.5 metres with a building measuring 6.4 metres by 10 metres located in between the two poultry units. The total floor area for each shed would be 2,127.5 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. The units would be clad in box profile metal sheeting on the walls and roof. The building between the units would measure approximately 3.4 metres in height to the ridge. The feed bins measure approximately 8.4 metres in height.

The proposed access would be via an improved entrance off Domgay Lane that would run to the east of the farmhouse and farmstead around to the proposed buildings.

### Consultee Response

Llandysilio Community Council

The Community Council discussed the above application at a meeting held on Thursday 25<sup>th</sup> August 2016.

Concerns had been raised by local residents of the increase in traffic along Domgay Lane and also where the chicken manure would be stored and spread. At our meeting we were assured by representatives of the applicant, who were present, that a lay by would be constructed as part of these proposals and that all chicken manure would be taken from the site to be disposed of in an anaerobic digester. We would be grateful for confirmation of where the extra lay-by is to be situated.

We were also assured that the development is not within the C2 Flood plain and wonder whether the Flood Consequential Assessment should be amended as this states that the development is within the flood plain – clarification is needed on this point as otherwise there were no other objections.

#### Local Highway Authority

##### *First response:*

Due to the size of the proposed enterprise can you please ask for a break-down for HGV movements and if they are proposing any passing bays along Domgay road to facilitate this extra-large traffic.

##### *Second response:*

The County Council as Highway Authority for the County Class III Highway, C2038, wish the following recommendations be applied

##### Recommendations:

Any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence

HC3                The centre line of the first **15.0 metres** of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4                Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and **15.0 metres** distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **15.0 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and **2.4 metres** distant from the edge of the adjoining carriageway and **60 metres** in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7            Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **15.0 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC11           Within 5 days from 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 **0.400 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.

HC13           Prior to the occupation of the development a radius of **6.0 metres** shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21           Prior to the occupation of the **poultry unit** the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of **15.0 metres** from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

HC30           Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC37           Prior to any works being commenced on the development site the applicant shall construct **2 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.

#### PCC Building Control

Building Regulations application required.

#### Severn Trent

I can confirm that we have no comment to make as no foul sewerage or surface water is to discharge to the public sewerage system.

#### PCC Environmental Health

*First response:*

The agent/applicant has not submitted appropriate impact assessments for the potential noise and odour from the proposed development.

Noise-

I will require a noise assessment in accordance with BS 4142:2014 "*Methods for rating and assessing industrial and commercial sound*", to include daytime and night time background noise measurements, as well as the details of any noise mitigation being relied upon.

#### Odour-

There are two components to any odour assessment at a poultry unit: odour from the sheds; odour from manure (spreading and storage). For the odour emanating from the sheds I will require an odour impact assessment. In terms of the manure my primary concern relates to the storage of manure prior to spreading, as this can lead to problems with odour and flies. The environmental statement suggests not storing manure 'close to residential' between May and September. Given the proximity of nearby residential properties I would suggest no on site storage at any time. If the applicant intends to store manure on site they will need to provide details of the odour/fly mitigation being relied upon.

#### *Second response:*

In response to the email below, I am satisfied that there is no need to pursue odour modelling at this distance.

However, it is still necessary for the applicant to demonstrate that there will be no adverse noise impact from the roof fans. If there is not going to be an adverse impact then this can be demonstrated by using the fan manufacturer's published noise output and undertaking a sound attenuation calculation for the nearest sensitive property, which can then be compared to the World Health Organisation guidelines.

#### *Third response:*

I am satisfied that the noise impact assessment report demonstrates there should be no adverse impact on amenity from noise from the roof fans.

#### PCC Built Heritage

I note the landscape that the proposed poultry units are to be located which is very attractive and contains a number of designated heritage assets namely;

- No 1 Domgay Hall cottages and outbuildings to rear, grade II Cadw ID 8518 included on the statutory list on 05/04/1993,
- No 2 Domgay Hall cottages and outbuildings to rear, grade II Cadw ID 8519 included on the statutory list on 05/04/1993,
- Rhandregynwen Farmhouse, grade II Cadw ID 8520 included on the statutory list on 31/01/1953,
- C Plan Group of farm ranges to E of Rhandregynwen grade II Cadw ID 8521 included on the statutory list on 31/01/1953,

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states

"Sections 16 and 66 of the Act 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.

The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th 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.”

Cadw have prepared guidance on the setting of historic assets that is currently out for consultation, and whilst still out for consultation and not adopted the 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.

<http://cadw.gov.wales/historicenvironment/policy/historicenvironmentbill/guidancedocuments/?lang=en>

The emerging document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

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 heritage assets have been identified as;

- No 1 Domgay Hall cottages and outbuildings to rear, Cadw ID 8518
- No 2 Domgay Hall cottages and outbuildings to rear Cadw ID 8519
- Rhandregynwen Farmhouse Cadw ID 8520
- C Plan Group of farm ranges to E of Rhandregynwen Cadw ID 8521

Domgay Hall cottages (1 & 2) are the older of the listed buildings dating from the late C16th and constructed as one timber framed house extended and subdivided in C19. The cottages are set back from Domgay Lane and the courtyard range of outbuildings are to the rear. The properties are best viewed from Domgay Lane looking north, and their setting is the gardens to the front, the courtyard buildings to the immediate rear and the farmland in which they sit. The principal windows to the property face south towards the garden, although there are service rooms to the north.

Rhandregynwen Farmhouse is a good quality period farmhouse with late vernacular plan, dating from the late C17 with C18 and C19 remodelling and extensions. The principal rooms face south along the private drive to the house. The barns are sited to the east of the principal house and are arranged in a courtyard.

The land at this point is flat and from the public highway Rhandregynwen is not visible from Domgay Hall cottages, however glimpses appear the closer towards Rhandregynwen one travels. Rhandregynwen is not visible from the public highway, nor at the entrance to its drive and when Rhandregynwen and its barns are visible Domgay Hall is not readily visible.

The proposal would be sited to the northeast of Domgay Hall to the rear of the existing courtyard of buildings. I note the feed bins will be sited to the east of the buildings and closer to the listed barns which is preferable to their being sited on the west in terms of setting of the farmstead as a whole.

The topography of the land would mean that the short term views of the proposal against the listed buildings at Rhandregynwen would mean that the proposal and the listed buildings are not readily viewed together. However there would be longer term views from higher ground especially Rodney's Pillar where both the proposed poultry units and the listed buildings will be viewed together.

The proposed units will be visible from Domgay Lane where Domgay Hall is also visible.

The visual aspect of setting of listed buildings is primarily addressed in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which confirms that "The setting is often an essential part of a building's character", and continues that "they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

Domgay Hall (cottages) and its barns are sited within open countryside as is the proposal. It is noted that the proposal is for large agricultural buildings which are a more recent introduction to the rural landscape where agricultural buildings have become increasingly larger as farming practises evolve and change.

There are more modern farm buildings to the east of Domgay Hall (cottages) which are in part closer to Domgay Lane than the principal dwelling and as such the setting on this elevation has been comprised in part by the buildings erected prior to the building being listed. There is a danger when constructing new agricultural buildings especially large buildings that the new buildings could engulf the listed building. In this instance the proposed buildings have been sited to the northwest of the site a little distance from the listed buildings. I also note the height of the proposed buildings of 5m to the ridge.

I note the existing tree cover to the north of the proposal, and I note the proposed landscaping to the south of the proposal to screen the buildings when viewed from Domgay Lane.

I note the information contained in the Historic Environment Assessment and the conclusion that there would be a low visual impact on the setting of Domgay Hall (cottages),

Given the flat topography and the proposed mitigation, I could not conclude that the proposal would adversely visually affect the setting of these 2 listed buildings, and would agree with the findings of the Historic Environment Assessment

However this is based on the proposed mitigation measures and if the proposal is considered acceptable within the Registered Landscape, I would request that appropriate and robust conditions be imposed in terms of landscaping and screening to alleviate the impact of the proposal when viewed from Domgay Lane and potentially also any long term views from higher ground.

I would have no objections to the proposal on heritage grounds.

#### PCC Ecologist

#### EIA Screening Requirement:

The development as a whole is consistent with Schedule 1 of the (Environmental Impact Assessment) (Wales) Regulations 2016 as it will accommodate in excess of 100,000 broiler chickens. Following a scoping report in July 2016, an Environmental Statement has been completed and submitted with the planning application. No formal Screening opinion appears to have been sought from the Planning Authority

The Scoping report July 2016 and the ES Section 2.1 proposed consultation with principal consultees. However there is no evidence of the outcome of these consultations clarifying key environmental issues and proposed methods of survey, evaluation and assessment to inform the ES. NRW is the statutory environmental body rather than the Environment Agency and Countryside Council for Wales as stipulated in the ES document.

#### European Species:

The following comments are based on a review of Chapter 10 of the submitted Environmental Statement and Arbor Vitae June 2016 Extended Phase 1 Habitat Survey.

There is no evidence or summary of consultation responses from NRW or other statutory /non statutory consultees outlining the scope of agreed ecology surveys and proposed methods of survey, evaluation and assessment as suggested in Section 1.2 of the scoping document or

section 10.2.1 of the ES and required when following CIEEM assessment guidelines. Therefore it is recommended that NRW review the Environmental Statement and Arbor Vitae June 2016 Extended Phase 1 Habitat Survey.

There is no reference made to European Protected species within 2Km of the site despite ES section 10.6.2 and reference to Appendix 17 of the Arbor Vitae Ecology report. The consultant should be reminded that protected species records are available in Powys via the Biodiversity Information Service.

Otter-

Arbor Vitae Ecologist to clarify if otter had been included within the scope of the surveys given the presence of watercourses/ ditch immediately adjacent to the application site. ES Section 10.6.2 says it was included in the desk top assessment but not included in Section 1.3 of the Arbor Vitae Ecology report. Only when there is adequate survey baseline for otters can an assessment of potential impacts be determined.

Water vole-

Arbor Vitae Ecology survey found no indication of any water vole activity within the area and no impact on this species predicted.

Great crested newt-

There are 5 BIS records for GCN within 2Km. The pond 200m away from the application site was inspected for GCN habitat and given a habitat index Suitability score of 0.543 which Arbor Vitae Ecology report describes as below average breeding habitat for GCN and no further survey work recommended.

Bats-

The desk based study in the Arbor Vitae Extended Phase 1 report, section 3.1 makes no reference to the Lesser Horseshoe bats, Soprano and Common Pipistrelle and Brown Long eared bat BIS records within 2km of the applications site. Powys Interim guidance on poultry farms, June 2010 stipulates that any hedgerows within the vicinity (5km) of the Tanat and Vyrnwy SAC (designated for LH bats) may be of importance to LH bats. This application is located outside the screening distance at 10.35km.

The Arbor Vitae Extended Phase 1 report identified no bat roosting habitat on site. The mature trees (oak and ash category 2a trees) adjacent to the proposed development may offer potential bat roosting habitat but these trees should be retained. The site survey concluded that bats may be using the boundaries of the Domgray Hall for foraging and commuting. Arbor Vitae Ecology report concludes that increased illumination of the site through inappropriate external lighting may have a negative impact on this species. Clarification is therefore required why night time, lighting during construction and decommissioning phases were scoped out of the ES and not assessed. Agent /client to clarify if this is because there will be no night-time lighting during construction and decommissioning.

The lighting plan mitigation in Section 6 of the Arbor Vitae Ecology report should be followed in full.



Root Protection Zones (RPZs) of mature trees (oak and ash category 2a trees) adjacent to the proposed development should be identified on a tree Protection Plan (TPP) and adequately protected, covered by a method statement during construction.

Section 6.3 of the Extended Phase 1 Habitat Survey details a commitment to ecological enhancement which will be included as a planning condition:

- Installation of bat boxes. In accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, Powys Ecologists suggest that for poultry farms, as a biodiversity enhancement, bat boxes should be provided in trees and recommend a minimum of five bat boxes plus an additional 3 boxes for each mature tree lost.
- Additional species rich hedge / tree planting to the west of the development as linear features for commuting bats.

There is no reference in the Arbor Vitae Extended Phase 1 Habitat Survey (June 2016) of the demolition of the building referenced in the application description. Therefore, Arbor Vitae to clarify if this building was assessed for potential bat/bird habitat.

Breeding birds:

Arbor Vitae to clarify if a ground nesting bird survey has been carried out in accordance with CIEEM survey guidelines.

UK Species:

Badgers-

An area of 50 metres of the site was surveyed for signs of badgers. There was no indication of any badger activity within the area and no impact on this species is predicted.

Reptiles-

Arbor Vitae to clarify why reptiles were not included within the scope of the surveys given the presence of rough grassland. Only when there is an adequate survey baseline for reptiles can an assessment of potential impacts be determined.

Nesting Birds-

Nesting birds may be present within any hedgerow requiring removal. No vegetation should be removed during the bird nesting season (March to end of August inclusive) unless a suitably-qualified ecologist has confirmed the absence of active nests immediately beforehand.

Section 6.3 of the Extended Phase 1 habitat survey details a commitment to ecological enhancement by providing bird boxes. In accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, Powys Ecologists suggest that for poultry farms, as a biodiversity enhancement, bird boxes should be provided in trees and recommend a minimum of five bird boxes plus an additional 3 boxes for each mature tree lost.

## Section 42

The nearest ancient woodland to the application site is 2.5 KM and outside the screening distance outlined in EA/DEFRA Feb 2016 'Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits'.

Further design detail is required on highway access improvements to consider the loss of vegetation. If there is any hedgerow to be lost, this must be assessed via a hedgerow survey in accordance with CIEEM guidelines to see if it qualifies as an important hedge and is protected under the Hedgerow Regulations (1997). Mitigation for the loss of hedgerows should be included in a Landscaping plan outlining mitigation planting, referenced in ES section 10.8 but not provided for comment.

A planning condition would require a landscaping plan, specification and species mix for:

- Creation of woodland planting and conservation strips
- Creating of new species rich hedgerows to the west of the development.

### LBAP Species & Habitat:

Broadleaf woodland habitat should be enhanced by proposed landscape woodland planting.

Linear habitats, streams and rivers are habitats included in the Powys LBAP. Rivers and streams are included on the Environment (Wales) Act's Section 7 list of habitats of principal importance for conservation of biological diversity of Wales. Numerous watercourses run through the proposed site. Water resources are assessed in Section 12 of the ES.

Given the proximity of sensitive receptors: local drainage ditches and ponds, River Vyrnwy, Montgomery Canal and potential impacts of eutrophication from manure leachate, NRW should be consulted and their response considered under Section 12.1.6.

If the intention is for the manure to be used as a fertiliser on arable land within the control of the applicant, a planning condition would require a detailed Manure Management Plan (as outlined in ES Table 48) for the location of manure dispersal indicating 10m buffer areas for watercourses, 50m buffer for springs, wells and boreholes.

ES 12.7.9 identifies that there is sufficient land available to store and dispose of manure at a rate of 194.12 Kg /ha/ year which seems to be consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit for N of 250kg/ha/year . NRW consultation would be required regarding their acceptance of the calculation of nutrient loading.

Storage and spreading of manure should follow the DEFRA Code of Good Practice: no manure spreading on wet, water logged, frozen, snow covered or steeply sloping ground.

A planning condition will request that a detailed drainage plan is submitted for consideration showing how the applicant intends to dispose of both foul and surface water from the shed and ranging areas. These drainage details are required to ensure the risk of potential pollution impacts to streams located nearby the proposed poultry unit have been adequately addressed.

- The development should be drained by separate systems of foul and surface water. drainage with all clean roof and surface water being kept separate from foul water.
- Runoff water from the ranging area especially should not be allowed to flow directly into surface water drains or watercourses as this can contain polluting nutrients and sediments.
- Dirty water from the clean out process of the poultry units will be collected and stored in underground tanks and the water will be spread on the holding. Any effluent tank must be constructed to meet SSAFO Regulations (Wales) 2010.
- All works should also be compliant with all appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.
- The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse / ditch etc. from the site 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.
- The details and location of SUDS / Soakaways should be located away from existing surface waters.

Pollution prevention measures set out in ES 12.5.5 should be followed in full to mitigate against the potential construction and operational contamination of surface water. 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.

NRW should be part of the consultation process as it is a requirement under the Environmental Permitting (England and Wales) Regulations 2010 that the site has a permit to operate.

Protected Sites -International Sites:

Montgomery Canal SAC is located 1420m from the application site and within the 10km Ammonia screening distance for European sites specified by EA/DEFRA Feb 2016 'Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits'.

Granllyn SAC and Tanat and Vyrnwy SAC are also located within the 10km Screening distance but have not been included in the SCAIL Model. NRW to advise if these sites should be included in the ammonia modelling.

A SCAIL Ammonia modelling tool, included within the ES predicts that the maximum annual ammonia concentration from the enlargement of the poultry unit would be below the EA's lower threshold (4% critical level load) for Montgomery SAC.

NRW would need to agree the ammonia screening assessment under the Environmental Permitting (England and Wales) Regs 2010. Given the proximity of the Montgomery Canal and potential impacts of eutrophication from manure leachate, NRW should be consulted if a Habitats Regulations Assessment is required to assess if there would be a significant impact on the relevant European Site.

National Sites:

7 SSSI's are located within the 5km Ammonia screening distance for SSSI specified in EA/DEFRA Feb 2016 'Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits'.

The Ammonia report predicts that the maximum annual ammonia concentration from the enlargement of the poultry unit at these SSSI sites would be below the EA's threshold (20 % of critical level load).

However, there are discrepancies between the SCAIL modelling tables at the sites listed below which calculate 0.00ug/m<sup>3</sup> process contribution NH<sub>3</sub> at each site but the Ammonia Report summary table calculating conflicting % contributions:

- Morton Pool and pasture SSSI @ 0.33%
- Bredden Hill SSSI @ 0.33%
- Blodwen Marsh SSSI @ 0.33%
- Gweunydd Ty-Brith Meadows SSSI @0.33%

Therefore % process contribution to NH<sub>3</sub> at SSSI's needs further clarification.

Also the Critical level (CL) for sensitive habitats (ug) at each site needs to be confirmed as 3ug/m<sup>3</sup> or if sensitive plants such as lichens are present, then CL would be 1ug/m<sup>3</sup>.

Considering the potential effect of ammonia deposition on SSSI's, NRW will need to agree the ammonia screening assessment.

Local Sites:

Pont Llanymynech – Road side verge is located within the 2km Ammonia screening distance from the application site. The site is characterised for Dwarf elder/Danewort and Danish scurvy-grass (non-native) and should be included within the Ammonia assessment as a local wildlife site.

Invasive Non-Native Species:

No records of invasive species were recorded during the Phase 1 Habitat Survey by Arbor Vitae

Cumulative Effect:

The paragraph 2.6 of the ES notes that there are no poultry units erected or have recently received consent for planning within a 2Km radius of the proposed site (search conducted between 2006-2016).

Summary of recommendations / further assessment or work:

1. The Scoping report July 2016 and ES Section 2.1 proposed consultation with principal consultees and subsequent statutory consultee responses. There is no evidence or summary of consultation responses from NRW or other statutory /non-statutory consultees outlining the scope of agreed ecology surveys and proposed methods of survey, evaluation and assessment. Therefore it is recommended that NRW review the Environmental Statement and Arbor Vitae June 2016 Extended Phase 1 Habitat Survey.

2. Arbor Vitae Ecologist to clarify if otter had been included within the scope of the surveys given the presence of watercourses/ ditch immediately adjacent to the application site. ES Section 10.6.2 says it was included in the desk top survey but it's not included in Section 1.3 of the Arbor Vitae Ecology report.

3. Arbor Vitae Ecology report concludes that increased illumination of the site through inappropriate external lighting may have a negative impact on this species. Clarification is therefore required why night time lighting during construction and decommissioning phases was scoped out of the ES and not assessed. Agent /client to clarify if this is because there will be no night-time lighting during construction and decommissioning.

4. There is no reference in the Arbor Vitae June 2016 Extended Phase 1 Habitat Survey of the demolition of the building referenced in the application description. Therefore Arbor Vitae to clarify if this building was assessed for potential bat and bird habitat.

5. Arbor Vitae to clarify if a ground nesting bird survey has been carried out in accordance with CIEEM survey guidelines. BIS data would identify a number of birds of conservation concern recorded locally.

6. Arbor Vitae to clarify why reptiles were not included within the scope of the surveys especially given the presence of rough grassland.

7. Further design detail is required on the highway access to consider the loss of vegetation. Mitigation for the loss of hedgerows should be included in a Landscaping Plan outlining mitigation planting, referenced in ES section 10.8 but not provided for comment.

8. ES Chapter 6 - Air Quality considers the Montgomery Canal SAC's within 10km. Granllyn SAC and Tanat and Vyrnwy SAC are also located within the 10km Screening distance but have not been included in the SCAIL Model. NRW to advise if these sites should be included in the ammonia modelling.

9. NRW will need to agree the ammonia screening assessment under the Environmental Permitting (England and Wales) Regs 2010. There are discrepancies between the submitted SCAIL modelling tables at SSSI sites listed below which calculate 0.00ug/m3 process contribution NH3 at each site but the Ammonia Report summary table calculates conflicting % contributions:

- Morton Pool and pasture SSSI @ 0.33%
- Bredden Hill SSSI @ 0.33%
- Blodwen Marsh SSSI @ 0.33%
- Gweunydd Ty-Brith Meadows SSSI @0.33%

Therefore % process contribution to NH3 needs further clarification.

10. Given the proximity of the Montgomery Canal and potential impacts of eutrophication from manure leachate, NRW should be consulted if a Habitats Regulations Assessment is required to assess if there would be a significant impact on the relevant European Site.

11. Given the proximity of sensitive receptors; River Vyrnwy and the Montgomery canal SAC, there should be NRW consultation regarding acceptance of the calculation of nutrient loading from manure spreading at a rate of 194.12 Kg /ha/ year.

12. Pont Llanymynech road side verge is located within the 2km Ammonia screening distance from the application site. The site is characterised for Dwarf elder/Danewort and Danish scurvy-grass (non-native) and should be included within the Ammonia assessment as a local wildlife site.

Recommended Conditions - Conditions would be made on receipt of information requested above.

### Natural Resources Wales (NRW)

#### *First response:*

*Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.*

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 requirements. We would object if the scheme does not meet these requirements.

#### Summary of requirements:

Requirement 1- Submit an amended Flood Consequence Assessment.

Requirement 2 – Undertake an SCAIL assessment of the emissions from all of the associated manure heaps/storage in relation to all relevant protected sites and undertake an in-combination assessment of the potential impact of the ammonia emissions from the manure heaps and the unit for Montgomery Canal SAC.

Requirement 3 – Submit a plan which show the layout of the planned drainage system showing the drainage path of both clean and dirty water and also the location and details of the SUD system and the location of the dirty water tank.

Requirement 4 – Submission of a manure management plan.

Requirement 5 – Bats: submission of a lighting scheme.

#### Flood Risk:

Due to the nature and scale of the development, the location of it in DAM C2, requires further justification in terms of flood risk. TAN15 requires the Local Authority to justify the location of the development.

The FCA (Dated July 2016 Ref EVANS v1.0) submitted in support of the application is considered inadequate as it does not provide evidence of the level of perceived flood risk nor

how that flood risk could be managed, taking account of the attendant risk and that certain contaminants could be mobilised. We refer you to sections 5.1, 7.7 and 7.8 of TAN15 in this respect.

The FCA has not sourced available flood level information from NRW as part of a Product 4 data request. This request should be made via our Data Distribution team [datadistribution@cyfoethnaturiolcymru.gov.uk](mailto:datadistribution@cyfoethnaturiolcymru.gov.uk) in order for us to make an informed response on flood risk.

Flood level data should be used to determine the onset of flooding and depths of flooding up to the 0.1% flood event.

The FCA should demonstrate how the development will be compliant with tables A1.14 and A1.15 of TAN15.

There is nominal benefit afforded from the *argae* system in the area and the FCA would benefit from anecdotal information of flood history for the site, particularly for the 1998, 2000 and 2002 events.

An appropriate FCA should consider the loss of flood storage up to the 1% plus climate change flood level and discuss whether or how that loss should/could be compensated for (removal of any redundant buildings, say). Without any compensation beyond a reasonable threshold volume, it could be considered as setting an undesirable precedent.

The Planning Authority is advised to consider its position with regards to cumulative impact of similar proposals in flood risk areas and whether an undesirable precedent is being set, irrespective of less vulnerable nature of the proposals.

We emphasise that each proposal in DAM C2 will and should be considered in isolation. Whilst NRW has no evidence base with regards to adverse impact as a result of loss of flood storage, we acknowledge for the confluence floodplain in this area, any impacts are difficult to quantify (Ref Trewern Hall inquiry, even a quantifiable loss of flood storage could, in some situations, be considered as insignificant). However, a similar building in a DAM C2 zone of a smaller and more constrained floodplain could have an impact on both flood storage and flood flow conveyance.

With regards to surface water control and impacts on local drains and ditches, the site is within the Powysland Internal Drainage District. DP is advised to liaise directly with James West (Technical Senior Advisor – Internal Drainage Districts, Flood Risk Strategy).

The proposed plans infer that the proposed buildings are very close to the local drains which may be considered inappropriate with regards to impact on water quality and adverse impact on the watercourse corridor.

Requirement 1- Submit an amended Flood Consequence Assessment.

Protected Sites: Air Quality

NRW's current air quality screening criteria consider the impact that a unit may have on any SSSI within 5km of the development unit and any SAC within 10km of a unit. NRW are unable

to comment on the impact of the development on any protected sites located within England and it will be necessary for you to consult Natural England in relation to the potential impact of the unit on these SSSIs.

The ES explains that the applicant intends on storing manure from the development (1800 tonnes) in field heaps as the application is subject to EIA it is necessary to assess both the emissions from the shed and also from the storage of manure.

This can be done by undertaking a SCAIL assessment which has an option to assess manure storage. If the applicants intends on storing manure in more than one location it will be necessary to undertake an assessment for each manure heap separately using the different grid references and then add these together to identify the contribution that the manure heaps will make to each protected sites.

The only SAC within 10km of the development which is sensitive to ammonia emissions is the Montgomery Canal SAC, an in-combination assessment of the potential impact of the manure heaps and the emissions from the sheds will need to be undertaken for this site. This can be done by adding the contributions modelled by SCAIL from the manure heap(s) to the emissions from the installation which are presented in the air quality report submitted in support of this application.

NRW recommend that all applications include the SCAIL results and the SCAIL input data this can be done by taking a screen shot of the input page or by presenting the input data separately. When this additional information has been submitted NRW will be able to comment in more detail in relation to the potential contribution that this development could make to the ammonia critical levels and nitrogen deposition critical loads of relevant protected sites.

It is noted that Breidden Hill SSSI was assessed using the ammonia critical level  $3\mu\text{g}/\text{m}^3$ , this site supports notable mosses and lichens and therefore the ammonia critical level  $1\mu\text{g}/\text{m}^3$  should be used, the assessment of the contribution from the development to Breidden Hills SSSI needs to be undertaken again using the ammonia critical level  $1\mu\text{g}/\text{m}^3$  and the air quality report and ES should be amended to reflect the results.

Requirement 2 – Undertake an SCAIL assessment of the emissions from all of the associated manure heaps/storage in relation to all relevant protected sites and undertake an in-combination assessment of the potential impact of the ammonia emissions from the manure heaps and the unit (sheds) for Montgomery Canal SAC.

### Drainage and Water Quality

It is noted that the applicant has not submitted a plan showing the drainage from the unit although the ES does explain a number of measures which the applicant will use to prevent the unit from adversely affecting water quality. Due to the proximity of the development to the adjacent water course it is necessary for the applicant to provide a plan which show the foul and clean water drainage from the site, the location of the dirty water tank and also provide more information about the SUD system.



Requirement 3 – Submit a plan which show the layout of the planned drainage system showing the drainage path of both clean and dirty water and also the location and details of the SUD system and the location of the dirty water tank.

Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaways should be directed away from existing surface waters. The ES suggests that the scheme will be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water which is in line with NRW advice.

The applicant has explained that they will operate a switch system which enables all dirty water from the yard area to be directed to a dirty water tank during clean out and that all dirty water from the shed will be directed to the dirty water tank. It is important that the applicant maintain and operate this system effectively, provided this is done then dirty water from the shed and yard should not cause any water quality issues.

The proposal plans suggest that a dirty water effluent tank will be installed. No detail is given as to where this will be located. We advise the applicant need to ensure that any effluent tank be constructed to meet SSAFO Regulations (Wales) 2010 and should be located at least 10m away from the adjacent water course.

The work should also be compliant with all appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to a watercourse/ditch etc.), from the site 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-and-buy/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

## Manure Management Plan

A manure management plan does not appear to have been submitted in support of this application. Appendix 21 includes a map of the available land for litter spreading however the area appears to be small and it does not appear to include any information about where it is not possible to spread (i.e. the buffers along water courses). The ES includes summary information about the manure plan however it is not clear how the information was derived.

Requirement 4 – Submission of a manure management plan.

It is understood that the applicant intends on spreading manure on land within their ownership/control and therefore the application should be supported by a Manure Management Plan that confirms that the applicant has sufficient land to spread the manures produced by the proposed development in combination with manure generated on the farm from other stock at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP). The ES explains that the applicant has adequate land to spread the manure however it is not clear how this has been determined as the calculations do not include any information about the extent of the land within applicants control (including their neighbours

land) or information about the area of land within their control which the applicant cannot spread manure on due to the land being unsuitable (i.e. buffer areas along water courses etc.).

Consideration must also be given to the phosphate contained with the manures and residual amounts in the soils to ensure that crop requirement is not exceeded. It is recommended that routine soil sampling is undertaken for pH, phosphate and magnesium, and that manure and fertiliser application rates be adjusted as required to meet the requirement of the crop.

The plan maps should identify areas where manure spreading should not take place including around ditches and watercourses to help minimise the risk of pollution. A 10m buffer should be maintained around watercourses and any other sensitive areas. No spreading should take place within 50m of springs, wells and boreholes (CoGAP).

Spreading of manure should be carried out in accordance with the CoGAP (i.e. not on wet, waterlogged, frozen, snow covered or steeply sloping ground).

Please note that CoGAP advises that the location of temporary field heaps should be located in the same position for up to 12 months with no return for 2 years. Field heaps should be located to avoid run off to any watercourse or ground waters being located at least 10m from any watercourses (including land drains), and 50m from any well, spring or borehole. It would be helpful if the applicant could identify the locations of the manure heaps.

#### Environmental Permitting Regulations

This proposal will increase the number of birds within the holding to over 40,000 birds and therefore the applicant will need to apply for an Environmental Permit under the Environmental Permitting Regulations 2010 from Natural Resources Wales. It is recommended that the applicant discuss this matter with NRW at the earliest opportunity.

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.

#### Protected Species

The planning application states that there are no hedges or trees within the development site. Aerial photographs in appendix 4 for the site show a number of trees and a shed with a metal roof however there is no mention of the trees or the shed within the Phase 1 assessment. It is assumed that they were removed prior to the application being submitted, the applicant should confirm whether this is the case and whether the shed was assessed for potential use by protected species.

NRW have reviewed the extended phase 1 survey undertaken by Arbor Vitae Environment in support of this application. NRW consider it to be adequate to determine whether the development will impact protected species. NRW agree with the conclusions and recommendations of the report. In our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of dormouse or great crested newts.

## Bats

NRW agree with the conclusions and recommendations of the report and would not have significant concerns about this scheme provided that an adequate lighting scheme is drawn up and submitted in line with the recommendations of the report, it is recommended that the implementation of the recommendations in the ecological report be made a condition of planning which will include a lighting plan.

Requirement 5 – Bats: submission of a lighting scheme.

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/planning-and-development/planning-and-development/?lang=en>).

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.

To conclude, 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 requirements listed above. We would object if the scheme does not meet these requirements. Please do not hesitate to contact us if you require further information or clarification on any of the above.

*Second response:*

Thank you for your consultation received on 14<sup>th</sup> December 2017. We previously commented on this proposal on 31<sup>st</sup> August 2016 CAS-21308-C7V4.

Following review of the further information we confirm that Requirement 1, 2 and 5 have been met. Information has been submitted that is relevant to Requirements 3 and 4 although this does not provide sufficient clarity. Full explanation is given under the relevant sections in this letter. We have further requirements and conditions as detailed below.

## Summary of Conditions

Condition 1: An 8m wide access corridor should be maintained between the development and Domgay Brook to allow maintenance of the watercourse.

## Environmental Permit

We note that the assessment is based on 100,000 broiler birds and will require a permit under the Environment al Permitting (England & Wales) Regulations 2010 (as amended) to operate. We strongly recommend that the applicant begin discussions with the NRW Permitting Service to determine what exactly needs to be assessed to fulfil the permit application requirements.

The granting 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.

## Flood Risk

### CAS-21308-C7V4 Requirement 1- Submit an amended Flood Consequence Assessment. ✓

Roger Parry and Partners submitted a Flood Consequential Assessment (FCA) dated December 2016 that has addressed most of the flood risk issues raised in our previous response although some details must be shown on plans that are agreed prior to planning consent.

The FCA states in point 5 that the floor levels will be above 64.3m AOD to allow for the 1% plus climate change flood level. In their associated document ATI-11090a, detailing the modelling, Table 1 shows the defended 1 in 100cc mean elevation as 64.30m AOD and maximum elevation of 64.45m AOD which is at least 600mm above adjacent ground level.

The plans to be agreed NRW and Powysland IDD prior to granting of planning consent must show that all plant, machinery and any polluting aspects of the development will be set above the 1% plus climate change flood level of 64.3m AOD, as stated in the Flood Consequence Assessment.

Based on predicted flood levels and historic aerial photos, the proposed building is predominantly outside the flood risk area with any part of the building that is affected, theoretically only flooding to depths not exceeding 300mm.

The owner's / operators are aware of the flood risk and receive automated flood warnings from Natural Resources Wales. The applicant could consider re-siting the units further south.

The opportunity should be taken to maintain the flood storage available by re-contouring immediate adjacent ground levels as mentioned in point 6 of the FCA, for examples high spots within the floodplain should be lowered and excavated material removed out of the recognised floodplain. To ensure no net loss in storage area on the flood plain details of re-contouring should be provided.

Details of flood plain re-contouring should be provided on plans for review by NRW and Powysland IDD prior to the granting of planning consent.

## Surface Water

With regards to surface water control and impacts on local drains and ditches, the site is within the Powysland Internal Drainage District and there will be flows in Domgay Brook on the northern boundary of the proposed development.

The surface water from the development will need to be attenuated from the balancing pool so that it is not greater than greenfield runoff rates for flows entering Domgay Brook. Initial calculations provided show this can be achieved using a Hydrobrake and storage pool as specified.

Powysland Internal Drainage District require a 8m wide corridor to allow machine access for the maintenance of Domgay Brook.

We require confirmation that surface water attenuation is to be achieved with the 166m<sup>3</sup> balancing pool referred to in point 6 of the FCA.

Condition 1: An 8m wide access corridor should be maintained between the development and Domgay Brook to allow maintenance of the watercourse.

Surface water entering Domgay Brook must be free from contaminants as advised under the Pollution Prevention Management section below.

Air Quality: Protected Sites: SACs and SSSIs within 10km

*Requirement 2 – Undertake an SCAIL assessment of the emissions from all of the associated manure heaps/storage in relation to all relevant protected sites and undertake an in-combination assessment of the potential impact of the ammonia emissions from the manure heaps and the unit for Montgomery Canal SAC. ✓*

We have reviewed the Ammonia Report – Erection of an intensive poultry unit and all associated works, dated October 2016 by Roger Parry and Partners. We note that the incorrect ammonia critical levels were used for some protected sites and we have used the correct values in our analysis.

Without prejudice to any other regulatory or statutory consultation that may be required for this development. Based on the information provided the ammonia and nitrogen seem to be within our current limits

Natural England should provide advice regarding Blodwel Marsh SSSI and Morton Pool and Pasture SSSI.

#### 1. Montgomery Canal SSSI & SAC

The background ammonia is 3.13 µg/m<sup>3</sup> and background nitrogen deposition is 23.80 kgN/ha/yr.

The ammonia critical level is 3µg/m<sup>3</sup> and the nitrogen deposition assessment is not required because the floating water plantain roots are submerged and within the sediment.

The farm contribution to ammonia is 0.22 µg/m<sup>3</sup>, which is 7.3 % of the critical level

In conclusion, 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 SSSIs.

#### 2. Llanymynech and Llyncllys Hills SSSI

The background ammonia is 2.84 µg/m<sup>3</sup> and background nitrogen deposition is 39.62 kgN/ha/yr.

The ammonia critical level is  $1\mu\text{g}/\text{m}^3$  and the nitrogen critical load is 8 kgN/ha/yr for the site.

The farm contribution to ammonia is  $0.09\mu\text{g}/\text{m}^3$ , which is 9% of the critical level and to nitrogen is 0.70 kgN/ha/yr (8.75% of the critical load)

In conclusion, 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 SSSIs.

### 3. Gweunydd Ty Brith

The background ammonia is  $2.85\mu\text{g}/\text{m}^3$  and background nitrogen deposition is 23.24 kgN/ha/yr.

The ammonia critical level is  $3\mu\text{g}/\text{m}^3$  and the nitrogen critical load is 20 kgN/ha/yr for the site.

The farm contribution to ammonia is  $0.06\mu\text{g}/\text{m}^3$ , which is 2% of the critical level and to nitrogen is 0.31kgN/ha/yr (0.016 % of the critical load)

In conclusion, 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 SSSIs.

### 4. Breidden Hill

The background ammonia is  $2.46\mu\text{g}/\text{m}^3$  and background nitrogen deposition is 20.02 kgN/ha/yr.

The ammonia critical level is  $1\mu\text{g}/\text{m}^3$  and the nitrogen critical load is 8 kgN/ha/yr for the site.

The farm contribution to ammonia is  $0.04\mu\text{g}/\text{m}^3$ , which is 4% of the critical level and to nitrogen is 0.21kgN/ha/yr (2.63% of the critical load)

In conclusion, 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 SSSIs.

### 5. In - Combination Assessment

Based on the October 2016 Ammonia Report, the in combination assessment requested under Requirement 2 of the NRW letter dated 31<sup>st</sup> August 2016 ref CAS-21308-C7V4 appears to have addressed the cumulative impacts on the designated sites assessed.

We recommend that section 6.3.6 in the Environmental Statement needs to assimilate the information provided in Appendix 16 Ammonia Report to address the cumulative assessment for the Environmental Statement.

Drainage and Water Quality

CAS-21308-C7V4 Requirement 3 - Submit a plan which shows the layout of the planned drainage system showing the drainage path of both clean and dirty water and also the location and details of the SUD system and the location of the dirty water tank. – further clarification required

We note that the plans submitted with the application infer that the proposed buildings are immediately adjacent to the local drains and we consider that insufficient information has been provided for Requirement 3 (of our response dated 31<sup>st</sup> August 2016 CAS-21308-C7V4) to be met.

Therefore we re-iterate the requirement, we acknowledge that drainage is shown on Drawing no RJC-MZ57-Evans-01A but we consider that this does not show sufficient details to demonstrate that pollution can be prevented. A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction and operation.

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction and operation.

Guidance for Pollution Prevention GPP5 “Works and maintenance in or near water” has recently been updated (January 2017) and will be found at

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

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice

Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaways should be directed away from existing surface waters.

Roof water from units with low velocity roof extraction should be treated as lightly polluted and directed to soakaway, swale, pond or reed bed.

We advise the applicant need to ensure that any effluent tank be constructed to meet SSAFO Regulations (Wales) 2010 and should be located at least 10m away from the adjacent water course. The drainage plan must show where the SSAFO compliant effluent tank is to be located.

The work should also be compliant with all appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to a watercourse/ditch etc.), from the site 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-and-buy/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

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.

## Manure Management

### CAS-21308-C7V4 Requirement 4 - Submission of a manure management plan. – further clarification required

We have reviewed the submitted manure management plan (MMP) by Roger Parry and Partners dated September 2016. The plan states that *'the owner occupied land has been calculated to be 188.19 acres (76 hectares) that is available for manure to be spread'* and includes a letter from RJ Eyres and Sons which states that will collect up to 2000 tons of poultry manure annually. The Manure Management Plan is deficient in the following areas;

- I. The MMP does not say how much manure will be produced.
- II. The MMP does not detail the requirements for compliance with the Code of Good Agricultural Practice (CoGAP).
- III. The MMP does not confirm how much manure will be spread on the land or how much will be taken off site.
- IV. The MMP does not confirm that manure can be spread on the farm at a rate that is consistent with the CoGAP recommended upper limit for N of 250kg/ha/year.
- V. There is no manure map to show no spread buffers along watercourses and other sensitive no spread areas.

We consider that insufficient information has been provided for Requirement 4 (of our response dated 31<sup>st</sup> August 2016 CAS-21308-C7V4) to be met. Therefore we re-iterate the requirement.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.



Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000.

## European Protected Species

### CAS-21308-C7V4 Requirement 5 - Bats: submission of a lighting scheme. ✓

We have reviewed the Lighting Design Scheme submitted by Roger Parry and Partners dated October 2016. We are satisfied that this requirement can be met and appropriate conditions should be attached to any planning permission to ensure that it is implemented. We recommend that timers / motions sensors should be fitted to avoid the unintentional use of exterior lighting outside working hours.

## 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/planning-and-development/planning-and-development/?lang=en>.

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.

### *Third response:*

Thank you for your consultation received on 14<sup>th</sup> December 2017. We previously commented on this proposal on 31<sup>st</sup> August 2016 CAS-21308-C7V4 and again on 31<sup>st</sup> January 2017 CAS-27317-C9S7 when we said that further clarification was needed to satisfy requirements 3 and 4.

On 10<sup>th</sup> February 2017 we received drainage calculations, a method and pollution prevention statement, a manure management plan v2 and a Drainage Plan. On 21<sup>st</sup> February we received a cut and fill plan that was discussed with Powysland Internal Drainage District on 8<sup>th</sup> March.

Following receipt of further information we consider that our requirements have been met.

## Summary of Conditions

Condition 1: An 8m wide access corridor should be maintained between the development and Domgay Brook to allow maintenance of the watercourse.

## Flood Risk

The cut and fill plan that was received on 21<sup>st</sup> February was discussed with Powysland Internal Drainage District on 8<sup>th</sup> March. The outcome of the discussion was a consensus that the flood storage compensation in green on drawing RJC-MZ57-Evans-07 is sufficient. There will be no reduction in the storage capacity of the flood plain and there will be no more water in Domgay brook. This satisfies Requirement 1 of CAS-21308-C7V4, *“Requirement 1- Submit an amended Flood Consequence Assessment”* and our advice on 31st January which stated that *“Plans must demonstrate the statements in the FCA and be agreed with NRW and Powysland IDD prior to permission.”*

Following further discussion with the agent on 9<sup>th</sup> March we received a method a pollution prevention statement, a manure management plan v3 and an amended Drainage Plan.

### Drainage and Water Quality

Requirement 3 of CAS-21308-C7V4 - *“Submit a plan which show the layout of the planned drainage system showing the drainage path of both clean and dirty water and also the location and details of the SUD system and the location of the dirty water tank”* - has now been met as the plan shows that the clean surface water will be discharged via an attenuation pond with a hydrobrake to limit the outfall of the attenuation pond to 5 litres per second.

### Manure Management

Requirement 4 of CAS-21308-C7V4 – *“Submission of a manure management plan.”* - has been met as the third iteration of the document confirms that RK Eyres and Sons are able to accept all of the manure produced by Domgay Hall farm as a contingency plan if it should not be possible to spread manure on the maize crop at Domgay Hall in the spring. The Manure Management plan acknowledges that the spreading area is in the C2 flood zone.

### Environmental Permit

We note that the assessment is based on 100,000 broiler birds and will require a permit under the Environment al Permitting (England & Wales) Regulations 2010 (as amended) to operate. We strongly recommend that the applicant begin discussions with the NRW Permitting Service to determine what exactly needs to be assessed to fulfil the permit application requirements.

The granting 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.

### 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/planning-and-development/planning-and-development/?lang=en>.

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.

### Clwyd Powys Archaeological Trust (CPAT)

#### *First response:*

Please note that we are currently awaiting an archaeological assessment report for this application from the Trysor consultants. We will need to see this report and comment on any mitigation that may be necessary before the application can be determined.

I will comment further when we receive the report.

#### *Second response:*

Thank you for the additional information relating to the above proposals.

The archaeological assessment concludes that there would be a moderate visual impact for Domgay Hall Farm and a low setting impact. The impacts could be reduced further with effective tree screening. Overall the visual impact is partial and not significant.

The potential for direct impact remains to be answered and further pre-determination evaluation will be required as a result. The geophysical survey clearly indicates an anomaly that is very similar to the prehistoric pit alignments found elsewhere across the floodplain around Four Crosses. These are thought to represent early field boundaries, but their true function is unclear and they may date to either the Bronze Age or the Iron Age i.e. anywhere between 2000 BC and 43AD. The pit alignments typically consist of 1.5 metre deep and 1 metre wide pits which may have been open or were possibly backfilled with large tree trunk timbers. There are other anomalies which clearly represent a medieval or later ridge and furrow field system and there are linear ditch features which remain undated, but probably represent early field boundaries.

All of these features would be impacted by the proposed development and require further investigation to test their function, date, importance and level of preservation. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Welsh Government Planning Policy Wales (Edition 8, Jan 2016), Circular 60/96 - Archaeology and Planning (Dec 96) and Powys UDP Policies ENV 17 and 18 suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a potential impact to archaeological remains is identified.

The developer will need to engage an archaeological contractor to complete this work in accordance with a brief written by this office on request. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site. On receipt of the archaeological contractors approved final report we will be able to advise further on appropriate mitigation for the proposed development.

I have attached advisory information on archaeological contractors that the developer may wish to consider engaging to complete the evaluation work. Please forward these documents to the applicant so that they are fully informed of the requirements

*Third response:*

Thank you for forwarding the archaeological evaluation report for our comments.

It is quite clear that the features which looked like prehistoric pits on the geophysics have turned out to be the previously unrecorded locations of some animal disposal pits, perhaps associated with a past outbreak of foot and mouth disease on the farm.

As there are now no identified sub-surface archaeological impacts within the proposed development area we would have no objection to the proposed development.

The recommended screening measures to protect the setting of the listed buildings should be carried forward.

### Rights of Way

A Public Right of Way (Footpath 20) passes through the site of the proposed development, but does not appear to be directly affected by the proposed buildings. However, any associated works – such as landscaping, fencing and other works – must not obstruct or impinge upon Footpath 20. This is important because the right of way passes within the curtilage of the development.

The right of way must remain open and available for safe unimpeded public access at all times – both during development and following completion. It must not be obstructed.

### Ramblers Association

The Explorer OS map shows a right of way very close to the proposed poultry installation but I could not spot any reference to it in the design and access statement. As the ROW is so close we would expect to have seen some information on how users of the footpath will be affected by the development and what steps are being proposed to mitigate any adverse effects on users. As things stand it looks as though users enjoyment of the stretch of footpath close to the proposed development will be adversely effected. Until such time as further information is provided on this matter, we cannot support this application.

### **Representations**

70 representations of objection have been received in relation to the proposed development the grounds of objection are summarised below.

#### Impact on health:

The development will create dust particles that are harmful to health and the development is in close proximity to a village and school. Avian Flu is well documented to be dangerous for human health and other wildlife. Dust particles produced by such facilities can cause respiratory ailments. The noise from the fan will affect residents sleep.

#### Impact on amenity:

The development is in close proximity to residential properties and a school. The proposal will have a significant detrimental impact upon existing residents with regards to noise, smell, dust, vermin, flies and should not be permitted in such a location. Children will not be able to play outside due to the impact.

#### Traffic generation:

The development will lead to significantly more traffic along Domgay Lane which is a single track highway that already serves a number of businesses and properties. The increased use will be harmful to highway safety and to other users including walkers and cyclists. The road is already poorly maintained and the increased use will exacerbate the issue.

#### Environmental impact:

Waste and by products from the development will be harmful to the environment including local biodiversity. Location of development and the proposed spreading of manure are within a floodplain. Will the development prevent the spread of harmful substances in a flood event?

#### Cruelty to animals:

The industrialised process of rearing animals is inhumane and should not be supported by the Council.

#### Other matters:

The application submission contains a number of errors and omissions. This does not allow for full consideration to be given to matters or create a full impression of the impact of the development.

The development will be harmful to many and benefit only the applicant.

#### **Planning History**

7920 – Alterations to dwellings at Domgay and Maesderwen. Consent. 1966

8057 – Agricultural building. Consent 1966

M14047 – Extension at Maesderwen. Consent. 1986

M14048 – Listed building consent for extension at Maesderwen. Consent 1986

M15000 – silage pit. Consent 1987

M/2005/0812 - Erection of an agricultural livestock building. Conditional Consent

P/2017/0065 Erection of an agricultural building to be used as a biomass store and associated works (part retrospective) – Pending

## **Principal Planning Constraints**

The following Listed Buildings

- No 1 Domgay Hall cottages and outbuildings to rear, Cadw ID 8518
- No 2 Domgay Hall cottages and outbuildings to rear Cadw ID 8519
- Rhandregynwen Farmhouse Cadw ID 8520
- C Plan Group farm ranges to E of Rhandregynwen Cadw ID 8521

Public right of way Footpath 20

C2038 – Domgay Lane

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (Edition 8, 2016)

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Welsh Office Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas

### Local Planning Policy

*Powys Unitary Development Plan (2010)*

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

SP14 - Development in Flood Risk Areas

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

ENV16 – Landscapes, Parks and Gardens of Special Historic Interest

ENV17 – Ancient Monuments and Archaeological Sites  
ENV18 – Development Proposals Affecting 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  
RL6 - Rights of Way and Access to the Countryside  
DC9 – Protection of Water Resources  
DC13 – Surface Water Drainage  
TR2 – Tourist Attractions and Development Areas

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

## **Officer Appraisal**

### 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.

### Introduction

Having considered the details submitted in respect of the proposed broiler unit, the principal matters considered relevant to determination are as follows;

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on heritage assets;
- The effect of the proposed development on the local amenity;
- The effect of the proposal on nature conservation interests;
- The effect of the proposal upon highway safety; and
- The effect of other considerations on the overall planning balance.

### Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

The application was validated by Development Management on the 28<sup>th</sup> July 2016 and as such the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are applicable to this development. Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 lists types of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations; Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

Paragraph 17 of Schedule 1 of the 2016 Regulations states that the threshold for the “*intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens*”. Therefore, the application was required to be accompanied by an Environmental Statement.

Given that the proposal exceeds the threshold set out within Schedule 1, an Environmental Statement (ES) has been prepared by the developer, in accordance with the Environmental Impact Assessment (Wales) Regulations 2016.

### Environmental Permitting Regulations

The operations at the site will require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales’ role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution.

Planning Policy Wales states that Local Planning Authorities and Natural Resources Wales should work closely to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary however should not duplicate one another. Planning Authorities need to be satisfied that proposals are capable of effective regulations and Natural Resources Wales should assist in establishing this position. Good practice suggests that the parallel tracking of planning and environmental permitting and a planning application should be encouraged.

On the basis of the comments received from NRW, it would appear that a permit has not yet been pursued by the developer. NRW have confirmed that the granting 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.

### Principle of Development

Development Management is satisfied that the principle of the proposed development complies with the referenced policies and as such, the principle of the proposed development at this location is considered to be acceptable.

### Economic Development:

Rural enterprises play a vital role in promoting 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. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape, the environment and amenity.

The agent has provided a statement giving details of the agricultural enterprise they are currently engaged in and also details of the proposed broiler unit. The agent has given some indication of how the enterprise will operate and it is considered that the proposal has the



potential to be viable and contribute significantly to farm income. It will also allow for the diversification of agricultural activity at the farm into a new area, which may be seen as further aiding the sustainability of the farming enterprise as a whole.

Poultry unit developments raise a number of planning issues such as smell, noise, dust, pollution and traffic generation. Whilst the County Council wishes to sustain an efficient, viable and diverse farming community, a balance must be struck against maintaining the well-being of the wider community and the high quality of the Powys landscape as detailed within policies EC1, EC9 and EC10 of the Powys Unitary Development.

### Landscape Impact

UDP policy ENV2 (Safeguarding the Landscape) states that proposals for the development and use of land should take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character of the surrounding landscape. Further guidance within policy EC9 suggests that, where possible, agricultural buildings should be grouped with existing units in an effort to minimise potential landscape and visual impact.

The proposal involves the construction of two poultry sheds, feed bins, hardstanding and access works and would clearly represent a significant change to the application site. The development would result in the loss of part of a field and the encroachment of built development into the open countryside. The application site comprises of agricultural land located immediately to the north west of the existing Domgay Hall farm complex. It is proposed to site the poultry units on the northern side of Domgay Lane, running parallel with the county highway. The topography of the application site is generally flat and the land is scattered with broken hedgerows and trees. The proposed application indicates the implementation of additional tree planting and hedgerow retention although no plan has been provided. This can be controlled via a planning condition if it were resolved to approve.

The application site is located within the River Severn Flood Plain aspect area (MNTGMVS650) as defined by Landmap and is characterised by *'a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom'*. The visual and sensory landscape value is recorded as moderate.

The proposed poultry buildings are of a large scale, they are grouped within the context of the existing building complex, albeit to the west, but as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the relatively low height of the proposed buildings and flat topography of the land, their profile is reduced and thus further reduces potential landscape impact. Proposed landscaping together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of part of the field, but, taking account of the mitigation measures, the location close to the existing farm complex and the character and sensitivity of the landscape it is considered that the development would not have an unacceptable adverse effect on the site and the landscape character of the area. Given that the plans do not indicate the exact tree species and numbers, it is recommended that conditions are attached to any consent to require further details and implementation of the planting.

The proposed development is considered to be in accordance with policies ENV2, EC1 and EC9 of the Powys Unitary Development Plan and Planning Policy Wales.

### Visual Impact

The main public vantage point for the development would be from Domgay Lane for which there will be short sections of visibility between gaps in the hedgerows. The road runs at a similar height to the proposed application site and the low profile nature of the development combined with its grouping with existing buildings will result in a low impact on landscape character for receptors utilising the route. Other highways within the vicinity of the development are unlikely to provide sustained views of the development and in any case users would be travelling between destinations and would not be highly sensitive to the limited visual impacts identified.

There are a number of dispersed residential properties in the locality that are not financially involved with the proposal including The Oaks, The Acorns, The Berwyns, Westholme, Rickwendale, Elmsfield Elms and Rhandregynwen Hall, all within approximately 500 metres of the application site. Given the orientation of the dwellings, the distance between the proposal and nearby properties, the existence of trees and hedgerows on intervening land and the close relationship to the existing farm, it is not considered that there would be an unacceptable visual impact on residential receptors from the development.

There are also a number of dwellings and existing farmsteads within proximity of the site which are financially involved with the scheme or owned by the applicant including Domgay Hall, Maesderwen, Oakendale and Carnbwl. The impact of the proposal on these receptors has been considered and is considered acceptable.

The proposal will not be visible from the local settlements of Four Crosses, Llandysilio or Llanymynech.

There are public rights of way in the locality; in particular footpath 20 crosses the application site in its southern corner. Whilst the proposal will not impact the line of the route, which runs from Domgay Lane to the U4908 (the former trunk road that ran through the village of Four Crosses prior to the bypass), consideration is given to the environmental setting of the public right of way. The agent has correctly identified that certain public rights of way are historical remnants of practical access routes rather than a means used for the enjoyment of the countryside and this footpath would appear to be one such route. Nonetheless, although it is acknowledged that the proposal will be visible and prominent from the route, the development is not considered to be unduly out of character with the open countryside setting which does have a number of dispersed clusters of agricultural buildings in the locality. Mitigation through the use of appropriately coloured cladding and additional landscaping of the proposal will reduce the impact to an acceptable level. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be of minor significance.

Whilst the proposed development will be visible from sensitive receptors including highways (drivers and passengers), public rights of way (walkers) and residential properties (residents and occupiers) in the locality, given the agricultural grouping, proposed landscaping together

with observed distances, it is not considered that the proposed poultry development will have an unacceptable adverse visual impact.

The buildings are in proximity to the existing farm complex and considered to be in compliance with the requirement of EC9 that proposes buildings to be grouped where possible. Overall the proposal is considered to be acceptable in terms of its grouping with buildings, its landscape impact and its visual impact and its compliance with relevant development plan policies ENV2, GP1 and EC9.

### Impact on Heritage Assets

#### *Listed Buildings*

The authority is required have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. UDP Policy ENV14 states that proposals unacceptably adversely affecting a listed building or its setting will be refused taking into account the desirability of preserving the listed building and its setting, the importance of the building, the effects of the proposal on any particular features and the contributions of the buildings to the local scene.

There are 4 listed buildings in close proximity of the proposed poultry unit, all of which are grade II listed.

- No 1 Domgay Hall cottages and outbuildings to rear, grade II Cadw ID 8518 included on the statutory list on 05/04/1993,
- No 2 Domgay Hall cottages and outbuildings to rear, grade II Cadw ID 8519 included on the statutory list on 05/04/1993,
- Rhandregynwen Farmhouse, grade II Cadw ID 8520 included on the statutory list on 31/01/1953,
- C Plan Group farm ranges to east of Rhandregynwen grade II Cadw ID 8521 included on the statutory list on 31/01/1953,

Domgay Hall cottages were constructed as one property and later subdivided. To the north of the properties lies a courtyard and outbuildings that are also listed. Further to the north and east are modern agricultural buildings. The proposal would be sat to the north west of the existing range of buildings. The Conservation Officer has established that the setting of the listed buildings is the gardens to the front, the courtyard buildings to the immediate rear and the farmland in which they sit. Whilst the proposal will be seen from Domgay Lane in the same eyeshot as the listed structures, the separation distance, the low profile nature of the proposal, its siting to the north west, together with the form and nature of agricultural buildings not being out of character in an open countryside setting, it is considered that the proposal will not have an unacceptable adverse impact on the setting of the listed buildings and this view is supported by the Conservation Officer.

Rhandregynwen farmhouse and farm buildings are at a distance of approximately 400 meters from the application site. The Conservation Officer has commented that 'The topography of the land would mean that the short term views of the proposal against the listed buildings at Rhandregynwen would mean that the proposal and the listed buildings are not readily

viewed together. However there would be longer term views from higher ground especially Rodney's Pillar where both the proposed poultry units and the listed buildings will be viewed together'. It should be noted that Rodney's Pillar is a monument at the top of the Breidden Hills that is located approximately 3.2 miles from the application site. At such a distance, it is considered that the proposal would be seen grouped with existing building at Domgay Hall and would have limited impact on the setting of Rhandregynwen Hall and its courtyard.

Overall, the wider setting of these listed buildings is of a rural agricultural landscape with dispersed farms and other individual widely dispersed buildings. On this basis and in regard to the comments received from the Built Heritage Officer, it is not considered that proposed development would have an unacceptable adverse impact on the identified listed buildings together with their wider setting. The proposed development is therefore considered to be in accordance with UDP policy ENV14, Planning Policy Wales and Welsh Office Circular 61/96.

#### *Scheduled Ancient Monument*

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings, however, there are no scheduled ancient monuments located within a 1km radius of the application or other monuments likely to be affected by the development.

#### *Other Archaeological Interest*

The application has been accompanied by an historic environment impact assessment which did not reveal any evidence of buried archaeological features at the site. Clwyd Powys Archaeological Trust (CPAT) has also advised that no currently recorded archaeological sites will be impacted by the proposed development.

#### *Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is not considered that the proposed will have an unacceptable adverse impact on the setting of listed buildings, scheduled ancient monument or upon archaeology. In light of the above, Development Management considers the proposed development to be in accordance with policies ENV14, ENV16 and ENV17 of the Powys Unitary Development Plan, Welsh Office Circular 61/96, Welsh Office Circular 60/96 and Planning Policy Wales.

#### Impact on Amenity, Living Conditions and health of Local Residents

Broiler units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. The application is supported by an Environmental Statement, this contains chapters assessing the significant likely impacts on amenity and the living conditions of local residents. The statement contains a noise and vibration assessment and an assessment of the impacts upon amenity in terms of odour, dust, flies and vermin. In addition, a noise impact assessment been included. Other elements of the submission including the Ammonia Assessment, and chapters within the Environmental Statement consider air quality, health and climate, water resources, traffic also contain information on the proposal relevant to assessing its impact on those who will have to live nearest to the development.

## *Noise*

UDP Policy GP1 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. Intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

The submission is accompanied by a Noise Impact Assessment and the Environmental Statement includes information on noise and vibration. The noise and vibration assessment considers the operation of the fans on the poultry houses and the potential for noise from their operation to harm amenity.

It is noted that properties not associated with the development are located more than 368 metres distant. The assessment suggests that the estimated noise levels from the ventilation fans would be low at the nearest sensitive noise receptor. The submitted noise information has been assessed by the Environmental Health Department and is found to be acceptable within current guidelines.

Lorry movements to and from the site (in association with construction and operation) have the potential to impact on residential amenity. The supporting highways Information submitted indicates that the operational development would generate an estimated 662.8 vehicle movement per annum. Whilst acknowledging this figure, access roads are currently used by large amount of vehicles of varying types and it is not considered that the increase from the additional movements would result in an unacceptable impact on residential amenity.

Given that the Environmental Health Department has not raised any objection to the proposal, 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 noise. Therefore, Development Management considers the proposal to be in accordance with UDP policy GP1.

## *Odour*

UDP policy GP1 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 odour.

The application is supported by an Odour Management Plan and the submission identifies that there are no non associated properties within 300 metres of the application site. The submission also identifies the most likely source of odour are those arising from manure disposal as well as other potential sources such as manufacture and selection of feed, feed storage, inadequate ventilation, litter management, carcass disposal, cleaning out and dirty water management.

A Manure Management Plan has been submitted in support of the application. The spreading of litter is an agricultural operation and the local planning authority has limited control over this operation. Manure is also exempted from control by Natural Resources Wales. The activity is subject to the Code of Good Agricultural Practice and other measures but there are limited options to control. That being said, the Manure Management Plan indicates that the manure

will be spread in accordance with best practice and that a separate business will accept the by-product as a contingency plan should conditions not be suitable for the spreading of manure at Domgay Hall. The Manure Management Plan acknowledges that the spreading area at Domgay Hall is in a floodzone and accounts for this.

Given that the Council's Environmental Health department have not objected to the proposal and that the proposal is supported by an appropriate Odour Management Plan and a Manure Management Plan, Development Management considers the proposal to be in accordance with UDP Policy GP1.

### *Dust*

It is acknowledged that the process of rearing broiler chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s). The applicant has included an assessment of dust impacts which notes that the proposal will be sufficiently distant from sensitive residential properties to prevent significant impact. Dust would form an emission from the site which would be controlled by the Environmental Permit.

### *Other impacts on living conditions*

Risks from vermin and flies are also assessed within the submission and measures put forward to deal with such issues have been included which are considered adequate.

### *Conclusion*

The proposal has not as yet been granted an environmental permit, however it is considered that the environmental permitting regime provides reassurance that the poultry development should not be incompatible with a good standard of living conditions in the surrounding area. It is concluded that the proposed development would not unacceptably impact on the amenities of local residents or visitors to the area, and that it would not conflict with the objectives of Policy GP1 of the Unitary Development Plan.

### Transport impacts

Policy GP4 of the Powys Unitary 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.

The proposed development includes the upgrading of an existing access onto Domgay Lane with an access track to the proposed buildings running to the east of the existing farm complex. Information submitted indicates that the proposed development would generate approximately 662.8 movements per annum. It is proposed to improve an existing passing bay along Domgay Lane as well as the creation of a new passing bay.

The Highway Authority has not objected to the proposed access improvements or the scheme as a whole subject to the use of conditions which are considered reasonable.

Given the comments received from the Highways Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement subject to the use of conditions. Development Management is therefore satisfied

that the proposed development is in accordance with policies GP4 and EC1 of the Powys Unitary Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

### Flood risk and surface water drainage

The application site is located within the floodplain, designated as zone C2 by the Development Advice Maps.

Unitary Development Plan policy SP14 (Development in Flood Risk Areas) reinforces national guidance on flood risk which is set out in Technical Advice Note 15 (Development and Flood Risk) and which states that highly vulnerable development will not be permitted in Zone C2. In this instance, the scheme is considered to be less vulnerable development which can be acceptable in such locations providing that the development is of strategic importance; the consequences of flooding are acceptable and the development would not give rise to any unacceptable flooding impacts elsewhere.

The planning application has been accompanied by a flood consequence assessment which has undergone consultation with NRW. The conclusions reached indicate that the building will theoretically only flood to a maximum depth of 300mm, that the development will be set above the 1% plus climate change level and there are emergency plans in place in the event of a flood. Furthermore, the proposed development proposes compensation for the loss of storage capacity within the floodplain from the proposed development to ensure that the development does not give rise to flooding impacts elsewhere.

Impact on surface water drainage has also been taken into account and the scheme proposes to discharge clean water via an attenuation pool with a hydro brake to limit outfall to 5 litres per second. Land drainage in this area is managed by the Internal Drainage District which now comes under the remit of NRW. No objection has been raised regarding the proposed scheme.

Although it is acknowledged that new development should be directed away from zone C to areas not a risk from flooding, Development Management considers that the development is justified in this location as it is necessary to contribute to employment objectives supported by the development plan. Furthermore, the potential consequences of flooding for the scheme have been considered and are found to be acceptable as is the proposed means of surface water disposal.

### Pollution Prevention

In respect of water quality, the submission indicates that the development would be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water which will be directed to an effluent tank. These proposed methods of drainage are considered appropriate ensuring that the water environment is not polluted in accordance with UDP Policies DC9, DC11 and DC13.

### Ecological Impact

Guidance contained within UDP policies ENV3, ENV4, ENV5, ENV6 and ENV7 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest. An ecological assessment has been included within the submission.

In terms of protected sites, NRW have reviewed the submitted information with regards to impact on SACs and SSSIs within 10 km of the application site and in conclusion are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed units are below the thresholds applied in their assessments of potential impact on protected sites.

In terms of protected species, NRW has advised that in respect of great crested newts and dormouse, they are satisfied that the proposal would not have a detrimental impact on the maintenance of the favourable conservation status of these species. In addition, they are satisfied that the proposal will not have a detrimental impact on bats providing that the proposed lighting scheme is implemented which can form a condition of consent.

Consideration has also been given to the comments received from the Council's Ecologist. In particular, it is identified that the proposal has a lack of information on otter, reptiles and the habitat of buildings that are proposed to be removed. With regards to Otter, this is a European Protected Species for which the Planning Authority's statutory consultee is NRW. No objection has been received and no further survey work or clarity has been requested from NRW in respect of this species. In respect of reptiles, no survey has been requested as although the ecological report does indicate that there is rough grassland within the vicinity, the development is taking place on intensively farmed agricultural land with the access track travelling through an existing farmyard, it is therefore considered unlikely that reptile habitat would be affected by the proposed development. Finally, it is confirmed that the buildings to be removed are of modern construction with limited ecological value for protected species. Therefore, it is not considered reasonable to request additional information regarding these matters.

Subject to the use of a condition to ensure the implementation of the mitigation and enhancement measures set out within the ecological assessment, NRW have not objected to the proposal in respect of the impact upon protected sites and species and it is considered that the additional information received, combined with the use of planning conditions will allow for an appropriate development to proceed in accordance with the provisions of policies ENV3, ENV4, ENV5, ENV6 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note 5 and Planning Policy Wales.

#### Impact upon established tourist attractions

Policy TR2 states that development proposals which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed. The high quality landscapes of Powys, public rights of ways and scheduled ancient monuments are noted to be of interest to tourists and a wide interpretation should be given to what can legitimately be considered a tourist asset.

It is noted that there is guest accommodation located within the surrounding area, however there are no known facilities within close proximity to the site. The impact upon public rights of way in the locality has been considered above. As discussed above, the visual and landscape impacts are considered acceptable subject to landscaping measures and as such it is considered that the environmental setting of established tourist attractions would not be unacceptably adversely affected by the proposal in accordance with UDP Policy TR2.



### Matters raised within objections

The appraisal above addresses the majority of the matters raised within the representations received.

With regards to animal welfare, there is separate legislation in place to safeguard animals from a situation where their living conditions would be harmful.

It is noted that the development would be located close to a local school as well as number of residential properties and concern has been raised about the health impacts of such a large scale intensive farming can have. Fear of health risks has been established as a valid planning concern and is a material planning consideration. In this instance, it is considered that there is insufficient evidence to justify a refusal based on the fear of health risks. It must also be noted that the proposal will be subject to an environmental permit and planning policy Wales states

‘The planning system should determine whether a development is an acceptable use of land and should control other development in proximity to potential sources of pollution rather than seeking to control the processes or substances used in any particular development. Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies. They should not seek to control through planning measures, matters that are the proper concern of the pollution control authority. These regimes are set out in the Environment Act 1995, the Environmental Protection Act 1990, the Water Resources Act 1991 and the regulatory regimes introduced by the Pollution Prevention and Control Act 1999. Each of these may have a bearing on the environmental controls imposed on the development in respect of environmental and health concerns and planning authorities will need to ensure that planning conditions do not duplicate or contradict measures more appropriately controlled under these regimes’.

In this instance, the proposed scheme has been subject to consultation with the Environmental Health Department and NRW and there are no outstanding objections.

There were also comments made regarding the devaluation of property in the area. Members are advised that this planning consideration should be given little to no weight and is insufficient to justify refusal.

### Other legislative requirements

#### *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

#### *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

#### *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

#### *Wellbeing of Future Generations (Wales) Act 2015*

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **RECOMMENDATION**

For the reasons outlined above it is considered that the proposal development fundamentally complies with planning policy. The recommendation is one of conditional consent.

The Environmental Information has been taken into account in reaching the above recommendation.

#### **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, Environmental Statement and documents stamped as approved on xxxxx (drawing numbers RJC-MZ57-Evans-01, RJC-MZ57-Evans-02B, RJC-MZ57-Evans-03, RJC-MZ57-Evans-04, RJC-MZ57-

Evans-05, RJC-MZ57-Evans-07 dated 20/02/2017, RJC-MZ57-Evans-07 dated 09/03/2017, Environmental Statement received 28/07/2016, Odour management Plan received 28/07/2016, Noise Management Plan received 28/07/2016, Lighting Design Scheme received 13/12/2016, Manure Management Plan received 10/03/2017, Method Statement Pollution Prevention Plan received 10/03/2017 and Flood Consequential Assessment received 10/03/2017.

3. Notwithstanding the details submitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

4. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 3) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.

5. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 4) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.

6. The external cladding of the building and the feed silos shall be juniper green in colour for the lifetime of the development. The external elements of the mechanical fans shall also be juniper green or black in colour for the lifetime of the development.

7. 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.

8. 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.

9. The poultry units hereby approved shall be limited to occupation by 100,000 broilers.

10. The finished floor levels of the buildings hereby permitted together with any hardstanding and access area must be set at a level 64.3 AOD before the development is brought into operational use and retained as such over the lifetime of the development.

11. Prior to the occupation of the buildings hereby permitted the surface and foul water disposal proposals and flood compensation measures detailed on plans RJC-MZ57-Evans-07 dated 20/02/2017 and RJC-MZ57-Evans-07 dated 09/03/2017 shall be operational.

12. An 8 metre wide access corridor must be maintained between the development and Domgay Brook to allow for maintenance of the watercourse.

13. Any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence

14. The centre line of the first 15.0 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

15. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 15.0 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 15.0 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 2.4 metres distant from the edge of the adjoining carriageway and 60 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

16. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

17. Within 5 days from 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 0.400 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.

18. Prior to the occupation of the development a radius of 6.0 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

19. Prior to the occupation of the poultry unit the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15.0 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

20. Upon formation of the visibility splays as detailed in condition 15 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

21. Prior to the commencement of development, a scheme for the provision of two passing bays along Domgay Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed specification of the passing bays together with their locations. The passing bays shall be provided in accordance with the approved details prior to any works being commenced on the development site

22. Prior to commencement of development, a detailed Ecological Enhancement Plan and Tree Protection Plan shall be submitted to and approved by the Local Planning Authority which shall include details of the timing for implementation. The development must be implemented in accordance with the agreed details.

#### 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 the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2, ENV3, EC9 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
4. To ensure that the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2, ENV3, EC9 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
5. To ensure that the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2, ENV3 and EC9 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
6. To safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).
7. 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).
8. 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).
9. In order to control the number of broilers accommodated within the buildings in the interest of the local amenity. This condition is imposed in accordance with policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

10. To ensure that the vulnerable elements of the development are set above the floodplain plus climate change allowance in accordance with policy DC14 of the Powys Unitary Development Plan and Technical Advice Note 15 (2004).

11. To ensure that these elements of the development are adequately provided and to ensure that foul and surface water drainage is adequately catered for at the site in accordance with Powys Unitary Development Plan (2010) Policies DC9, DC11 and DC13.

12. To ensure that access to Domgay Brook is catered for to allow for maintenance in accordance with policy DC13 of the Powys Unitary Development Plan (2010).

13 to 21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

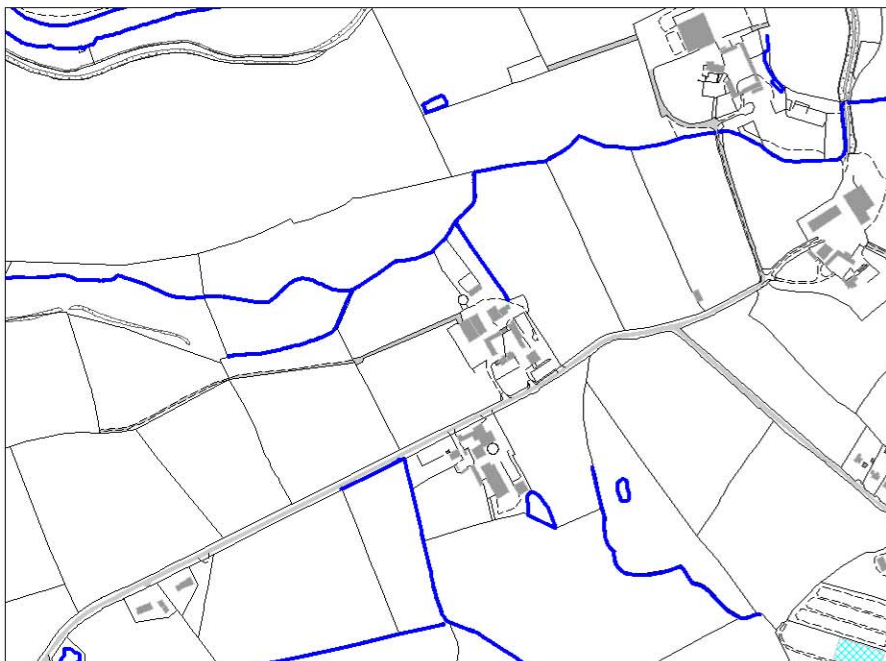
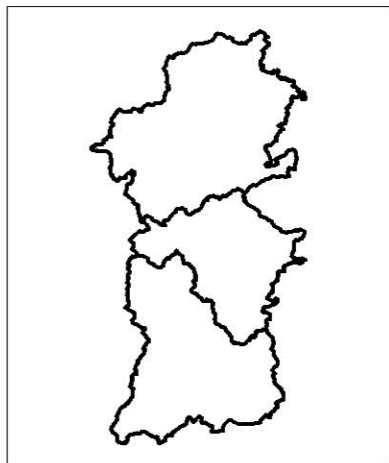
22. To ensure that ecological enhancement measures are implemented in accordance with Planning Policy Wales (2016), Technical Advice Note 5: Nature Conservation and Planning (2009) and Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

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Case Officer: Louise Evans- Planning Officer  
Tel: 01938 551127 E-mail:louise.evans1@powys.gov.uk

Applicant: E M Evans

Location: Domgay Hall, Llanymynech



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