

# Public Document Pack



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Os yn galw gofynnwch am - If calling please ask for  
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## PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 4th July, 2019

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

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### SUPPLEMENTARY PACK

1.	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>	4
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To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 1 - 2)

#### 1.1. **Updates**

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

(Pages 3 - 22)

#### 1.2. **19/0992/AGR Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW**

(Pages 23 - 28)

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# Agenda Item 4

## Planning, Taxi Licensing and Rights of Way Committee 4<sup>th</sup> July 2019

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

### Applications for consideration by Committee:

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

<b>19/0992/AGR</b>  Llansilin Community  E: 317874 N: 329184  20.06.2019	Agricultural Notification for the erection of an extension  Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW  Bryn Davies  <b>Recommendation:</b> Approve
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proximity to the farmhouse. The impact on the applicants property should not in my opinion be considered

### *Dust and Bioaerosol*

I note that concerns have been raised about the health impacts of. Previously Public Health Wales (PHW) advice has been sort on this topic.

Whilst recognising the need for further research, PHW stated that based upon current evidence there is no need to change the regulatory approach.

Their advice states:-

“While health effects among farmers exposed to high levels of bioaerosols are well documented, there is also a potential impact on respiratory health among communities, especially children, living near intensive farming operations. The most recent published review of the literature recognised the potential impact on children living near to such sites but also concluded that the current evidence is not sufficient to recommend an increase in the distance required for a risk assessment from 100m to 250m”.

In this case as the sensitive residential receptors are beyond 100m there is no need for the applicant to undertake a detailed risk assessment for Bioaerosol. It would however be prudent to include a condition on any application granted requiring a dust management plan, which would ensure good practice onsite.

### *Manure Management*

Full consideration has been given to the manure management plan, which identifies areas of field spreading. Given that individual fields will only be spread upon once every 12months, whilst odorous during this period the frequency of occurrence is not such that it would be of concern.

In addition the applicant has included exclusion zones for spreading around Private Water Supplies known to this department at this time.

As discussed clarification around storage would be useful.

### *Cumulative Impact*

The nearest unit being referred to from our discussion is 1 km from the site. At this distance cumulative impacts from the units in respect of odour, noise and dust would not be relevant and do therefore do not need to be considered further.

### County Ecologist

Supporting info regarding great crested newts is attached – hopefully this plus NRW's response should cover you

With regards to the other comments received:

Lack of ecology survey.

The Powys LDP Biodiversity SPG provides guidance as to what surveys are likely to be required it does not specify that those surveys will definitely be required. TAN 5 Section 4.3.4 identifies *'The information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance.'*, consideration was given to the nature of the habitats impacted by the proposed development and whether it was proportionate to require an ecology survey. In this instance it was deemed by the PCC ecologist that given the nature of the site and current management the potential for the development to impact habitats or protected species was unlikely and that a survey would not be required.

Ammonia assessment

The assessment of the ammonia and nitrogen deposition has been undertaken in accordance with the current guidelines from NRW – GN020 - Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units Technical guidance for determining environmental permit applications or responding to planning application consultations. This guidance identifies that it does not replace existing guidance for assessing the impact of emissions on local nature reserves (LNRs), local wildlife sites (LWSs) and ancient woodland (AW). For these sites the “Intensive farming risk assessment for your environmental permit” should be used which is available on GOV.UK. – the assessment methodology has been carried out in accordance with these guidelines.

Replacement of coniferous woodland with broadleaved

The comment regarding replacement of coniferous woodland with native broad-leaved woodland providing biodiversity enhancements is due to the nature of broadleaved woodland versus coniferous and the generally higher biodiversity value of broad-leaved woodland habitat. In addition mixed native broadleaved woodland is likely to be more resilient to risks from disease as opposed to monoculture coniferous woodland.

Let me know if there is anything else that I have missed or you're not sure about

Natural Resources Wales

I have been advised by the Protected Species team they would not have concerns for the removal of the trees and replanting with native species, provided some of the felled material is retained on the site to form habitat piles.

**Third Party Representations**

A further 5 representations have been received by Officers. The concerns expressed therein can be summarised as follows;

- Disregard and little consideration of third party representations;
- Potential contamination of private water supplies serving Norton Manor Caravan Park;
- Health implications of manure spreading;
- Adverse impact on Ancient Woodland;
- Unacceptable adverse impact on residential amenity – spreading of manure;
- EIA screening opinion fails to examine the likely significant environmental impact of the development;
- No red line boundary to correspond to planning fee or blue line outlining extent of land ownership;
- Insufficient and inconsistent information submitted – number of birds misleading which has implications on highways movements, odour, and quantity of manure produced, noise and possibly other calculations.
- Inadequate presentation of manure spreading – no indication of contours, watercourses or residential properties;
- No detailed hydrological investigations have been undertaken;
- Water quantity – uncertainty regarding capacity given demand of the development;
- Validity of the calculations within the Manure Management Plan (MMP);
- Vague details of manure storage have been provided;
- No dust or odour assessment submitted;
- Ammonia calculations inaccurate – associated impact on the environment;
- No ecological report submitted;
- Cumulative impacts – no assessment of potential impacts upon residents;
- No consideration of Well Being of Future Generations Act;
- Increase in traffic;
- Oversupply of poultry units within Powys;
- Adverse impact on biodiversity;

### **Officer Appraisal**

#### Environmental Impact Assessment Regulations 2017

Members are advised that a revised screening opinion has been adopted by the Local Planning Authority.

#### Well Being and Future Generations Act

Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is central to achieving sustainable

development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.

In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

Officers note that the proposed poultry development seeks to support an existing agricultural enterprise which in turn will positively contribute to the rural economy. In considering the proposed development and based upon the consultee advice secured, it is not considered that the proposed poultry development will compromise the Well Being Goals as detailed within Planning Policy Wales.

#### Residential Amenity

Planning policy seek to safeguard and protect the amenities enjoyed by occupants of existing and proposed properties by reasons of noise and odour.

Additional information submitted by the applicants agent confirms that manure produced by the proposed poultry unit will be spread on land on which imported poultry manure is currently spread whilst the location of the manure store within the existing complex has been identified.

The additional Environmental Health comments received confirm that an assessment of potential impact on neighbouring properties has been undertaken and includes consideration of both odour and dust. Whilst acknowledging the third party concerns expressed, on the basis of the comments received, it is not considered that there is sufficient evidence to demonstrate that the proposed development will have an unacceptable adverse impact on residential amenity contrary to policy DM13 of the Powys LDP.

Notwithstanding the above, it is noted that the assessment of noise impact contained within the Design and Access Statement refers to 10 roof mounted fans however the submitted elevations indicate the provision of 13. As such, should Members be minded to grant consent, it is recommended that a suitable condition is attached restricting the number of fans to 10, consistent with the calculations provided.

Subject to the above and on the basis of the comments received, Officers consider that the proposed development will not adversely affect the amenities enjoyed by existing and

proposed residential properties both on an individual basis and in accumulation with existing/proposed/consented poultry units within the surrounding area.

### Ecology and Biodiversity

Consideration has been given to the potential impacts of manure spreading on biodiversity. It is understood that the land on which the manure will be spread is improved grassland. The majority of the land is either arable, potato or root crop which require annual ploughing whilst others are heavily treated, topped and grazed.

Given the current nature of the spreading areas, it is not considered that the spreading of manure will adversely affect biodiversity at this location compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

### Private Water Supplies

Planning Policy Wales states that water supply and water resources are a material consideration in the determination of any planning application and should be taken into account in identifying land for development (para.6.6.7). Thereafter, paragraph 6.6.9 states that water supply should be considered when proposing development because of the consequential environmental and amenity impact associated with the lack of capacity.

As part of this application process Environmental Health and Natural Resources Wales have been consulted. No objections have been received from either consultee on the application regarding private water supplies in the area. A number of third party objections have been received in relation to the proposed development raising concerns over capacity given the requirements of the building.

Whilst acknowledging the concerns expressed, no evidence has been provided by interested third parties to demonstrate that there is insufficient water supply in the area. Based upon the consultee advice received together with the lack of robust evidence, Officers consider that insufficient weight can be given to this matter to justify a refusal of consent.

### **Recommendation**

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed below;

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: GD-MZ254-01 Location Plan, GD-MZ254-01 Drainage Plan, GD-MZ254-02 and RPP/GD-JO864-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Manure Management Plan and Method Statement Pollution Prevention).
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 the rearing of pullets.
5. Notwithstanding the approved plans, prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.
6. Prior to the commencement of development, a Reasonable Avoidance Method Statement – Construction Phase in respect of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
7. 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.
8. No development shall commence until details of existing and proposed ground levels together with finished 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.
9. Prior to first use, full details of the external finish of the proposed poultry unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
10. The poultry unit hereby approved shall house a maximum of 37,000 birds.

11. Notwithstanding the approved plans, the number of roof mounted fans shall be limited to a maximum of 10.

**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. 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 (2018).
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 (2018).
5. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018)
6. In order to safeguard European Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan, Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
7. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018).
8. 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 (2018).
9. 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 (2018).
10. In order to control the number of birds in the interests of the environment in accordance with policies DM2 and DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
11. In order to safeguard the amenities enjoyed by occupants of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan (April 2018), Technical Advice Note 11 – Noise (2009) and Planning Policy Wales (2018).

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# Committee Update

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Erection of a pullet rearing unit  
at land at Old Impton Farm,  
Norton, Presteigne

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Prepared for R Wilding

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land & property  
professionals

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## Committee Update

The above proposal is on the agenda for committee determination on the 4<sup>th</sup> of July. Following the officer's report being made public, CPRW and a third-party representation decided to make additional comments.

In light of their late response and the comments raised, we didn't have a choice but to address these comments as part of an update to committee.

### CPRW

1. **EIA Screening** – The Local Planning Authority have screened the proposal and have quite rightly come to the conclusion that this is not EIA development. The development is well below the indicative thresholds within the EIA regulations, and the assessments carried out illustrate that all matters are considered to be acceptable, without an environmental statement required.
2. **The application** – The red line boundary is on the location plan; we are unsure with the comment 'to correspond to the planning fee' as the planning fee is based on the floor area of the development not the site area or red line boundary. There is a blue line that illustrate the extent of the land under the ownership of the applicant on the location plan.
3. **Insufficient and inconsistent information** – The number of birds specified in the documentation has specified approximately 37,000 or 36,600. These figures are within 400 birds of one another, and typically a flock is 36,600. The number of cycles per year, depends on the contract and the firms requirement of birds. The sheds can be empty from 10 days for wash out, up to 28 days. Hence the number of cycles per year vary. The rule of thumb is about 2.3 cycles per year.

Waterbodies are indicated on plan and the manure maps are shown in relation to the nearby residences, and a buffer has been provided to those residences.

The manure management maps illustrate the existing residences in relation to the manure spreading. All the land identified of being spread on, has been spread with poultry manure for decades by importing poultry manure. No more poultry manure will be spread on these fields than what is being done currently, and therefore this proposal will have no more impact than what is currently being spread on.

4. **Hydrology** – The proposal is for a self-contained pullet rearing unit, with limited or no alteration to the character of the ground and surface water features, similar to any agricultural building. The character of the drinking water aquifer will remain unchanged, given that no dirty water will go into the ground (SSAFO compliant dirty water tank). If the hydrology factor is raised due to manure spreading, this will remain unchanged, as the land has had poultry manure spread on it for decades.

**Water Quality** – Full consultation has been carried out with the environmental health officer who has raised no concern regarding potential pollution. The water quality will not change due to this proposal, as the ground or manure spreading will not change.

**Water Quantity** – The water quantity should not be considered a material factor, as the shed will utilise the existing borehole on site, which is constantly operational. The 2,500 litres per day for 37,000 birds is an average of their 16 weeks in house, and therefore will

vary from low consumption when they are young and then higher consumption when they are set to leave the house. The rate is well below the 20,000 litres per day required for an abstraction licence from NRW.

5. **Manure Management** – All the figures used within the manure management plan is DEFRA guidance. The applicant has nearly 3 times the land required for the manure produced by the proposal and therefore the comment about the housing of existing stock is irrelevant, as the amount of manure produced by the current stock is negligible in comparison to the land available.

The location of the manure storage has been identified as being in the existing farm buildings on the farm and the fields to be spread on has been identified.

The high court judgement did not stipulate that potential dust and odour impact need to be modelled, it only considered that the consultees need to assess the impacts.

DEFRA Guidance (Local Air Quality Management Technical Guidance (TG16) April 2016) again stipulates that a screening assessment of a poultry unit installation only occurs when the proposed number of birds is over 400k AND a sensitive receptor is under 100m away.

6. **Living Conditions** – Again please refer to DEFRA's technical guidance on air quality management and not depend on a newspaper article.

We are content in a condition being placed on the permission limiting the maximum noise emission from the fans and the number of fans to be restricted to a maximum of 10.

7. **The Natural Environment** – Again, CPRW question the content of some information supplied in the application, but use newspaper articles as 'evidence'?

As the Cllr's are fully aware training has been provided by NRW regarding ammonia and nitrogen pollution. NRW have reduced their acceptability thresholds for new units to 1% or under on national sensitive sites, which is a big step. The modelling carried out for this development is under 1% and therefore the impact on nationally sensitive sites is acceptable even within the new restrictive threshold.

The ammonia and nitrogen modelling has been assessed by a professional air quality assessor and reviewed by professional and competent bodies in NRW and Powys Ecology and everybody has come to the conclusion that the proposal will not give rise to unacceptable impacts on the natural environment.

8. **Cumulative Impacts** – The planning department and consultees has taken into account the potential cumulative impact. They have confirmed that this proposal being a small-scale pullet rearing unit is acceptable on an individual basis and cumulatively as well.

9. **Well Being of Future Generations Act** – This is covered within the officers report.

## **Third Party Representation**

### **Document inconsistency**

The documentation submitted is to a very high standard and limited copy and paste is used, only on items that are identical such as information on bird welfare or processes within copy and paste is used, comments like these without examples being provided or where they feel the application is 'poor' cannot be addressed.

### **Red line application boundary**

The red line boundary is illustrated fully within the location plan.

The site area where works are carried out will be a different site area of the red area. Landscaping proposals are not required to be in the red area, as it can be conditioned if it's within the ownership of the applicant.

The number of birds will be approximately 37,000, but normally they only bring in 36,600-day old chicks. We thought of rounding up the figure to 37,000 as we try and use the precautionary approach when dealing with these type of developments.

The number of cycles vary to firms and each cycle, depends on the timings and demand of the point of lay hens. The period of which the hens are there for, again depending where they go, and when an egg laying unit is ready for them.

### **Vehicle movements**

The vehicle movements associated with a pullet rearing unit is negligible in comparison to the forestry movements, agricultural movements and residential movements of Mynd Road. The HGV movements are only the collection and delivery of birds and on average 2 feed movements a month. All other movements are vans or cars.

### **Site Constraints**

The footpath has been indicated on plan, and full consultation has been undertaken with the rights of way officers regarding this element and discussions have taken place outside the planning process.

### **Ecology**

Powys Ecology and NRW have fully considered the proposal on a number of occasions and have come back on each occasion with no objection.

### **Highway Safety**

The very fact that Mynd Road is busy and is utilised by a number of vehicles including HGV's as specified in the 3<sup>rd</sup> party response, illustrates that the proposed movements of this proposal will be negligible in comparison to the existing uses and therefore not raise any highway safety issue.

### **Residential Amenity**

#### **Noise**

The professional environmental health officer has confirmed no objection in respect of noise, the nearest sensitive receptor is over 440m away. Noise assessments have been carried out in the past

on units that are 85m from a sensitive receptor and considered acceptable, and therefore 440m away, there will be no detrimental noise impact.

We are happy to have a condition attached, limiting the decibel levels to be exceeded at residential properties.

### **Dust**

The 3<sup>rd</sup> party should refer to Defra's technical guidance when considering impacts of dust on residences.

### **Private Water supplies**

The proposal will utilise an existing borehole that is currently operational, no new borehole will need to be created. The usage of water of this proposal is well below the 20,000-litre daily amount that requires an abstraction licence, and the usage of water by chickens is significantly less than cattle of which the applicant could house in the existing buildings.

There is no evidence or complaints received about water supplies in the area, and water quantity issues from private water supplies is not relevant to the planning process.

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

**Application Number:** 19/0506/FUL

**Grid Ref:** E: 314095  
N: 261613

**Community Council:** Penybont Community

**Valid Date:** 04.04.2019

**Applicant:** Mr Eddie McIntosh

**Location:** Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

**Proposal:** Erection of five agricultural buildings and associated works (retrospective)

**Application Type:** Full Application

### REPORT UPDATE

This report forms an update to the Officers recommendation previously circulated to Members.

### Consultee Responses

Environmental Health

1<sup>st</sup> July 2019

Thank you for the additional information. In light of this I have no objection to the application.

Ecologist

3<sup>rd</sup> July 2019

Thank you for consulting me with regards to planning application 19/0506/FUL which concerns a Retrospective application for the erection of five agricultural buildings and associated works at Mellowcroft, Llandegley, Llandrindod Wells Powys.

I have reviewed the submitted information which includes details of the structures included in the current application as well as details of waste management in relation to the use of composting toilets and foul water etc.

Having reviewed the nature of the proposed development which is retrospective in nature and taking into account my knowledge of the site in light of previous applications it is considered that the proposals outlined in the current application would not result in negative impacts to or loss of biodiversity at the site or in the wider environment.

I therefore do not have any objections to the proposed development with regards to biodiversity matters.

Should you be minded to approve the application I recommend that a condition is included to secure adherence to the submitted Waste Management Plan, in addition given the rural location of the site I recommend that a condition is included to ensure that any external lighting installed on the agricultural buildings is appropriate and would not result in negative impacts to biodiversity including any wildlife foraging or commuting in the local area, suitable wording for such a condition is detailed below

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

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

In addition I recommend inclusion of the following informative:

#### Protected Species

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

#### **Officer Appraisal**

#### Environmental Health

The application site includes a composting toilet to facilitate any workers on the Land. Environmental Health have been consulted and whilst they consider the use of composting toilets to be acceptable in principle they currently had insufficient information in relation to the management of the waste and its storage.

Additional information was provided in respect of the compost toilet facilities which also indicated an area for the spreading of the compost. The Environmental Health officer was re-consulted on the additional information and confirmed that they have no objection to the proposed development.

In light of the above and subject to a conditions ensuring the management of the waste in line with the details as submitted the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The Powys Ecologist has been consulted and has confirmed that the current application as proposed would not result in negative impacts to or loss of biodiversity at the site or in the wider environment and therefore does not have any objections to the proposed development with regards to biodiversity matters.

The Ecologist however recommended that should consent be granted a condition is attached to any grant of consent to ensure adherence to the submitted Waste Management Plan and in addition given the rural location of the site recommended that a condition is included to ensure that any external lighting installed on the agricultural buildings are appropriate and would not result in negative impacts to biodiversity including any wildlife foraging or commuting in the local area.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### **RECOMMENDATION**

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

## Conditions

1 The development hereby being retrospective shall take effect from the date of issuing of the decision notice.

2 The development shall be carried out in accordance with the following approved plans and documents A01(A), A02(A), A03, A04, A05, A06, A07, A08, A09, Waste Water and Foul Drainage Statement and Compost Toilets Design Statement.

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 agricultural buildings shall be erected without the consent of the Local Planning Authority.

4 The buildings hereby approved shall be used for agricultural purposes or in connection with any use incidental to that use only.

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

3. 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 (2018).

4. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

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

## Informative

### Protected Species

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

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Case Officer: Gemma Bufton, Principal Planning Officer  
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Crime and Disorder Act 1998  
Equality Act 2010  
Planning (Wales) Act 2015 (Welsh language)  
Wellbeing of Future Generations (Wales) Act 2015

## Officer Appraisal

### Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018). The application site is bound by agricultural land to the north, to the east is an agricultural building, an access track is located to the south west of the site with a woodland beyond.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the building . In addition, the planning authority is required to determine whether the proposal would not be permitted development and as such would require full planning permission.

This prior notification is sought for the erection of a livestock building.

### Principle of Development

Permitted development rights are granted for a range of agricultural buildings and operations. Rights to erect, extend or alter such buildings, and for excavations and engineering operations, are available to agricultural units of at least 5 hectares under Class A of the GPDO.

This prior notification is for the erection of a livestock building. The proposed measurements are 20 metres in length, 10.4 metres in width, 3 metres to eaves, and 5 metres to ridge. The building is to have concrete block walls with the remainder clad in timber with a steel sheet roof, dark green in colour. The total floor space is approximately 208 sq.m. The submission states that the parcel of land where the building will be located is 1 or more hectare.

The proposed development is permitted development subject to the criteria contained within the table below. If the answer to any of the questions in the checklist below is **yes**, the works are not permitted development and an application will need to be submitted.

Would the development be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area (2.741 acres)?	No
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Would the ground area covered by the works exceed 465 sq meters	No
Is any part of the building over 12m in height	No
Are any parts of the development within 25 metres of the metalled part of a trunk or classified road?	No
Is the building within 3km of the perimeter of an aerodrome and over 3metres in height?	No
Are the building, structure or works not designed for agricultural purposes	No
Would the building, structure or excavation used for the accommodation of livestock, of storage of slurry or sewage sludge be within 400m of the curtilage of a protected building? (A protected building means a permanent building occupied by people excludes farm dwellings, but could include village hall, church etc). N.B. emergency housing, seasonal lambing may be acceptable	No
Would the building be within 90 metres of another building, structure, works, plant, machinery, ponds, tanks constructed in the last 2 years, and would the combined ground area covered by the works exceed 465sq m	No
Would the works involve the exporting of minerals from the holding or importing of waste material into the holding (other than for Class A works)?	No
Would the works involve excavation or engineering operations on or over article 1(6) land (national Park) which are connected with fish farming?	No
Have any part of the works started?	No

Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration. Only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings would it be necessary for the authority to require the formal submission of details for approval. In this instance, there are no known historical assets or nature interests in the immediate locality which the building would impact upon and it is not considered that the proposal would have a significant impact on the character of the area due to the existing natural screening of the site.

On this basis, it is considered that the proposed building benefits from the permitted development rights afforded by Part 6 Schedule 2 of the General Permitted Development Order 1995 for Agricultural Buildings and Operations Class A and does not require planning permission.

## **RECOMMENDATION**

Officers consider that the proposed development constitutes as permitted development and therefore prior approval or full planning permission are not required. The recommendation is therefore one of approval.

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(NORTH)

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PCC/ECR PLANNING

10 JUN 2019

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