

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2014/0009	Grid Ref:	300294.42 272355.33
Community Council:	St. Harmon	Valid Date:	Officer: 06/01/2014 Tamsin Law
Applicant:	Mr Carl Thomas, Beili Ddol Farm, Rhayader, Powys, LD6 5NS		
Location:	New Broiler Unit, Banc Gwyn, Llawrllan Hill, St Harmon, Rhayader, Powys, LD6 5NG		
Proposal:	Full: Erection of 2 broiler units, link control room, boiler building, feed bins, hard standing and access improvements		
Application Type:	Application for Full Planning Permission		

The reason for the update

Additional consultation response from Environmental Health has been received along with three letters of objection.

Consultation response

Environmental Health

Further to our conversation, Kevin Bray and myself have reviewed our comments in respect of this application.

We therefore wish to remove condition 17 and 19 from the suggested conditions. In relation to the noise condition the applicants noise assessment has demonstrated that noise from the fans onsite will not exceed WHO guidelines for sleep disturbance and therefore we would not object in respect of noise, also as the predictions show this by some margin then a condition is not required.

In relation to the odour condition and upon reflection we do not believe that this meets the tests in the planning circular. Odour from the units themselves does not usually cause an issue, odour problems generally result from manure management and other conditions have been set to control this. Therefore subject to the other conditions suggested we have no objection to this application.

Representations

Since the publication of the original Committee report two additional objections have been received and are summarised below;

- Concerns raised regarding the number and size of passing bays

- Increase in traffic on the highway
- Environmental concerns

CPRW

B & R CPRW commented on this application when the ES was uploaded to the website. Following publication of the Officer's Report we now wish to add further comment.

In view of the Well Being of Future Generations Act and the repeated Community Council objections and the large number of public representations objecting to this proposal we are disappointed that the Officer's Report gives little attention to public views. We are also disappointed that the Radnorshire Wildlife Trust representations is provided but not addressed in the Officer's Report.

Lesley Griffiths, Welsh Minister for Energy, Planning and Rural Affairs has written to the Chair of the Welsh Assembly Petitions Committee that LPAs must take into account views of bodies such as Wildlife Trusts (see WA Petitions website. Petition1305)

We have been unable to find the NRW assesment of cumulative impacts of ammonia emissions and nitrogen desposition mentioned in the OR (P31 para. 4) and cannot see any evidence that your authority has satisfied itself that cumulative imapcts of this development together with surrounding livestock units (given up to date background levels for ammonia emmisions and nitrogen deposition) on Gilfach Reserve are acceptable. This would be a matter for you rather than NRW. Nor is the Environment (Wales) Act mentioned in the list of Principle Planning Policies informing your decision.

We endorse Radnorshire Wildlife Trust's concerns about the risk from this site to a river system already under stress and note NRW advice to PCC Development Management about your Water Framework Directive duties.

The applicant has not been required to produce a manure management plan presumably because PCC have accepted the statement in the Design, Access and Planning Statement (DAPS) June 2014: "At the end of each flock cycle, the buildings are cleaned out and the manure removed using bobcat type machines and loaded directly into waiting vehicles, which are sheeted and the manure removed from the site. No manure will be retained on the site as this represents a disease risk to incoming flock of birds.". The recommended approval is tied to the DAPS via condition 2, it is therefore disappointing that proposed conditions nos. 20 and 22 are for poultry manure storage when a condition requiring no poultry manure storage or spreading on the holding from this site would be more appropriate. If PCC believe that manure might be stored an appropriate condition should require no development until a covered muck store had been applied for and permitted in writing. We believe that proposed conditions nos. 20 and 22 do not reflect any approval tied to the DAPS and fail to fulfil your WFD duties at such a sensitive site.

It is of great concern that PCC DM have accepted the DAPS statement that manure will be taken off site to anaerobic digesters or other biomass plants. This statement is not underpinned with evidence and we cannot understand to where the manure will be taken for these purposes. The recommended approval is tied to the DAS.

We note that condition no 14 for a tree planting scheme is tied to the DAS June 2014 and Site Layout Plan. It is unclear which plan is referred to as it is neither numbered or dated in the condition. It is of concern that this condition does not require the scheme to be

implemented within a defined time period, particularly as it serves a dual purpose of landscaping and biodiversity enhancement.

Officer Appraisal

Following review of their response Environmental Health provided a further response stating that the noise assessment demonstrated that noise from the fans on site would not exceed WHO guidelines and would not object to the development in respect of noise. As such they consider that the condition regarding noise was unnecessary.

They further comment that odour from such units do not usually cause an issue and consider that the condition regarding odour is not necessary. Environmental Health confirm that they do not object to the proposed development on odour.

An additional condition has also been attached to this report requiring adherence with the method of manure management outlined within the Design, Access and Planning Statement.

Issues surrounding highway safety and biodiversity impacts have been considered in the original officer report.

Conclusion

Having considered all statutory consultee responses and third party representations, due consideration has been given to the proposed development and its potential impact upon the amenity and character of the area in this locality.

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

The Environmental Information submitted has been considered in full in the determination of this application.

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 approved plans and documents (drawing no's: IP/CT/01, IP/CT/02B and IP/DC/13 and documents; Environmental Statement, Design, Access and Planning Statement, Surface Water Management Plan dated 9th April 2014, Noise Impact Assessment dated 5th September 2014 and Surface Water Management Plan dated August 2017).
3. 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.

4. 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.
5. Any entrance gates shall be set back at least 15.0 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. Before any other development commences 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 2.4 metres distant from the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.
7. Before any other development commences 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 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.
8. Prior to the occupation of the broiler units 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 metres from the edge of the adjoining carriageway.
9. The centreline of any new or relocated hedge should be positioned not less than 1.0 metres to the rear of the visibility splay.
10. No storm water drainage from the site shall be allowed to discharge onto the county highway.
11. Prior to any works being commenced on the development site the applicant shall construct 5 passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard before any other works commence on site.
12. The mitigation measures identified in the Baseline Ecological Site Audit Report produced by Betts Ecology dated December 2013 shall be adhered to and implemented in full and maintained thereafter.
13. The Mitigation and enhancement measures identified in Breeding Bird Survey Report produced by Betts Ecology dated June 2014 shall be adhered to and implemented in full and maintained thereafter.
14. The Native tree Landscaping Planting Specification referred to in the Design and Access Statement produced by Ian Pick dated June 2014 and shown on the Site Layout Plan

(drawing no. IP/CT/02B dated June 14) shall be adhered to and implemented in full and maintained thereafter.

15. No development shall commence until a detailed Planting Specification and Aftercare Scheme for the detention basin shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
16. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
17. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
18. No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground. No manure shall be stored over field drains or within 10 metres of a watercourse.
19. All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.
20. All stored manure that needs to be covered shall be covered by the end of the day. The covering shall be tightly with polythene in such a manner as to leave no gaps and the edges of the polythene shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.
21. Manure shall be managed in line with paragraph 1 page 5 of the Design, Access and Planning Statement.
22. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.
23. No development shall commence until full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site to be limited to 6 l/s maximum discharge, include a management and maintenance plan for the lifetime of the development or other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The development shall only take place in accordance with these agreed details and be fully completed before the site becomes operational.
24. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved 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 comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
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16. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
17. To protect the local amenities of the local residents by reason of noise in accordance with DM13 of the Powys Local Development Plan 2018.
18. To avoid runoff and prevent deterioration of the local amenities in accordance with DM13 of the Powys Local Development Plan 2018.
19. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in accordance with DM13 of the Powys Local Development Plan 2018.
20. To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water in accordance with DM13 of the Powys Local Development Plan 2018.
21. To protect the local amenities of the local residents by reason of noise in accordance with DM13 of the Powys Local Development Plan 2018.
22. To protect the amenity of local residents from excessive noise, vibration and dust in accordance with DM13 of the Powys Local Development Plan 2018.
23. To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.
24. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird

- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

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