

Planning, Taxi Licensing & Rights of Way Committee

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



Meeting Date
Thursday, 3 May 2018

County Hall
Llandrindod Wells
Powys
LD1 5LG

Meeting Time
9.30 am

For further information please contact
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26 April, 2018

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

AGENDA

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| 1. | APOLOGIES |
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To receive apologies for absence.

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| 2. | MINUTES OF THE PREVIOUS MEETING |
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 12 April, 2018 as a correct record.

(To Follow)

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| Planning |
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| 3. | DECLARATIONS OF INTEREST |
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

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

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

(Pages 5 - 6)

4.1. Updates

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

(To Follow)

4.2. P/2015/0131 Land at Penarth Farm, Cregrina, Llandrindod Wells, Powys, LD1 5SF

(Pages 7 - 114)

4.3. P/2017/1044 Hendre Poeth, Llansantfriad ym Mechain, Powys SY22 6TJ

(Pages 115 - 170)

4.4. P/2015/0176 Land at Bryn Henllys Open Cast Mine site near Cwmllynfell, Upper Cwmtwrch, Swansea, Powys

(Pages 171 - 220)

4.5. P/2018/0067 Unit 4, Dyffryn Industrial Estate, Pool Road, Newtown, Powys, SY19 3BD

(Pages 221 - 232)

4.6. P/2018/0201 The Glen, Glanyafon, Llanfair Caereinion, Welshpool SY21 9EB

(Pages 233 - 240)

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

(Pages 241 - 252)

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| 6. | APPEAL DECISION |
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To receive the Planning Inspector's decision regarding appeals.

(Pages 253 - 260)

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Planning, Taxi Licensing and Rights of Way Committee
3rd May 2018

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

Applications for consideration by Committee:

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

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| <p>P/2015/0131</p> <p>Glascwm</p> <p>310991.43 254053.58</p> <p>09.02.2015</p> | <p>Full: Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works.</p> <p>Land at Penarth Farm Cregrina Llandrindod Wells Powys LD1 5SF</p> <p>Mr V Powell Hundred House Garnwen Llandrindod Wells Powys LD1 5RP</p> <p>Recommendation: Conditional Consent</p> |
| <p>P/2017/1044</p> <p>Llansantffraid</p> <p>321905.69 318481.7</p> <p>18.09.2017</p> | <p>Major - Erection of a replacement intensive poultry building and all associated works to include a boiler bio mass storage building.</p> <p>Hendre Poeth, Llansantfriad ym Mechain Powys SY22 6TJ</p> <p>Mr Bebb Wallace Bebb Farms Hendre Poeth Llansantfriadym Mechain Powys SY22 6TJ</p> <p>Recommendation: Conditional Consent</p> |

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| <p>P/2015/0176</p> <p>Ystradgynlais</p> <p>276414 212002</p> <p>06.02.2015</p> | <p>Full: Installation of Solar Photovoltaic (PV) Farm with ancillary infrastructure capable of generating up to 20 MW.</p> <p>Land at Bryn Henllys Open Cast Mine site near Cwmllynfell, Upper Cwmtwrch, Swansea, Powys</p> <p>Mr David Mackins, Juwi Renewable Energies Ltd</p> <p>Recommendation: Conditional Consent</p> |
| <p>P/2018/0067</p> <p>Newtown</p> <p>296632.9 267941.51</p> <p>28.09.2015</p> | <p>Demolition of existing building and construction of a Household Waste Recycling Centre (HWRC) and associated infrastructure.</p> <p>Unit 4, Dyffryn Industrial Estate, Pool Road, Newtown, Powys, SY19 3BD</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p> |
| <p>P/2018/0201</p> <p>Llanfair Caereinion</p> <p>310572.81 306654.17</p> <p>12.02.2018</p> | <p>Full - Reconfiguration of turning point to create parking bays and associated works.</p> <p>The Glen, Glanyafon, Llanfair Caereinion, Welshpool SY21 9EB</p> <p>Mr A Corbett, Pool Road, Kirkhamfield Depot, Newtown Powys SY16 3AF</p> <p>Recommendation: Conditional Consent</p> |

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

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| Application No: | P/2015/0131 | Grid Ref: | 310991.43 254053.58 |
| Community Council: | Glascwm | Valid Date: | Officer: 09/02/2015 Tamsin Law |
| Applicant: | Mr V Powell, Hundred House, Garnwen, Llandrindod Wells, Powys, LD1 5RP | | |
| Location: | Land at Penarth Farm, Cregrina, Llandrindod Wells, Powys, LD1 5SF | | |
| Proposal: | Full: Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works | | |
| Application Type: | Application for Full Planning Permission | | |

The reason for the update

The application was requested to be deferred from Committee to allow for a Habitats Regulation Assessment to be undertaken. Additional correspondence from consultees was also received.

This report should be read along with the original Committee and update report.

Consultee Response

PCC Ecologist

Representations 28th November 2016

Please find below recommendations regarding ecology with regards to planning application P/2015/0131, the recommendations outline the findings of a revised Habitats Regulations Assessment Screening as a result of submission of revised plans.

A Habitats Regulations Assessment Screening of the application was undertaken in April 2016, this screening assessment concluded that the proposed development would not result in a Likely Significant Effect to the River Wye SAC and/or its associated features either alone or in combination with other plans or projects in the area. NRW reviewed this screening assessment and in their response dated 22/04/2016 advised that they considered the conclusion of the screening assessment to correct.

Following this NRW revised their consultation response dates 11/05/2016 that the submitted ranging area was too small, Commission Regulation (EEC) No, 1274/91 (OJ No L 121 of 16.5.91) as amended required that free range poultry enterprises satisfy at least the condition specified in Article 4 of Directive 199/74/EC – one of these requirements is that ranging areas

have a maximum stocking density of 2500 hens per hectare (4m² per hen) for free range chickens. The identified ranging area comprised an area of approximately 2.77ha and to comply with the requirements a ranging area of approximately 6.4ha would be required. NRW advised that the applicant should review the extent of the ranging area and identify any additional ranging areas to demonstrate compliance with the regulations.

In response to comments made by NRW an updated plan of the ranging area was submitted – the revised plans indicated that the proposed ranging area would extend to the field on the opposite side of the stream and that a crossing will be used for the chickens to move between the two fields.

In light of the revised plans NRW advised in their comments dated 10/06/2016 that the consideration of further development identified in the revised plans would require the Habitats Regulations Assessment undertaken by Powys LPA (the Competent Authority) to be revisited and that further development identified in the revised plans would require consideration in the context of the HRA and possible effects on European Protected Sites and their associated features. In this response NRW also requested further information regarding a number of issues prior to the determination of the application, in summary the information requested was;

- Great crested newt habitat management plan
- Clarification of the construction for the crossing
- Amendment to the plans to show fencing or field boundaries
- Amendments to plans to identify any existing watercourses/ditches within the ranging area.

Information regarding the details of the construction of the crossing was again requested by NRW in their response dated 04/08/2016.

NRW revised their position regarding the submission of details of the construction of the crossing in their responses dated 08/09/2016 and 12/10/2016. In these responses NRW advised their previous request for submission of the construction details of the crossing prior to determination of the planning application instead suggested that the submission and approval of this information prior to the construction commencing could be secured through an appropriately worded planning condition.

The NRW response dated 12/10/2016 also makes reference to comments made to Powys LPA by Radnorshire Wildlife Trust regarding the potential presence of white clawed crayfish in the tributaries of the River Wye SAC. In addition two reports concerning white-clawed crayfish have been submitted to the LPA raising concerns over the potential impacts from the proposed development to white clawed crayfish – a feature of the River Wye SAC.

The first report received was produced by Fred Slater, this report confirmed the presence of a breeding population of white clawed crayfish at Hollybush approximately 250m north of Penarth Farm.

The second report received was produced by Protected Species Ecology Ltd dated 3rd November 2016 which provided the results of an assessment of a stretch of 400m of a watercourse (a tributary of the River Edw which is SSSI and a component of the River Wye SAC) at Cregrina from the boundary of the proposed development at Penarth Farm to an unclassified road 20m south of the junction with the River Edw. The site surveyed is

approximately 500m south west of the 'Hollybush Stream' referred to in Dr Slater's report. The assessment produced by Protected Species Ecology Ltd concluded that suitable habitat was present in the section of watercourse surveyed to support white clawed crayfish.

NRW identify in their response that during a site visit undertaken by NRW staff on 05/10/2016 that no white clawed crayfish were discovered and several features were identified that could make the watercourse less suitable to support white clawed crayfish, the response dated 12/10/2016 states

'while NRW do not think it is likely that the watercourse supports white clawed crayfish it is possible that they are present'

NRW advise that the presence of white clawed crayfish should therefore be assumed and suitable mitigation measures would need to be put in place to ensure the scheme would not affect water quality within the adjacent watercourse and the River Edw and that Reasonable Avoidance Measures would be required during the construction/improvement of the crossing between the ranging areas – NRW recommended that submission of this information could be secured through an appropriately worded condition.

Following NRW's request for the submission of a great crested newt Habitat Management Plan in comments dated 10/06/2016 and 04/08/2016, a Great Crested Newt Mitigation Strategy produced by Craig Emms dated July 2016 was submitted. NRW response dated 08/09/2016 advised that the submitted strategy was considered satisfactory in terms of terrestrial habitat management and contingency measures for great crested newts. NRW have recommended that further information regarding field surveillance would be required based on available guidance and for a minimum period of 5 years. NRW have advised that this additional information could be secured through an appropriately worded condition.

Following submission of revised details regarding the ranging area required for the proposed development the HRA Screening assessment undertaken in April 2016 is no longer considered to be valid. As required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) the revised plans have been assessed to establish whether the proposals could result in a likely significant impact to the River Wye SAC and its associated features.

A revised screening of the proposed development taking into account the additional information provided has concluded that a Likely Significant Effect to the SAC or its associated features cannot be ruled out due to lack of details regarding;

- The construction/operation of the crossing between the two ranging areas;
- How it will be ensured that water from the crossing will be directed away from the watercourse
- How the crossing will be designed to protect the water quality of the watercourse and associated watercourses
- Details of any barriers proposed in relation to the watercourse and crossing
- Details of measures that will be implemented during construction/improvement of the crossing to ensure no direct or indirect impacts to white clawed crayfish populations which may be present in the watercourse or associated watercourses

Whilst NRW have recommended that details of the construction of the crossing between the two ranging areas and mitigation measures and appropriate Reasonable Avoidance

Measures regarding white clawed crayfish could be secured through appropriately worded conditions, in the absence of this information prior to determination of the application the potential for the proposed development to result in a Likely Significant Effect on the River Wye SAC and/or its associated features cannot be ruled out.

Where a potential impact on the European Designated site cannot be ruled out at the screening stage, either alone or in combination with other plans or projects, then an Appropriate Assessment would be required to be undertaken by the LPA. The Appropriate Assessment establishes whether in the view of the site's conservation objectives the development would have an adverse effect on the integrity of the site or any of its features. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the development can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

Further details regarding the assessment of Development Proposals Likely to Affect an Internationally Designated Nature Conservation Site can be found in Annex 3 of Welsh Government Technical Advice Note 5, Nature Conservation and Planning (2009).

In summary, it is considered that currently there is insufficient information to rule out the potential for the proposed development to negatively affect an Internationally and Nationally designated sites and species associated with these sites, the application is therefore contrary to PCC UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 as well as the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended), Planning Policy Wales (Edition 9, November 2016), The Environment (Wales) Act 2016.

Representations received 23/10/2017

Please find below an explanation of the current position with regards to Planning application P/2015/0131 - Land at Penarth Farm, Cregrina. Please pass my sincere apologies to Cllr Weale regarding the time it has taken for me to provide this update.

The proposed development concerns an application for the Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works.

The proposed development is approximately 448m from the River Wye SAC, Penarth stream a tributary of the River Edw (Part of the River Wye SAC) runs through the site of the proposed development.

Under the Conservation of Habitats and Species Regulations 2010 (as amended) the LPA becomes the 'Competent Authority' when the exercise of its functions including the granting of planning permission that will or may affect European sites including SACs. In accordance with the regulations the LPA must undertake an assessment of the implications of any projects which are capable of affecting the designated interest features of European Sites before deciding whether to permit such a project.

This assessment comprises several distinct stages which are collectively described as a 'Habitats Regulations Assessment' (or HRA). For all plans and projects which are not wholly directly connected with or necessary to the conservation management of the site's qualifying features, this will include screening for any Likely Significant Effects (either alone or in

combination with other plans or projects), previously a HRA Screening Assessment was undertaken for the proposed development and concluded No Likely Significant Effect, however amended plans and additional information were received following this and a new HRA Screening of the application was required.

In my response dated 28th November 2016 I identified that given the amended plans and additional information submitted by 3rd parties it was no longer possible to conclude that the proposed development would not result in a Likely Significant Effect to the SAC or its qualifying features – further information was requested at this time.

Some information has been provided to address the request for information, however it is considered that uncertainty still remains regarding the potential for the proposed development to result in negative impacts to white clawed crayfish – a qualifying feature of the River Wye SAC – particularly with regards to impacts to water quality in relation to the operation of the proposed development.

Populations of white-clawed crayfish are under threat throughout their European range from:

- crayfish plague, a disease carried by several species of alien crayfish;
- competition from alien crayfish;
- loss of habitat, or reduction of habitat quality, including
- reduction in water quality and pollution incidents.

White-clawed crayfish occur in a wide range of waterbodies, with quite different physical and chemical characteristics. There are a few general characteristics of water suitable for the species:

- adequate oxygen, generally more than 60% saturation of dissolved oxygen and many sites have >80% (Dissolved Oxygen percentage saturation, 10 percentile);
- no extremes of pH, generally pH 6.8-8.6, populations are unlikely to occur below pH 6.0;
- calcium for growth of the carapace, generally well over 5mg l-1 Ca
- absence of toxic chemicals.

NRW identified in their response dated 12/10/2016 that historically the Edw Catchment supported white clawed crayfish, however in recent years the population has declined significantly due to water quality issues. NRW identify that whilst they had visited the site and undertaken an assessment of the stream passing through the proposed development site, the survey undertaken was not comprehensive and the absence of white clawed crayfish could not be ruled out. Given the decline of the population in the Edw Catchment any population present in the Penarth stream could be of significant importance to the River Wye SAC white clawed crayfish population in the Edw Catchment – as the current decline has been attributed to water quality issues then the potential for the proposed development to further impact water quality needs to be considered.

With regards to potential impacts to water quality as a result of the proposed development some areas of concern have been addressed - Pollution Prevention and Manure Management Plans have been submitted and these are considered to comply with recognised guidelines – NRW have confirmed that the identified measures proposed are acceptable. However concerns still remain regarding potential for ammonia and nitrogen deposition on land surrounding the Edw Catchment as a result of the proposed development

to result in negative impacts to the water quality and in turn the white clawed crayfish population:

- Ammonia, either through direct deposition or in rain to semi-natural land causes acidification of soils and water and leads to a change in the mix of plant species.
- Nitrogen deposition can lead to acidification of land and water, which can have an impact on plants and animals by making conditions unsuitable for their survival.

Both Government and European Commission guidance on Habitats Regulations assessments highlights that when assessing plans and projects under the Habitats Regulations competent authorities must take into account the precautionary principle where there is reasonable science-based uncertainty. This approach is further supported in both European and UK case law. The LPA needs to ensure that sufficient information has been obtained regarding the proposed development to enable the HRA Assessment to be undertaken.

It needs to be ensured that prior to determination of the application the LPA has completed a clear, transparent, fully-reasoned and evidence-based HRA assessment to avoid risk of challenge to any decision made regarding the application.

The application has raised significant objections from local objectors, many of which relate to potential impacts to ecology including the presence of white clawed crayfish and potential impacts. I note that Radnorshire Wildlife Trust submitted a representation 28th July 2017 stating an objection to the application due to the lack of information to assess the potential impacts to white clawed crayfish.

Currently guidance regarding assessment of impacts of ammonia and nitrogen deposition to aquatic species is limited – advice is being sought from experts in NRW. We are currently dealing with a separate application for a poultry unit where white clawed crayfish have been identified as present in close proximity to the site and concerns have been raised regarding potential impacts to water quality and the white clawed crayfish population. We are currently awaiting guidance from NRW regarding assessment of the potential impacts and it is likely that these comments will be relevant to application P/2015/0131.

Representations received 20/04/2018

Thank you for consulting me with regards to the additional information submitted with regards to planning application P/2015/0131 which concerns an application for the Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works at Land at Penarth Farm, Cregina, Llandrindod Wells, Powys.

The additional information submitted consists of A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed Free Range Egg-Laying Chicken House at Penarth Farm, Cregina, Llandrindod Wells in Powys produced by AS Modelling & Data Ltd dated 31st January 2018. The report assesses the levels of ammonia likely to be deposited on areas of ancient woodland within 2km of the proposed development.

The report identifies that preliminary modelling undertaken predicted that the process contribution of the proposed chicken house and range to annual ammonia concentrations would potentially be in excess of the recognised upper threshold percentage of the

precautionary Critical Level of $1.0\mu\text{g}/\text{m}^3$ at the closest ancient woodland. At the other ancient woodlands considered, the process contribution would be below the recognised lower threshold percentage of the precautionary Critical Level of $1.0\mu\text{g}/\text{m}^3$.

Due to the identification of a predicted exceedance further detailed modelling was therefore undertaken, the report concludes that the process contribution of the proposed chicken house and range to annual ammonia concentrations would not exceed the recognised lower threshold percentage of the precautionary Critical Level of $1.0\mu\text{g}/\text{m}^3$.

Based on the results of the ammonia deposition assessment, the predicted process contribution of the proposed chicken house and range would therefore not be likely to result in significant negative impacts to ancient woodland within 2km of the proposed development.

River Wye SAC and White Clawed Crayfish

Concerns have been raised regarding the potential of the proposed development to result in negative impacts to white-clawed crayfish in watercourse within the range area and wider area – white-clawed crayfish are a feature of the River Wye SAC, Penarth stream a tributary of the River Edw (Part of the River Wye SAC) runs through the site of the proposed development - The proposed development is approximately 448m from the River Wye SAC.

In order to ensure the LPA complies with its requirements under the Conservation of Habitats and Species Regulations 2017 with regards to Habitats Regulations Assessment of Projects which have the potential to impact European Sites the Habitats Regulations Assessment Screening undertaken in April 2016 has been reviewed and updated.

In order to determine the Likely Significant Effect of the proposed development to white clawed crayfish consideration was given to the potential for the development to negatively impact the quality of the aquatic habitats in and around the proposed development. The following were identified as potential factors which could result in negative impacts to water quality:

- Proposed crossing of Penarth stream to enable hens to access range area on other side of the stream;
- Improper management of surface, dirty and foul water at the development site;
- Impacts to water quality from pollution caused during operation and construction of the development;
- Impacts to water quality from manure generated by the proposed development;
- Aerial emissions from the proposed poultry unit – Ammonia and Nitrogen deposition.

These potential sources of impact to water quality and white clawed crayfish have been considered below:

Penarth Stream Crossing

The proposed development includes a crossing of the Penarth stream to enable the hens to access the range area identified on the other side of the stream, previous plans indicated that a new crossing would be installed.

Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawing no IP/VP/02 Rev E were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a crossing

point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.

Site Drainage

A Flood consequence Assessment and Surface Water Management Plan for Agricultural Development report reference L0044/1 produced by Hydro-Logic Services (International) Ltd dated February 2017 has been submitted with the application.

It has been identified that a SSAFO Certified dirty water tank will be installed to collect all dirty water including contaminated and wash out water generated by the proposed development. The dirty water will be taken off site by a sealed tanker.

The identified drainage system has been designed to prevent foul water contaminating clean water by keeping the systems separate.

Construction of bunds and swales have been proposed to be constructed within the ranging area to accept runoff and facilitate infiltration

NRW have reviewed the surface water management plan and have raised no objections to the proposed surface water management design for the proposed development, it is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity at the site and the wider environment during operation of the site.

I note that there are some discrepancies between the site plan submitted and the proposals within the Flood consequence Assessment and Surface Water Management Plan, I therefore recommend that a suitably worded condition to secure the implementation of the detailed design identified within the Flood consequence Assessment and Surface Water Management Plan Report.

Pollution Prevention Measures

A Method Statement Pollution Prevention Plan has been submitted, the plan identifies potential pollution pathways and measures that will be implemented during construction and operation of the proposed development to control risk of pollution from the proposed development. The identified measures are considered to be in line with current best practice and National Guidelines. NRW have confirmed they are satisfied with the measures proposed within the MSPPP, it is recommended that implementation and adherence to the MSPPP is secured through an appropriately worded condition.

Manure Management

An updated Manure Spreading Plan reference IP/VP/MMP-A produced by Ian Pick Associates dated June 2017 has been provided within the Method Statement Pollution Prevention Plan, the plan identifies areas of land which will not be used for spreading of manure at any time – including the ranging area and buffer zones for watercourses.

The manure management plan identifies that no manure will be spread within 10m of any watercourse. The manure management plan includes a Contingency Plan detailing plans for storing any manure, slurry and dirty water produced at times when spreading may not be possible. Details have been provided to demonstrate that sufficient land holding capacity to enable the spreading of manure at below the CoGAP guidance of 250kg/N per hectare. The

measures identified within the document are considered to be in line with current guidelines regarding manure management. NRW have confirmed they satisfied with the MMP, it is recommended that a planning condition is included to secure its implementation.

Aerial Emissions

During the process of reviewing the HRA Screening for the River Wye SAC to take into account the concerns raised regarding potential for impacts to a white clawed crayfish populations at the site and in the local area it was identified that further technical advice was required regarding the potential for aerial emissions from the proposed poultry farm to impact associated white clawed crayfish populations.

In order to ensure the potential impacts of aerial emissions from the proposed development were properly considered during the Habitats Regulations Assessment, technical advice was sought from NRW Air Pollution Experts, a response to this request for advice and clarification of likelihood of significant negative impacts to white clawed crayfish in Wet Covert was provided by NRW the advice concludes that NRW do not believe that the aerial emissions that would result from the proposed development would have a significant effect on white clawed crayfish.

Having taken into account the information submitted with the application as well as technical advice provided by NRW experts it is considered that the proposed development would not result in a Likely Significant effect to the River Wye SAC and or its associated features – including white clawed crayfish populations. I have updated the HRA Screening Assessment to include this information and have attached a copy for your records.

Great Crested Newts

An Ecological Assessment & Mitigation Strategy Report has been submitted as part of the Environmental Statement, this report has been produced by Ecology Services dated June 2015. As part of the ecological assessment a great crested newt survey was undertaken which confirmed the presence of great crested newts in a pond approximately 150m to the south east of the proposed access road for the site.

Following concerns raised by NRW in 2016 a Great Crested Newt Mitigation Strategy produced by Craig Emms dated July 2016 was submitted to provide details of measures that would be implemented to prevent the proposed development from negatively impacting the identified GCN population and to enable assessment of the likelihood of a negative impact to the favourable conservation status of GCN.

Whilst NRW have identified that the proposed measures within the report are considered acceptable they have recommended that a condition to secure an appropriate surveillance strategy should be secured through an appropriately worded planning condition

Hedgerows and Dormice

A Hedgerow Assessment & Mitigation Strategy by Ecology Services dated December 2014 has been provided with the application should be secured through appropriately worded conditions.

Consideration was given for the potential for the affected hedgerows to support dormice, available records for this species as well as the connectivity of the affected hedgerows to suitable habitat that would have potential to support dormice was considered.

The assessment concluded that the hedgerows would be unlikely to support dormice, however a precautionary approach and hedgerow replanting and translocation methodology have been identified.

Implementation and adherence to the measures identified regarding hedgerow replanting and translocation and precautionary approach regarding dormice will need to be secured through an appropriately worded planning condition.

Invasive Non-Native Species Management

In addition NRW have requested that a Bio-Security Risk Assessment is secured prior to commencement of development through a condition and should include details of:

- Identification of appropriate measures to control and Invasive Non-Native Species on site
- Identification of measures or actions that aim to prevent Invasive Non-Native Species being introduced to the site for the duration of construction and operations phase of the scheme

Woodland Planting

The Proposed Site Plan drawing reference IP/VP/02E dated February 2017 identified the provision of an area of woodland planting within the ranging area. It is recommended that a suitably worded planning condition is included to secure details of species, numbers, management and aftercare for this area.

Lighting

No details have been provided regarding the need to install exterior lighting associated with the proposed development. Whilst it is recognised that at this time there may be no intention to install exterior lighting, in the future it may be deemed necessary to install external lighting e.g. for safety reasons, to ensure that the lighting would not have a negative impact on local wildlife, therefore I recommend inclusion of a condition requiring that any additional external lighting identified as required at the site is approved by the LPA prior to installation.

Should you be minded to approve the application, I recommend that in addition to the conditions requested by NRW that following conditions are included:

The mitigation measures regarding great crested newts identified in the 'Proposed Mitigation' Section of the Great Crested Newt Mitigation Strategy produced by Craig Emms dated July 2016 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

The Mitigation and enhancement measures identified in Sections 3.10 – 3.36 (inclusive) of the Ecological Assessment & Mitigation Strategy Report by Ecology Services dated June 2015 and the Mitigation Strategy in Section 3 of the Hedgerow Assessment & Mitigation Strategy Report by Ecology Services dated December 2014 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

Prior to first beneficial use of the development, a detailed Native Woodland Planting Scheme including details of species and number to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the area of Tree Planting identified on the Proposed Site Plan reference IP/VP/02E dated February 2017 shall be submitted to the Local Planning Authority for approval. The Approved Scheme shall be implemented as approved in the first planting season following first beneficial use of the site and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and External Lighting and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Habitats Regulations Assessment Screening Report

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| Natura 2000 Site for consideration | River Wye (Code UK0012642) |
| Plan or Project Name | P/2015/0131 - Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works. |

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| Brief description of project or plan | |
| Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works | |
| Is the project or plan directly connected with or necessary to the management of the site? | No |
| Description of the Natura 2000 site: | |
| <p>The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive <i>Ranunculus</i> beds. There is a varied water-crowfoot <i>Ranunculus</i> flora; stream water-crowfoot <i>R. penicillatus</i> ssp. <i>pseudofluitans</i> is abundant, with other <i>Ranunculus</i> species – including the uncommon river water-crowfoot <i>R. fluitans</i> – found locally. Other species characteristic of sub-type 2 include flowering-rush <i>Butomus umbellatus</i>, lesser water-parsnip <i>Berula erecta</i> and curled pondweed <i>Potamogeton crispus</i>. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen <i>Collema dichotum</i>. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.</p> <p>The Annex I habitats that are a primary reason for selection of the site are:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Transition mires and quaking bogs <p>The Annex II species that are a primary reason for selection of this site are:</p> <ul style="list-style-type: none"> • White-clawed (or Atlantic stream) crayfish • Sea lamprey • Brook lamprey • River lamprey • Twaite shad • Atlantic salmon • Bullhead • Otter <p>Annex II species present as a qualifying feature, but not a primary reason for site selection:</p> <ul style="list-style-type: none"> • Allis shad | |

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| <p>Vulnerability:</p> <ul style="list-style-type: none"> • Water quality impacts arising from changing agricultural land-use within the catchment are having direct and indirect effects on the SAC interests through effects of diffuse pollution such as nutrient run-off and increased siltation. The Countryside Council for Wales and Natural England are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice. • Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment. The impact of sewage treatment works on the SAC is being addressed through the Asset Management Plan process and review under the Habitats Regulations. Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. These impacts and concerns over water quality will be identified and actions recommended within the joint The Countryside Council for Wales/Natural England Environment Agency conservation strategy for the river. • Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue. • There is increasing demand for abstraction from the river for agriculture and potable water. The impact of this is still being investigated by the Environment Agency, but maintenance of water levels and flow will be addressed under the review of consents under the Habitats Regulations. • Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities, currently being sought, should reduce the risk of damage to the SAC as a result of developments for such activities. • Fish stocking can adversely affect population dynamics through competition, predation and alteration of population genetics and introduction of disease. • Acoustic barriers (noise/vibration) – Shad and salmon can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works (piling, drilling) • Artificial barriers restricting migration of allis and twaite shad. |
| <p>Assessment Criteria</p> |
| <p><i>Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site.</i></p> |
| <p>Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works - potential for impacts to water quality and disturbance to key features associated with the SAC during construction and operation of the site</p> |
| <p><i>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:</i></p> |

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| <ul style="list-style-type: none"> • Size and scale | <p>The proposed development concerns the erection of a single free range egg production unit extending to 16000 laying hens. The proposed building measures 85.34m x 15.55</p> |
| <ul style="list-style-type: none"> • Land-take | <p>No land will be taken from the SAC for the proposed development. The land required for the proposed development is agricultural land – existing pasture land.</p> |
| <ul style="list-style-type: none"> • Distance from the Natura 2000 site or key features of the site | <p>The River Edw, part of the River Wye SAC is located approximately 400m to the east of the proposed development. There is a small watercourse approximately 50m to the west of the proposed location of the poultry unit and within the identified ranging area, this watercourse connects with the River Edw approximately 700m downstream.</p> |
| <ul style="list-style-type: none"> • Resource requirements | <p>There will be no resources required from the SAC or any other European site.</p> |
| <ul style="list-style-type: none"> • Emissions (disposal to land, water, air) | <p>Potential for emissions during the construction phase to enter the adjacent the River Wye SAC e.g. silt, concrete, fuel, oil etc. – a pollution prevention plan will be conditioned to be submitted prior to commencement of development to demonstrate that the construction of the proposed development would be undertaken in a manner to ensure no pollution of the surrounding environment.</p> <p>Potential for emissions during the operation phase including manure and run-off associated with the development – a 10m buffer zone has been identified to protect the watercourse which runs along the western boundary of the site, this area will be fenced to prevent hens from accessing this buffer zone. Manure Management measures have been identified as part of the application, and a Method Statement Pollution Prevention Plan has been identified.</p> <p>The proposed development includes a crossing of the Penarth stream to enable the hens to access the range area identified on the other side of the stream. Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawing no IP/VP/02 Rev E were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a</p> |

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| | <p>crossing point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.</p> <p>A Flood consequence Assessment and Surface Water Management Plan for Agricultural Development report reference L0044/1 produced by Hydro-Logic Services (International) Ltd dated February 2017 has been submitted with the application.</p> <p>It has been identified that a SSAFO Certified dirty water tank will be installed to collect all dirty water including contaminated and wash out water generated by the proposed development. The dirty water will be taken off site by a sealed tanker.</p> <p>The identified drainage system has been designed to prevent foul water contaminating clean water by keeping the systems separate.</p> <p>Construction of bunds and swales have been proposed to be constructed within the ranging area to accept runoff and facilitate infiltration.</p> <p>The proposed development will result in aerial emissions of Nitrogen and Ammonia which have potential to impact habitats and species where critical loads or critical levels are exceeded or where the deposition alters conditions which result in changes to the conditions required by species.</p> |
| <ul style="list-style-type: none"> • Excavation requirements | <p>No excavation will be required from the SAC, or in a location which will affect the SAC itself.</p> <p>A Method Statement Pollution Prevention Plan has been submitted, the plan identifies potential pollution pathways and measures that will be implemented during construction including excavation activities associated with the proposed development to control risk of pollution from the proposed development. The identified measures are considered to be in line with current best practice and National Guidelines.</p> |
| <ul style="list-style-type: none"> • Transportation requirements | <p>No transportation routes will be through the SAC.</p> |
| <ul style="list-style-type: none"> • Duration of construction, operation etc. | <p>Unknown at this stage, anticipated to commence following receipt of planning permission and to operate in perpetuity.</p> |

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| <ul style="list-style-type: none"> • Other | N/A |
| <p><i>Describe any likely changes to the site arising as a result of:</i></p> | |
| <ul style="list-style-type: none"> • Reduction of habitat area | <p>The development will not result in any reduction in the River Wye SAC habitat area.</p> |
| <ul style="list-style-type: none"> • Disturbance to key species | <p>The proposed development is located approximately 400m from the River Wye SAC.</p> <p>The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p>Consideration has been given to the potential for aerial emissions from the proposed development to impact local white clawed crayfish populations (a feature of the River Wye SAC), in order to ensure proper consideration of these issues technical advice was sought from NRW Air Pollution Experts, the following advice was provided to PCC regarding this issue:</p> <p><i>'Ammonia critical levels and nutrient nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White-clawed crayfish are a freshwater species found normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations nor to aerial nitrogen deposition. By being below the water surface they are protected from the direct effects from aerial ammonia concentrations and nitrogen deposition.</i></p> <p><i>Aerial ammonia (NH3) gas dissolves in water quite easily. Approximately 31g of ammonia gas can dissolve in 100ml of water at 25°C under laboratory conditions. This chemical reaction with water results in a solution of ammonium hydroxide which is alkaline. The situation in the field is not the same as laboratory conditions and the dissolution of ammonia into the pond water is likely to be markedly less, due to wind patterns, topography, tree shelter belts. In terms of ammonia contributing to increasing the acidity of the pond. It is true that ammonia</i></p> |

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| | <p><i>does contribute to acid deposition. For this to occur the ammonia needs to react with acidic pollutants such as the products of sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions to produce fine ammonium (NH₄⁺) containing aerosol. The time taken for the reactions that would produce ammonium occur over further distances (10 – 100km) than in this case and therefore not likely to give rise to acid deposition over the short distance. Much of the ammonia from the proposed poultry farm will be in the form of the dry gas and this is not likely to cause increased acidity in the local watercourses for the reasons given above.</i></p> <p><i>To conclude we do not believe that the aerial emissions from the proposed Poultry Farm will have a significant effect on the local white-clawed crayfish populations.</i></p> <p>The proposed development includes a crossing of the Penarth stream to enable the hens to access the range area identified on the other side of the stream. Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawing no IP/VP/02 Rev E were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a crossing point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.</p> <p>It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.</p> |
| <ul style="list-style-type: none"> • Habitat or species fragmentation | <p>The proposed development is located approximately 400m from the River Wye SAC.</p> <p>The habitats directly affected by the proposed development are not considered suitable to support breeding or resting sites of mobile features of the River Wye SAC e.g. Otter. 10m buffers of watercourse within the ranging area will be maintained allowing continued movement of mobile species e.g. otter throughout the site</p> <p>The proposed development includes a crossing of the Penarth stream to enable the</p> |

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| | <p>hens to access the range area identified on the other side of the stream. Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawing no IP/VP/02 Rev E were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a crossing point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.</p> <p>It is therefore considered that the proposed development would not result in significant negative impacts through fragmentation of species or habitats of the River Wye SAC.</p> |
| <ul style="list-style-type: none"> • Reduction in species density | <p>The proposed development is located approximately 400m from the River Wye SAC.</p> <p>The habitats directly affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.</p> <p>Consideration has been given to the potential for aerial emissions from the proposed development to impact local white clawed crayfish populations (a feature of the River Wye SAC), in order to ensure proper consideration of these issues technical advice was sought from NRW Air Pollution Experts, the following advice was provided to PCC regarding this issue:</p> <p><i>'Ammonia critical levels and nutrient nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White-clawed crayfish are a freshwater species found normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations nor to aerial nitrogen deposition. By being below the water surface they are protected from the direct effects from aerial ammonia concentrations and nitrogen deposition.'</i></p> <p><i>Aerial ammonia (NH₃) gas dissolves in water quite easily. Approximately 31g of ammonia gas can dissolve in 100ml of water at 25°C under laboratory conditions. This chemical reaction with water results in a solution of</i></p> |


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| | <p><i>ammonium hydroxide which is alkaline. The situation in the field is not the same as laboratory conditions and the dissolution of ammonia into the pond water is likely to be markedly less, due to wind patterns, topography, tree shelter belts. In terms of ammonia contributing to increasing the acidity of the pond. It is true that ammonia does contribute to acid deposition. For this to occur the ammonia needs to react with acidic pollutants such as the products of sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions to produce fine ammonium (NH₄⁺) containing aerosol. The time taken for the reactions that would produce ammonium occur over further distances (10 – 100km) than in this case and therefore not likely to give rise to acid deposition over the short distance. Much of the ammonia from the proposed poultry farm will be in the form of the dry gas and this is not likely to cause increased acidity in the local watercourses for the reasons given above.</i></p> <p><i>To conclude we do not believe that the aerial emissions from the proposed Poultry Farm will have a significant effect on the local white-clawed crayfish populations.</i></p> <p>The proposed development includes a crossing of the Penarth stream to enable the hens to access the range area identified on the other side of the stream. Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawing no IP/VP/02 Rev E were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a crossing point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.</p> <p>It is therefore considered that the proposed development would not result in significant negative impacts through reduction in species density of features of the River Wye SAC.</p> |
| <ul style="list-style-type: none"> • Changes in key indicators of conservation value (water quality etc.) | <p>The proposed development is located approximately 400m from the River Wye SAC.</p> <p>Potential for emissions during the</p> |

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| | <p>construction phase to enter the adjacent the River Wye SAC e.g. silt, concrete, fuel, oil etc. – a pollution prevention plan will be conditioned to be submitted prior to commencement of development to demonstrate that the construction of the proposed development would be undertaken in a manner to ensure no pollution of the surrounding environment.</p> <p>Potential for emissions during the operation phase including manure and run-off associated with the development – a 10m buffer zone has been identified to protect the watercourse which runs along the western boundary of the site, this area will be fenced to prevent hens from accessing this buffer zone. Manure Management measures have been identified as part of the application, and a Method Statement Pollution Prevention Plan has been identified.</p> <p>The proposed development includes a crossing of the Penarth stream to enable the hens to access the range area identified on the other side of the stream. Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawing no IP/VP/02 Rev E were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a crossing point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.</p> <p>A Flood consequence Assessment and Surface Water Management Plan for Agricultural Development report reference L0044/1 produced by Hydro-Logic Services (International) Ltd dated February 2017 has been submitted with the application.</p> <p>It has been identified that a SSAFO Certified dirty water tank will be installed to collect all dirty water including contaminated and wash out water generated by the proposed development. The dirty water will be taken off site by a sealed tanker.</p> <p>The identified drainage system has been designed to prevent foul water contaminating clean water by keeping the</p> |
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| | <p>systems separate.</p> <p>Construction of bunds and swales have been proposed to be constructed within the ranging area to accept runoff and facilitate infiltration.</p> <p>Consideration has been given to the potential for aerial emissions from the proposed development to impact local white clawed crayfish populations (a feature of the River Wye SAC), in order to ensure proper consideration of these issues technical advice was sought from NRW Air Pollution Experts, the following advice was provided to PCC regarding this issue:</p> <p><i>'Ammonia critical levels and nutrient nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White-clawed crayfish are a freshwater species found normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations nor to aerial nitrogen deposition. By being below the water surface they are protected from the direct effects from aerial ammonia concentrations and nitrogen deposition.'</i></p> <p><i>Aerial ammonia (NH₃) gas dissolves in water quite easily. Approximately 31g of ammonia gas can dissolve in 100ml of water at 25°C under laboratory conditions. This chemical reaction with water results in a solution of ammonium hydroxide which is alkaline. The situation in the field is not the same as laboratory conditions and the dissolution of ammonia into the pond water is likely to be markedly less, due to wind patterns, topography, tree shelter belts. In terms of ammonia contributing to increasing the acidity of the pond. It is true that ammonia does contribute to acid deposition. For this to occur the ammonia needs to react with acidic pollutants such as the products of sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions to produce fine ammonium (NH₄⁺) containing aerosol. The time taken for the reactions that would produce ammonium occur over further distances (10 – 100km) than in this case and therefore not likely to give rise to acid deposition over the short distance. Much of the ammonia from</i></p> |
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| | <p><i>the proposed poultry farm will be in the form of the dry gas and this is not likely to cause increased acidity in the local watercourses for the reasons given above.</i></p> <p><i>To conclude we do not believe that the aerial emissions from the proposed Poultry Farm will have a significant effect on the local white-clawed crayfish populations.</i></p> <p>It is therefore considered that sufficient information has been provided to demonstrate that the development will not result in significant negative impacts to key indicators i.e. water quality of the River Wye SAC or associated habitats used by qualifying features of the River Wye SAC e.g. white clawed crayfish.</p> |
| <ul style="list-style-type: none"> • Climate change | <p>No changes to the River Wye SAC are considered likely from the proposed development as a result of climate change.</p> |
| <p><i>Describe any likely impacts on the European Site as a whole in terms of:</i></p> | |
| <ul style="list-style-type: none"> • Interference with the key relationships that define the structure of the site | <p>No impacts considered likely.</p> |
| <ul style="list-style-type: none"> • Interference with key relationships that define the function of the site | <p>No impacts considered likely.</p> |
| <p><i>Indicate the significance as a result of the identification of impacts set out above in terms of:</i></p> | |
| <ul style="list-style-type: none"> • Loss | <p>Not Significant– the development will not result in any loss of habitat from the River Wye SAC</p> |
| <ul style="list-style-type: none"> • Fragmentation | <p>Not Significant– the development will not result in any long term fragmentation of the River Wye SAC habitats and will not cause a barrier to the movement of mobile features of the River Wye SAC.</p> |
| <ul style="list-style-type: none"> • Disruption | <p>Not Significant– it is considered that the proposed development will not result in a disruption of those factors which ensure the favorable condition of the River Wye SAC.</p> |

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| <ul style="list-style-type: none"> • Disturbance | <p>Not Significant– there is likely to be some disturbance during the construction phase of the development however this is not considered likely to be significant given the distance of the proposed development from the River Wye SAC, the construction phase will also be only temporary.</p> |
| <ul style="list-style-type: none"> • Change to key elements of the site | <p>Not Significant – measures have been identified including Method Statement Pollution Prevention Plan, Surface Water Management Plan, Manure Management Plan to demonstrate that the construction and operation of the proposed development would be undertaken in a manner to ensure no pollution of the surrounding environment and to ensure that there will be no negative impacts to the water quality of the River Wye SAC from a pollution incident.</p> |
| <p><i>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</i></p> | |
| <p>Having reviewed the information submitted regarding the proposed development and measures that will be implemented to prevent potential impacts to the River Wye SAC and its associated features it is considered that the proposed development would not be likely to result in a significant negative impact to the River Wye SAC either alone or in combination with other plans or projects.</p> | |
| <p><i>Outcome of screening stage (delete as appropriate)</i></p> | <p>Not Likely to be Significant Effects</p> |

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| | <p>Author</p> |
| <p><i>Name</i></p> | <p>Rachel Probert</p> |
| <p><i>Organisation</i></p> | <p>Powys County Council</p> |
| <p><i>Date</i></p> | <p>20/04/2018</p> |
| <p><i>Signature</i></p> |  |

Natural Resources Wales

Response Received 23/05/2017

Thank you for your consultation received on 14th March 2017. We have previously responded in relation to this proposal as summarised in the table below;

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| 9580-G3B0 | 2015 | Decision subject to condition |
| 8007-B7K8 | 2016 | Decision subject to condition |
| 8007-B7K8 | 2016 | Decision but requested revised ranging plan |
| 9229-N0G6 | 2016 | Grant concerns with requirements to supersede all previous ones |
| 1002-W4D1 | 2016 | Grant concerns with requirements |
| 23305-B0X1 | 2016 | Decision subject to condition and commented on great crested newt report |
| 23661-Q7W4 | 2016 | Decision subject to condition and white clawed crayfish removed |

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 and you attach the conditions listed below. Otherwise, we would object to this planning application.

Please see Table 1 for details of the previous requirements and conditions, submissions received which altered the past requirements and conditions, and current requirements and conditions needed.

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
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| 1 | Protected species: GCN habitat management plan CAS-19229-N0G6 | Great crested newt mitigation plan July 2016 | See Requirement 8 below |
| 2 | Biosecurity Risk Assessment CAS-19229-N0G6 CAS-23305-B0X1 CAS-23661-Q7W4 | Requirement 2 has not been met as a biosecurity risk assessment has not been submitted. | Condition 1 - The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme. |
| 3 | Clarification of the construction of the crossing CAS-19229-N0G6 | Partial information provided; Site Plan IP/VP/02E Rev E Feb 2017 and in the FCA & SWMP Feb 2017 shows crossing constructed from 2 no 25m x 1m pre cast concrete panels Details of construction method not supplied | See Requirement 9 and additional Requirement 11 below |
| 4 | Amendment to the plan to show fencing or field boundaries | Information provided in Site Plan IP/VP/02E Rev E Feb 2017 | Not applicable now |

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|---|--|--|--|
| | CAS-19229-N0G6 | | |
| 5 | Amendment of plan to identify any existing watercourses/ditches within the ranging area CAS-19229-N0G6 | Information provided in Site Plan IP/VP/02E Rev E Feb 2017 | Not applicable now |
| 6 | The submission and approval of details of the method of installation of the bund CAS-19229-N0G6 CAS-23305-B0X1 CAS-23661-Q7W4 | Partial information provided; i) Site Plan IP/VP/02E Rev E Feb 2017 - shows positions & dimensions soil bunds to protect watercourse from ranging area run off ii) FCA & SWMP Feb 2017 Figure B- shows example swale design and 1m high swale bund. The precise method of construction and how pollution will be prevented during construction has not been described. | See additional Requirement 11 |
| 7 | The submission and approval of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC. CAS-23305-B0X1 CAS-23661-Q7W4 | Partial information provided; i) Site Plan IP/VP/02E Rev E Feb 2017 includes details of; boundary fencing, ranging areas, stream crossing, soil bunds, swale to dispose of roof water, and existing ford to be fenced off. ii) FCA & SWMP Feb 2017 Figure 18 - shows positions of swales and demonstrates the possibilities for the ranging area to be managed to avoid impacts on water quality in River Edw and River Wye SAC. Prevention of impacts would be subject to suitable implementation and maintenance of the FCA & SWMP Feb 2017. | See additional Requirement 11 Condition 2 – Submission and implementation of a Pollution Prevention Plan to the satisfaction of the LPA. Condition 3 - The Surface Water Management Plan February 2017 must be suitably implemented and maintained to avoid impacts on water quality in River Edw and River Wye SAC for the lifetime of the development. |

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|----|--|--|---|
| | | Potential for impacts on the River Wye SAC could not be ruled out in the event of failure of a bund or swale. | |
| 8 | Outstanding issues regarding the surveillance of newts should be addressed by a reserved condition. CAS-23305-B0X1 CAS-23661-Q7W4 | No further information on surveillance of newts has been submitted, see NRW response CAS-23305-B0X1 08/09/2016 | Condition 4 – Great crested newt field surveillance should be undertaken for a minimum of 5 years and follow ARC/Cofnod/ WG outline methodology. Population targets must be defined and used to inform key performance indicators |
| 9 | The applicant must submit and agree the design of the crossing (including the fencing/barrier to prevent poultry escaping into the watercourse) between the two range areas to ensure that it does not adversely impact water quality within the watercourse and that this should be agreed with PCC and NRW before any construction work on the site can start. CAS-23305-B0X1 CAS-23661-Q7W4 | Partial information provided; i) Site Plan IP/VP/02E Rev E Feb 2017 and in the FCA & SWMP Feb 2017 shows crossing constructed from 2 no 25m x 1m pre cast concrete panels, positions of soil bunds 2000mm width and 1000mm height ii) FCA & SWMP Feb 2017 Fig18 – shows positions of swales A construction method statement and Pollution Prevention Plan for the construction of the bridge has not been submitted. | Now in Requirement 11 as it is needed prior to determination for the HRA |
| 10 | Submission of information to explain how the in river works would avoid impacting white-clawed crayfish (and therefore the River Wye SAC) and the submission and implementation of RAMs to avoid impacts on white-clawed crayfish to be made a condition of the permission. CAS-23661-Q7W4 | No specific information regarding white clawed crayfish has been submitted by the applicant however the FCA & SWMP Feb 2017 include – by way of restricting polluted run-off to avoid nutrient enrichment - the reasonable avoidance measures for white clawed crayfish. | Provided that we have information on silt management during construction as detailed below in Requirement 11 this will provide the necessary information regarding white clawed crayfish. |
| 11 | A Construction method statement and Pollution Prevention Plan for the construction of the bridge, swales and bunds; and ongoing | Previously requested requirements 3, 6, 7 and 9 in | Needed prior to determination for completion of HRA For the LPA to be able to undertake the Habitat Regulations Assessment further information is needed that is now covered in the additional Requirement 11. |

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|-----------|--|---|--|
| | maintenance of pollution prevention during the <u>operation</u> of the site. | | |
| 12 | Submission of a detailed revised Manure Management Plan including a Contingency Plan that illustrates how pollution to watercourses will be avoided. | The Manure Management Plan Dwg IP/VP/MMP date June 2015 map that was included the Environmental Statement must now be revised as it shows manure spreading in areas that are now included in the amended ranging area. | |
| | | | |

Protected Sites - River Wye Special Area of Conservation (SAC)

In the light of the Flood Consequences Assessment and Surface Water Management Plan February 2017 (FCA & SWMP Feb 2017) we would advise the LPA to carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

In the FCA & SWMP Feb 2017 the percolation tests undertaken by Hydrologic demonstrate surface water behaviour and the proposed means of managing flows to protect the Wye SSSI/SAC features. The report shows that the soil infiltration rates are high and do not suggest problematic flows or flood consequence when modelled against severe rainfall events plus 30% CC contingency. No physical evidence of channelled surface flow was present within the ranging area demonstrating that surface flow is dispersed and that the ground soaks it up well.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

Having reviewed the case history and submissions, including the LPA ecologist's response of 28th November 2016, we would support their view that in the absence of information prior to determination regarding;

- i) Details of the construction of the crossing between the two ranging areas;
- ii) Mitigation and appropriate reasonable avoidance measures for white clawed crayfish;
- the potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and its associated features cannot be ruled out.

The Manure Management Plan map Dwg IP/VP/MMP dated June 2015 that was included the Environmental Statement must now be revised as it shows manure spreading in areas that are now included in the amended ranging area.

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

Scope of NRW Comments

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

Response received 28/07/2017

Thank you for your consultation received on 11th July 2017. We have previously responded in relation to this proposal as summarised in the table below;

| | | |
|------------------------|-------------------|---|
| CAS-09580-G3B0 | 01/10/2015 | No objection subject to condition |
| CAS-18007-B7K8 | 22/04/2016 | No objection subject to condition |
| CAS-18007-B7K8 | 11/05/2016 | No objection but requested revised ranging plan |
| CAS-19229-N0G6 | 10/06/2016 | Significant concerns with requirements to supersede all previous responses |
| CAS-21002-W4D1 | 04/08/2016 | Significant concerns with requirements |
| CAS-23305-B0X1 | 08/09/2016 | No objection subject to condition and commented on great crested newt report |
| CAS-23661-Q7W4 | 12/10/2016 | No objection subject to condition and white clawed crayfish discussed |
| CAS-30895-G5C0 | 21/03/0131 | Significant concerns with requirements and conditions |
| CAS-30895-G5C0 revised | 23/05/2017 | Significant concerns with requirements and conditions |

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 - The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme.

Condition 2 - The Surface Water Management Plan February 2017 must be suitably implemented and maintained to avoid impacts on water quality in River Edw and River Wye SAC for the lifetime of the development.

Condition 3 – Great crested newt field surveillance should be undertaken for a minimum of 5 years and follow ARC/Cofnod/ WG outline methodology. Population targets must be defined and used to inform key performance indicators

Condition 4 – The Method Statement and Pollution Prevention Plan 11th July 2017, including the manure spreading map on page 5 must be suitably implemented to avoid impacts on water quality in River Edw and River Wye SAC.

Protected Sites - River Wye Special Area of Conservation (SAC)

In the light of the Method Statement Pollution Prevention Plan we would advise the LPA to carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The Method Statement Pollution Prevention Plan addresses potential pollution during the construction of the bridge, swales and bunds; and ongoing maintenance of pollution prevention during the operation of the site.

There is an updated Manure spreading map at the end of the Method Statement Pollution Prevention Plan which amends the earlier version Dwg IP/VP/MMP dated June 2015 to show that manure will not be spread in the ranging area and the calculations in the Waste

Management Plan show that there will still be sufficient land to spread manure generated on the farm at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen /ha.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

In summary conditions 1 – 4 above would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

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

Please see Table 1 for details of the previous requirements and conditions, submissions received which altered the past requirements and conditions, and current conditions needed.

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|----------|---|---|--|
| 1 | Protected species: GCN habitat management plan CAS-19229-N0G6 | Great crested newt mitigation plan July 2016 | See Requirement 8 below |
| 2 | Biosecurity Risk Assessment CAS-19229-N0G6 CAS-23305-BOX1 CAS-23661-Q7W4 | Requirement 2 has not been met as a biosecurity risk assessment has not been submitted. | Condition 1 - The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme. |
| 3 | Clarification of the construction of the crossing CAS-19229-N0G6 | Partial information provided; Site Plan IP/VP/02E Rev E Feb 2017 and in the FCA & SWMP Feb 2017 shows crossing constructed from 2 no 25m x 1m pre cast concrete panels Details of construction method not supplied | See Requirement 9 and additional Requirement 11 below |
| 4 | Amendment to the plan to show fencing or field boundaries CAS-19229-N0G6 | Information provided in Site Plan IP/VP/02E Rev E Feb 2017 | Not applicable now |
| 5 | Amendment of plan to identify any existing watercourses/ditches within the ranging area CAS-19229-N0G6 | Information provided in Site Plan IP/VP/02E Rev E Feb 2017 | Not applicable now |

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|---|--|---|---|
| 6 | <p>The submission and approval of details of the method of installation of the bund</p> <p>CAS-19229-N0G6 CAS-23305-B0X1 CAS-23661-Q7W4</p> | <p>Partial information provided;</p> <p>iii) Site Plan IP/VP/02E Rev E Feb 2017 - shows positions & dimensions soil bunds to protect watercourse from ranging area run off</p> <p>iv) FCA & SWMP Feb 2017 Figure B- shows example swale design and 1m high swale bund.</p> <p>The precise method of construction and how pollution will be prevented during construction has not been described.</p> | <p>See additional Requirement 11 – The additional information has been provided in the Method Statement and Pollution Prevention Plan uploaded to the planning portal on 11th July 2017</p> |
| 7 | <p>The submission and approval of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC.</p> <p>CAS-23305-B0X1 CAS-23661-Q7W4</p> | <p>Partial information provided;</p> <p>iii) Site Plan IP/VP/02E Rev E Feb 2017 includes details of; boundary fencing, ranging areas, stream crossing, soil bunds, swale to dispose of roof water, and existing ford to be fenced off.</p> <p>iv) FCA & SWMP Feb 2017 Figure 18 - shows positions of swales and demonstrates the possibilities for the ranging area to be managed to avoid impacts on water quality in River Edw and River Wye SAC.</p> <p>Prevention of impacts would be subject to suitable implementation and maintenance of the FCA & SWMP Feb 2017.</p> <p>Potential for impacts on the River Wye SAC could not be ruled out in the event of failure of a bund or swale.</p> | <p>See additional Requirement 11</p> <p>Condition 2 – now superseded by condition 5 (re-numbered as condition 4 above)</p> <p>Condition 3 - The Surface Water Management Plan February 2017 must be suitably implemented and maintained to avoid impacts on water quality in River Edw and River Wye SAC for the lifetime of the development.</p> |
| 8 | <p>Outstanding issues regarding the</p> | <p>No further information on surveillance of newts has been</p> | <p>Condition 4 – Great crested newt field surveillance should be undertaken for a</p> |

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|----|--|--|---|
| | surveillance of newts should be addressed by a reserved condition. CAS-23305-B0X1 CAS-23661-Q7W4 | submitted, see NRW response CAS-23305-B0X1 08/09/2016 | minimum of 5 years and follow ARC/Cofnod/ WG outline methodology. Population targets must be defined and used to inform key performance indicators |
| 9 | The applicant must submit and agree the design of the crossing (including the fencing/barrier to prevent poultry escaping into the watercourse) between the two range areas to ensure that it does not adversely impact water quality within the watercourse and that this should be agreed with PCC and NRW before any construction work on the site can start. CAS-23305-B0X1 CAS-23661-Q7W4 | Partial information provided; iii) Site Plan IP/VP/02E Rev E Feb 2017 and in the FCA & SWMP Feb 2017 shows crossing constructed from 2 no 25m x 1m pre cast concrete panels, positions of soil bunds 2000mm width and 1000mm height iv) FCA & SWMP Feb 2017 Fig18 – shows positions of swales A construction method statement and Pollution Prevention Plan for the construction of the bridge has not been submitted. | Now in Requirement 11 as it is needed prior to determination for the HRA |
| 10 | Submission of information to explain how the in river works would avoid impacting white-clawed crayfish (and therefore the River Wye SAC) and the submission and implementation of RAMs to avoid impacts on white-clawed crayfish to be made a condition of the permission. CAS-23661-Q7W4 | No specific information regarding white clawed crayfish has been submitted by the applicant however the FCA & SWMP Feb 2017 include – by way of restricting polluted run-off to avoid nutrient enrichment - the reasonable avoidance measures for white clawed crayfish. | Provided that we have information on silt management during construction as detailed below in Requirement 11 this will provide the necessary information regarding white clawed crayfish. |
| 11 | A Construction method statement and Pollution Prevention Plan for the <u>construction</u> of the bridge, swales and bunds; and ongoing maintenance of pollution prevention during the <u>operation</u> of the site. | Previously requested in requirements 3, 6, 7 and 9 | Needed prior to determination for completion of HRA For the LPA to be able to undertake the Habitat Regulations Assessment further information is needed that is now covered in the additional Requirement 11. Requirement 11 satisfied in Method Statement and Pollution Prevention Plan uploaded to the planning portal on 11th July 2017 Condition 5 – The Method Statement and |

| | Original Requirement | Summary of submissions/actions | Final Requirements and Conditions |
|----|--|---|---|
| | | | Pollution Prevention Plan 11th July 2017, including the manure spreading map on page 5 must be suitably implemented to avoid impacts on water quality in River Edw and River Wye SAC. |
| 12 | Submission of a detailed revised Manure Management Plan including a Contingency Plan that illustrates how pollution to watercourses will be avoided. | The Manure Management Plan Dwg IP/VP/MMP date June 2015 map that was included the Environmental Statement must now be revised as it shows manure spreading in areas that are now included in the amended ranging area. | The map at the end of the Method Statement and Pollution Prevention Plan uploaded to the planning portal on 11th July 2017. |

Scope of NRW Comments

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

Response received 06/03/2018

Thank you for informing NRW of the additional information submitted in support of this proposal. NRW does not have any additional advice provide further to our consultation letter referenced CAS-35965-G5Z5 dated 28/07/2017.

Radnorshire Wildlife Trust

On behalf of Radnorshire Wildlife Trust (RWT) I wish to make the following comment.

RWT wish to maintain our **objection** to this proposal.

RWT has been concerned about this proposed development at Cregrina for some time and we have previously objected to the planning application. Our specific concern is to do with a healthy population of the native and legally protected white-clawed crayfish within streams in close proximity to this proposal.

We do not possess the information on the exact status of the crayfish here but that is why we have asked for an extensive ecological survey to be carried out of this species prior to any determination being made on the application by the Local Planning Authority. I am aware that officers of NRW have made site visit(s) but what is needed is an independent thorough investigation by an appropriately licensed and specialist surveyor paid for by the developer.

Please do not hesitate to contact me should you need any further information.

Principal Planning Policies

Since the application was initially reported to Committee the Powys Local Development Plan has been adopted.

National Policies

Planning Policy Wales (9th Edition, 2016)

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

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local Policies

Powys County Council Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM6 – Flood Prevention and Land Drainage

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

DM14 – Air Quality Management

E6 – Farm Diversification

T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Biodiversity and Ecology

The application was originally presented to Committee in October 2016 where the application was deferred to allow for a Habitats Regulation Assessment to be completed.

LDP policies SP7 and DM2 seeks to maintain biodiversity and safeguard protected important sites. The River Edw (designated as part of the River Wye SAC/SSSI) is located approximately 400 metres east of the proposed development. Officers also note that there is watercourse located approximately 50 metres west of the proposed poultry unit which is a tributary of the River Edw, joining approximately 700 metres downstream.

Following the publication of the last Committee a further HRA was required, this was undertaken by the Powys Ecologist who stated that due to insufficient information the HRA could not conclude that there would not be a likely significant effect on the River Wye SAC. As such further information on the following was required to be submitted in order to assess the development under the Habitat Regulations;

- Proposed crossing of Penarth stream to enable hens to access range area on other side of the stream;
- Improper management of surface, dirty and foul water at the development site;
- Impacts to water quality from pollution caused during operation and construction of the development;
- Impacts to water quality from manure generated by the proposed development;
- Aerial emissions from the proposed poultry unit – Ammonia and Nitrogen deposition.

Crossing of stream

The proposed development includes a crossing of the Penarth stream to enable the hens to access the range area identified on the other side of the stream, previous plans indicated that a new crossing would be installed.

Following a request for clarification of the nature and construction methodology of the new crossing proposed amended plans drawings were provided identifying that the existing culverted crossing point on the Penarth Stream would be utilised as a crossing point and that 2 no. 25m x 1m precast panels will be fitted to the edges of the existing crossing point to prevent run off from the crossing entering the watercourse.

Site Drainage

A Flood consequence Assessment and Surface Water Management Plan for Agricultural Development report reference L0044/1 produced by Hydro-Logic Services (International) Ltd dated February 2017 has been submitted with the application.

It has been identified that a SSAFO Certified dirty water tank will be installed to collect all dirty water including contaminated and wash out water generated by the proposed development. The dirty water will be taken off site by a sealed tanker.

The identified drainage system has been designed to prevent foul water contaminating clean water by keeping the systems separate.

Construction of bunds and swales have been proposed to be constructed within the ranging area to accept runoff and facilitate infiltration

NRW have reviewed the surface water management plan and have raised no objections to the proposed surface water management design for the proposed development, it is considered that the identified measures for the management of foul, dirty and surface water

are appropriate to avoid negative impacts to biodiversity at the site and the wider environment during operation of the site.

Pollution Prevention Measures

A Method Statement Pollution Prevention Plan has been submitted, the plan identifies potential pollution pathways and measures that will be implemented during construction and operation of the proposed development to control risk of pollution from the proposed development. The identified measures are considered to be in line with current best practice and National Guidelines. NRW have confirmed they are satisfied with the measures proposed within the MSPPP, it is recommended that implementation and adherence to the MSPPP is secured through an appropriately worded condition.

Manure Management

An updated Manure Spreading Plan reference IP/VP/MMP-A produced by Ian Pick Associates dated June 2017 has been provided within the Method Statement Pollution Prevention Plan, the plan identifies areas of land which will not be used for spreading of manure at any time – including the ranging area and buffer zones for watercourses.

The manure management plan identifies that no manure will be spread within 10m of any watercourse. The manure management plan includes a Contingency Plan detailing plans for storing any manure, slurry and dirty water produced at times when spreading may not be possible. Details have been provided to demonstrate that sufficient land holding capacity to enable the spreading of manure at below the CoGAP guidance of 250kg/N per hectare. The measures identified within the document are considered to be in line with current guidelines regarding manure management. NRW have confirmed they satisfied with the MMP, it is recommended that a planning condition is included to secure its implementation.

Aerial Emissions

During the process of reviewing the HRA Screening for the River Wye SAC to take into account the concerns raised regarding potential for impacts to a white clawed crayfish populations at the site and in the local area it was identified that further technical advice was required regarding the potential for aerial emissions from the proposed poultry farm to impact associated white clawed crayfish populations.

In order to ensure the potential impacts of aerial emissions from the proposed development were properly considered during the Habitats Regulations Assessment, technical advice was sought from NRW Air Pollution Experts, a response to this request for advice and clarification of likelihood of significant negative impacts to white clawed crayfish was provided by NRW the advice concludes that NRW do not believe that the aerial emissions that would result from the proposed development would have a significant effect on white clawed crayfish.

In light of the above the Powys Ecologist has undertaken a Habitats Regulation Assessment which concluded that there would be no likely significant effect on the River Wye SAC.

In light of the additional information and clarification submitted and following consultation with both Natural Resources Wales and the Powys Ecologist no objection to the proposed

development is raised subject to the imposition of conditions. As such it is considered that the proposed development is in accordance with policies SP7 and DM2 of the Powys Local Development Plan, TAN5 and PPW.

Recommendation

After carefully considering the planning application, Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, 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 documents received (Design & Access Statement, Environmental Statement, Manure Management Plan, Great Crested Newt Mitigation Strategy, Report on the Modelling of the Dispersion and Deposition of Ammonia (dated January 2018), Method Statement and Pollution Prevention Plan, Flood Consequence Assessment (February 2017), Odour Dispersion Modelling Study (December 2016)), plans received 6th April 2015 (drawing no's IP/VP/03, IP/VP/06A, IP/VP/022 and IP/VP/033), additional plan received 8th December 2015 (drawing no. IP/JA/05), amended plan received 12th May 2016 (drawing no. IP/VP/10), amended plans received 20th May 2016 (drawing no's. IP/VP/01D and IP/JA/05 Rev A), additional plan received 10th June 2016 (drawing no. IP/JA/05 Rev B) and additional plan (drawing no. IP/VP/02 Rev E).
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, unless otherwise agreed in writing by the Local Planning Authority.

6. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.

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 Manure Spreading Plan reference IP/VP/MMP-A produced by Ian Pick Associates dated June 2017 shall be fully implemented and adhered to in full.

10. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and Clwyd Powys Archaeological Trust within two months of the fieldwork being completed.

11. No development shall take place until a scheme for separate foul and surface water drainage works has been submitted to and approved in writing by the local planning authority. None of the buildings shall be brought into use until the drainage works have been provided in accordance with the approved scheme.

12. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

13. 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.

14. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

15. 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.

16. Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

17. Prior to first installation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location of lighting, size, projection and level of illumination. Thereafter, the external lighting shall be implemented strictly in accordance with the details so approved.

18. The Mitigation and Enhancement Strategy in Section 3 of the Ecological Assessment & Mitigation Strategy Report by Ecology Services dated June 2015 and the Mitigation Strategy in Section 3 of the report dated December 2014 shall be adhered to and implemented in full.

19. The development hereby permitted shall be undertaken strictly in accordance with the Great Crested Newt Mitigation Strategy dated July 2016.

20. Prior to commencement of development a Bio-Security Risk Assessment Plan detailing measures to control and prevent introduction of INNS shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the Bio-Security Risk Assessment Plan so approved.

21. Prior to the commencement of development, a scaled plan identifying the location of the proposed bunds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of the proposed method of construction. Thereafter, the bunds shall be fully implemented in accordance with the details so approved prior to the first occupation of the poultry unit and retained as such in perpetuity.

23. Prior to the commencement of development, a Great Crested Newt Surveillance Scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the Great Crested Newt Surveillance Scheme so approved.

23. Prior to the commencement of development, details of the of proposed crossing between the two range areas (including fencing/barrier to prevent poultry escaping into the watercourse) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the crossing shall be fully implemented in accordance with the details so approved prior to the first occupation of the poultry unit and retained as such in perpetuity.

24. Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 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.

25. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20.0 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

26. The centre line of the first 20.0 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.

27. 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, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90.00 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 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.

28. Before any other development commences clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05/B. 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.

29. 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 base course material and 60mm of bituminous macadam binder course material for a distance of 20.0 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.

30. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 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.

31. The width of the access carriageway, constructed as Condition 29 above, shall be not less than 6.0 metres for a minimum distance of 20.0 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

32. Prior to the occupation of the development a radius of 15.0 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.

33. Prior to the occupation of the egg 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 20.0 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.

34. Upon formation of the visibility splays as detailed in condition 27 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.

35. No development shall commence, until a Construction Method Statement relating to the forward visibility improvement along the county class I road A481 as detailed on Drawing IP/JA/05/B and specified in condition 29 above has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details relating to the timing of the works, the contractor, the method of construction including engineering drawings where necessary, details of the proposed signing and guarding to the highway and details of measures to minimise disruption to highway users.

36. Prior to first beneficial use of the development, a detailed Native Woodland Planting Scheme including details of species and number to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the area of Tree Planting identified on the Proposed Site Plan reference IP/VP/02E dated February 2017 shall be submitted to the Local Planning Authority for approval. The Approved Scheme shall be implemented as approved in the first planting season following first beneficial use of the site and maintained thereafter.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. 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 Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
4. 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 Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
5. 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 Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
6. 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).

7. 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).
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 (2016).
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 (2016).
10. This condition is imposed in order to ensure an appropriate record is made of any surviving archaeological features in accordance with policies SP7 of the Powys Local Development Plan 2018, TAN24, Welsh Office Circular 60/96 and Planning Policy Wales (2016).
11. To ensure that details of these elements of the development are adequately provided and to ensure that surface water drainage is adequately catered for at the site in accordance with Powys LDP Policy DM6.
12. To protect the local amenities of the local residents from noise in accordance with policies DM2 and DM14 of the Powys LDP 2018, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
13. To protect the local amenities of the local residents from noise in accordance with policies DM2 and DM14 of the Powys LDP 2018, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
14. T To protect the local amenities of the local residents from noise in accordance with policies DM2 and DM14 of the Powys LDP 2018, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
15. To ensure that any flies of fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water in accordance with policies DM2 and DM14 of the Powys LDP 2018, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
16. To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area in accordance with DM2 and DM14 of the Powys LDP 2018, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
17. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and External Lighting and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
18. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9,

November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

19. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

20. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

21. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

22. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

23. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

24. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

25. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

26. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

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36. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 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.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

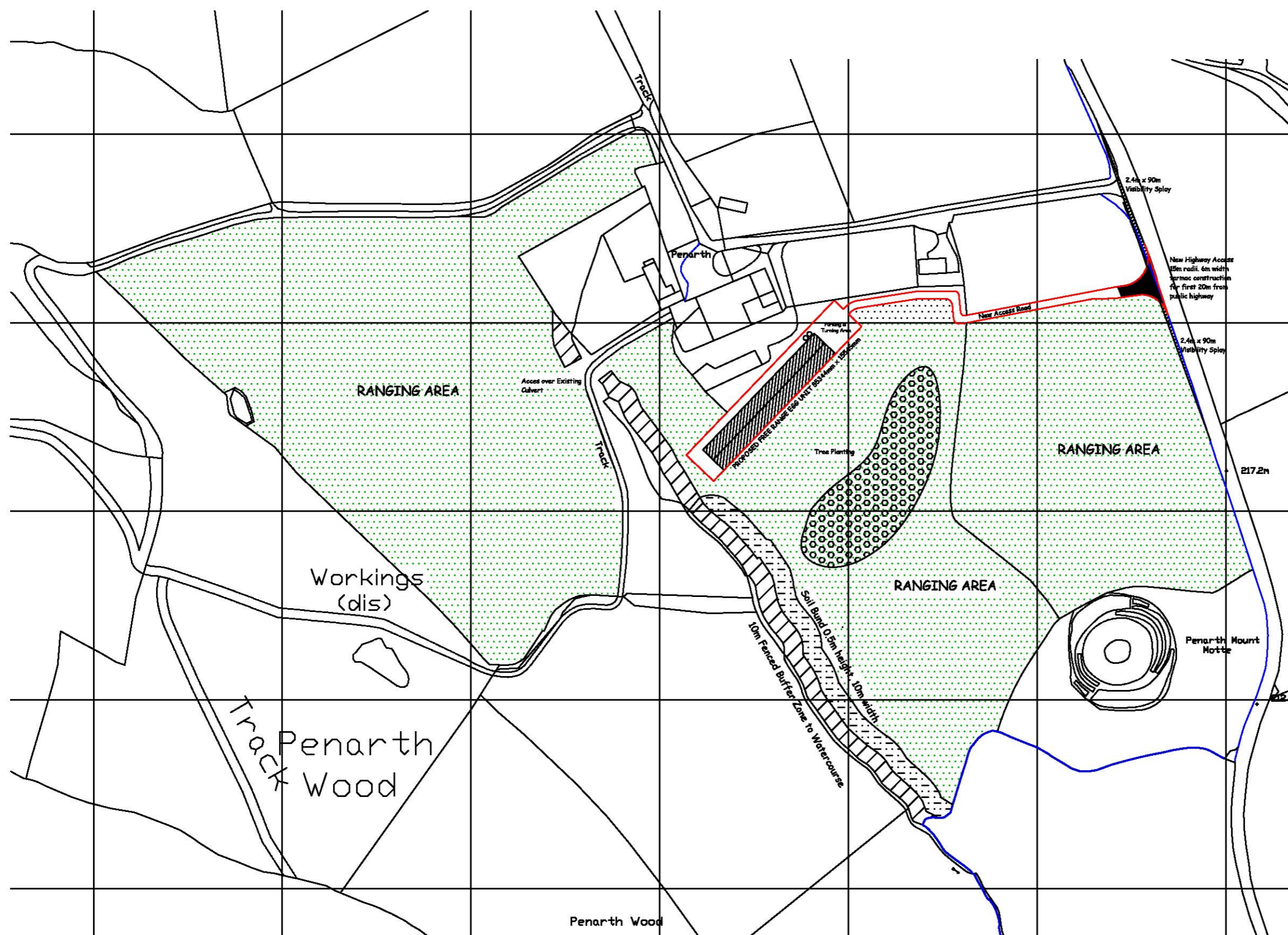
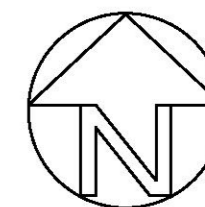
It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk



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CLIENT
**Om & VJ Powell
Garnwen
Hundred House
LD1 5RP**

JOB TITLE
**Proposed Free Range Egg
Laying Unit**

DWG. TITLE
Location Plan

SCALE **1=2500** DRN-IP

REVISION

DWG. NUMBER DATE
IP/VP/01D May 16

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Glascwm Community Council

Please be informed that Glascwm Community Council held a meeting last night to discuss planning application P/2015/0131 – Egg production unit at Penarth, Cregrina. A number of members of the public attended the meeting that were both opposed and in favour of the application. The following concerns were raised – the possibility of water run-off into the brook, the volume of extra traffic on the roads, the visual impact and any extra noise and smell from the shed. Members also heard that a waste management plan had been submitted and that a filtration bed would be put in to stop any water contamination. The additional work to be carried out at the Hundred House junction was supported by all members and the majority of those on attendance.

The Community Council members that voted were unanimous in their support for the application.

Highway Authority

Correspondence received 23rd March 2015 –

The County Council as Highway Authority for the County Highway Class III, C1334

Wish the following recommendations/observations be applied

Recommendations/Observations

At this point I am unable to offer support to this application.

Whilst the very significant improvements at the class I junction would be welcomed, the detail within the submission does not provide sufficient evidence to show such visibility could be achieved in the vertical. It is important to remember that visibility is measured from 1.05 metres above carriageway level to 0.26 metres above carriageway level. In view of the extensive area of land being cleared a full set of engineering drawings with cross sections showing the height above carriageway level will be essential.

Furthermore, the site access visibility to the north is also questioned due to the vertical alignment of the class III carriageway and I consider further evidence of its achievability is required to adequately consider this application.

Until this information is available I must recommend refusal in the interests of highway safety.

Correspondence received 11th June 2015 –

A quick glimpse of the drawings attached to Ian Pick's email has clarified that the extensive improvements they are proposing have missed their target. Although it is true visibility from the class III road may well have required attention, the purpose of the original hatched area was to provide adequate forward visibility for right turning traffic. This is not what the drawing or section depicts, besides the section being without levels or datum. I consider a significantly more accurate drawing of the extent of the works is required before I can consider the effects adequately.

Correspondence received 12th February 2016 –

I refer to the additional drawings provided last year and apologise for the delay in offering a response.

Drawing IP/JA/05 Junction Sections provides sufficient information to enable support to be offered but indicates a lack of understanding of a forward visibility measurement. The effective visibility achieved if the works are carried out as shown would be around 140 metres as the distance is measured along the carriageway and not across the bend.

That said, I am satisfied that the appropriate visibilities can be provided both at the class I road junction and at the site access. The latter will require significant hedge removal as can be seen from the photograph on Drawing IP/VP/06. This has been taken at carriageway edge and obviously not at the 2.4 metres set back required for the splay.

I therefore recommend the following conditions be included on any permission granted in the interests of highway safety.

- HC1 Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 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.
- HC2 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20.0 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- HC3 The centre line of the first 20.0 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 2.4 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 90.00 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 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.
- HC5 Prior to commencement of the development clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05. 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 20.0 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 0.3 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.
- HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6.0 metres for a minimum distance of 20.0 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the occupation of the development a radius of 15.0 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 egg 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 20.0 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.

Additionally the following condition is required to secure the forward visibility improvement at the Class I/Class III road junction.

- HC33 No development shall commence, until a Construction Method Statement relating to the forward visibility improvement along the county class I road A481 as detailed on Drawing IP/JA/05 and specified in condition HC5 above has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details relating to the timing of the works, the contractor, the method of construction including engineering drawings where necessary, details of the proposed signing and guarding to the highway and details of measures to minimise disruption to highway users.

Correspondence received 25th April 2016 –

I refer to the amended plans relating to the above site and have no further comments to make.

Correspondence received 26th May 2016 –

The latest drawing, IP/JA/05 Revision A does not adequately show that the forward visibility offered and required along the A481 towards the class III junction will actually be achieved.

Whilst Section A(1) – A(2) indicates a very significant change in ground level along its entire length, Section B(1) – B(2) shows no such change at the point where Section A crosses. If this work is to provide the necessary visibility I believe greater clarity is required of exactly what earthworks will be expected.

I therefore request that this be demonstrated on further plans showing several cross sections across the splay.

Correspondence received 20th June 2016 –

Based on the additional information shown on drawing no. IP/JA/04/B I recommend the following conditions be included on any permission granted in the interests of highway safety.

HC1 Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 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.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20.0 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 20.0 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 2.4 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 90.00 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 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.

HC5 Prior to commencement of the development clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05/B. 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 20.0 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 0.3 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6.0 metres for a minimum distance of 20.0 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of the development a radius of 15.0 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 egg 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 20.0 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.

Additionally the following condition is required to secure the forward visibility improvement at the Class I/Class III road junction.

HC33 No development shall commence, until a Construction Method Statement relating to the forward visibility improvement along the county class I road A481 as detailed on Drawing IP/JA/05/B and specified in condition HC5 above has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details relating to the timing of the works, the contractor, the method of construction including engineering drawings where necessary, details of the proposed signing and guarding to the highway and details of measures to minimise disruption to highway users.

Correspondence received 9th August 2016 –

I refer to the amended plans relating to the above site and have no further comments to make.

Welsh Government – Transport

Correspondence received 27th April 2016 -

I refer to your consultation of 26 August 2015 regarding the above application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

Correspondence received 2nd June 2016 –

I refer to your consultation of regarding the above application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

Environmental Health

Correspondence received 6th March 2015 –

Just a couple of questions re this app.

The noise report and calculations refers to property (A) this being Penarth, which I assume is the applicants property (can this be confirmed) but there is no mention of Penarth Bungalow, to the right, which is as close but doesn't have the benefit of being shielded by barns. Can I ask why the noise assessment doesn't include this property, I would also like to know what other machinery associated with this application is likely to be used. There is mention of a farm waste management plan being included in the application but I am unable to find it, I would like more info on the storage of manure and I would hope it will be included in the plan.

I write with reference to the above application.

Correspondence received 18th March 2016 -

Should members grant permission to this application then the following conditions are recommended.

Conditions

(a) Noise Conditions

For the use of fixed plant/machinery, etc.

The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase

the background noise levels during day time expressed as L_{A90} [1hour] (day time 07:00-23:00 hours) and/or (b) L_{A90} [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason: To protect the local amenities of the local residents by reason of noise.

(a1) Transport Noise

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.

Reason: To protect the local amenities of the local residents from noise.

(b) Prevention insect and of odour nuisances during storage of manure and manure spreading.

(i) General Odour condition

All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

Reason: To protect the local amenities of the local residents from the excess of mal-odorous emissions.

(ii) The Site for the Storage of manure

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.

Reason: To avoid runoff and prevent deterioration of the local amenities.

Manure transportation

All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

Manure storage.

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.

Reason: 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.

(iii) The spreading of manure

Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

Reason: To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area.

(c) Artificial lighting condition.

Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at the light sensitive locations when the light is in operation.

Reason: To protect the local amenities of the local residents from the excess of illuminance.

County Ecologist

Correspondence received 26th February 2015 (Response to Screening Opinion) -

Thank you for consulting with regards to the screening opinion for the requirement of an Environmental Impact Assessment (EIA) in relation to proposed development P/2015/0131 - Penarth Free Range Egg Production Unit.

In light of the known potential impacts of poultry units, particularly with regards to the cumulative impacts and the potential water quality impacts on the River Wye SAC from nutrient deposition, it is considered that EIA should be required for all poultry units proposed within the catchment of the River Wye SAC.

The River Edw (designated as part of the River Wye SAC) is located approximately 400m to the east of the proposed development but there is a small watercourse located approximately 50m to the west of the proposed location of the poultry unit. This water course connects with the River Edw approximately 700m downstream and it is considered that there is potential for a likely significant effect to the SAC unless appropriate mitigation, such as drainage design, location of ranging area, manure management plan, pollution prevention plan during change-over of flock cycles, etc., is agreed with NRW and the LPA and implemented if approval is given.

In addition, to the location within the River Wye SAC catchment, the proposed development is located within approximately 1.2km (at the nearest point) to the Glascwm and Gladestry Hills SSSI which is designated because it is an excellent example of heather moorland which is predominantly dry heathland. As well as potential impacts to the water quality in the River Wye SAC, there is also potential for air quality impacts to the Glascwm and Gladestry Hills SSSI. There are 8 SSSIs within 5km of the proposed development all of which are designated for the quality of habitat present including acid grassland, unimproved neutral

grassland, woodland, swamp, fen and damp grassland, calcareous grassland and dry and wet heath etc.

I would therefore recommend that SCAIL calculations are required for any designated sites within 5km.

In addition given the proximity of the proposed development to the River Wye SAC, the LPA are also required to undertake a Habitats Regulations Assessment to determine any Likely Significant Effects to the SAC or it's associated features in accordance with the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

Considering the proposed development, potential impacts, sensitivity of the surrounding area and proximity to sites and habitats of International and National importance (e.g. given the River Wye SAC/SSSI and the Glascwm and Gladestry Hills SSSI) it is considered that under Schedule II of the EIA Regulations the proposed development is located in an Environmentally Sensitive Area and that an EIA is required for this site.

If you wish to discuss the above with me further or have any queries please let me know

Correspondence received 13th March 2015 -

Apologies for the delay in getting this response to your consultation regarding the proposed free range egg production unit development at Penarth Farm – Application Reference P/2015/0131.

As stated in my previous response regarding the requirement for an Environmental Impact Assessment for the proposed development, the proposed development has potential to result in negative impacts to the water quality of the River Wye SAC due to impacts from nutrient deposition. The River Edw (designated as part of the River Wye SAC/SSSI) is located approximately 400m to the east of the proposed development but there is a small watercourse located approximately 50m to the west of the proposed location of the poultry unit. This water course connects with the River Edw (River Wye SAC/SSSI) approximately 700m downstream in addition there are 7 SSSIs within 5km (in my previous response I referred to 8 SSSIs, this was incorrect) of the proposed free range egg unit site all of which are designated for the quality of habitat present including acid grassland, unimproved neutral grassland, woodland, swamp, fen and damp grassland, calcareous grassland and dry and wet heath etc. SCAIL calculations have been produced for 6 of these sites and provided within the appendix of the design and access statement, further SCAIL assessment is required for the River Wye SAC/SSSI. In addition where available information regarding nutrient impacts from other intensive poultry units within this area is required to assess potential cumulative impacts.

Given the proximity of the proposed development to the River Wye SAC, the LPA are also required to undertake a Habitats Regulations Assessment to determine any Likely Significant Effects to the SAC or it's associated features in accordance with the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). Detailed information will need to be provided to enable the LPA to undertake a screening of the likely significant effect to the River Wye SAC and its associated features including drainage design, manure management plan, pollution prevention measures during

construction and operation of the development including during change-over of flock cycles, details regarding the location of the ranging area including the proximity to the watercourse adjacent to the site, information regarding the slope of the ranging area to identify potential risk of run off to the watercourse and details of proposed buffer zones to protect the watercourse including details of any landscaping, etc. as well as any mitigation measures proposed.

It should be noted that great crested newts have been recorded within 350m of the proposed development, there is a waterbody approximately 150m south-east of the access to the site. Given the known presence of great crested – European protected species - in the area and the proximity of the waterbody to the site access improvements an assessment of likely impacts to great crested newts will be required and an appropriate mitigation strategy/scheme of reasonable avoidance measures identified to be agreed with NRW and implemented if approval is given.

In addition to the proposed building and associated infrastructure the application includes formation of vehicular access road and highway improvements at main junction off A481, I have reviewed the Hedgerow Assessment and Mitigation Strategy produced by Ecology Services dated December 2014. The assessment of the hedgerows and the proposed hedgerow translocation method statement at the site access and compensation hedgerow replanting and verge reseeding at the main junction off A481 are considered to be appropriate in principle but may need to be reviewed to accommodate any necessary mitigation/ reasonable avoidance measures identified for great crested newts. Should planning permission be granted these measures including any revisions will need to be secured through appropriately worded planning conditions.

In accordance with PCC's NERC Duty, TAN 5, PCC's Biodiversity SPG and UDP Policy SP3, a scheme of Ecological Enhancements should be developed and submitted as part of the application thus ensuring net biodiversity benefits (biodiversity enhancements) through the proposed development. These can include:

- provision of bird and bat boxes; including the details of the number, type and location of these boxes;
- Native landscaping plan;
- a wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- a wildlife friendly hedgerow management regime, wildlife/green corridors through the site linking offsite and onsite habitats, and an appropriate after care period to ensure that any created habitats and buffer strips, hedgerows, landscape planting, etc become established (5 years may be appropriate).

Measures identified will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

The additional information identified above is required prior to determination of the application.

Correspondence received 15th April 2016 –

Thank you for consulting me with regards to planning application P/2015/0131. The application concerns Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works.

An Ecological Assessment & Mitigation Strategy Report has been submitted as part of the Environmental Statement, this report has been produced by Ecology Services and is dated June 2015. As part of the ecological assessment a great crested newt survey was undertaken which confirmed the presence of great crested newts in a pond approximately 150m to the south east of the proposed access road for the site. A mitigation and enhancement strategy has been identified within this report, NRW have reviewed the measures proposed and have confirmed that they considered them to be acceptable. The mitigation measures outlines in this ecology report and the previous report titled Hedgerow Assessment & Mitigation Strategy by Ecology Services dated December 2014 should be secured through appropriately worded conditions.

NRW have reviewed the SCAIL information submitted and have confirmed that the predicted ammonia and nitrogen contributions would not be significant to nearby Nationally and Internationally designated sites.

A manure management plan has been submitted as part of the environmental statement, 10m buffer zones have been identified along all watercourse with regards to manure spreading and a 10m buffer zone has also been identified along the watercourse to the west of the proposed ranging area. NRW have requested that a pollution prevention plan is secured through appropriately worded conditions this plan should include measures to manage potential pollution risks both during Construction and Operation of the site.

I have undertaken a HRA Screening assessment of the application and consider that subject to the inclusion of a condition for a pollution prevention plan to be submitted for LPA approval prior to the commencement of any development there would be No Likely Significant Effect to the River Wye SAC or it's associated features. A copy of the screening record is attached to this email for your records.

In addition NRW have requested that a Bio-Security Risk Assessment is secured prior to commencement of development through a condition and should include details of:

- Identification of appropriate measures to control and Invasive Non-Native Species on site
- Identification of measures or actions that aim to prevent Invasive Non-Native Species being introduced to the site for the duration of construction and operations phase of the scheme

In light of the above it is considered that sufficient information has been provided to demonstrate that the proposed development will not result in any negative impacts to biodiversity. Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The Mitigation and Enhancement Strategy in Section 3 of the Ecological Assessment & Mitigation Strategy Report by Ecology Services dated June 2015 and the Mitigation Strategy

in Section 3 of the Hedgerow Assessment & Mitigation Strategy Report by Ecology Services dated December 2014 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, January 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, January 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

Prior to commencement of development a Bio-Security Risk Assessment Plan detailing measures to control and prevent introduction of INNS shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, January 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

In addition I recommend inclusion of the following informative:

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.

Natural Resources Wales

Correspondence received 9th April 2015 –

Thank you for your consultation referring to the above proposals.

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, enhanced and used, now and in the future.

Natural Resources Wales issues a holding objection to the proposal because there is insufficient information to fully assess the potential impacts on European Protected Species (EPS) NRW considers that the development parameters may fall within schedule 2 of the EIA regulations and that an EIA screening exercise should be carried out.

Legislation and Policy

Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

As a consequence, information must be provided to inform the public decision making process where applicable or relevant

NRW advice on the application

Protected Species

We note that a hedgerow assessment and mitigation strategy was submitted to inform the public decision making processes but issues in respect of protected species, including dormouse, bats, badger and nesting bird are not effectively considered.

Comments in respect of dormouse were identified in the hedgerow report but the application does not appear to have been supported by a protected species survey.

The closest records of great crested newts are at 1.3 km and one pond is located within 250 of the proposed scheme. It appears to be located close to the new access road. However, no information is provided in respect of the area of land to be used for chicken free ranging purposes; possible changes to foraging capacity/food availability for any amphibian species (if present); or risks (if any) of nutrient enrichment to water features (e.g. ponds) and its consequent potential impacts on aquatic species including amphibians.

Therefore we consider that the applicant has provided insufficient information to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of European or British protected species.

We therefore advise that further information is provided to inform the public decision making process.

Airbourne Pollutants

The SCAIL ammonia screening provided indicated that the ammonia and nitrogen contribution of this development to nearby nationally and internationally designated sites would not be significant and further detailed modelling would not be required. Although we are not objecting to this particular development on grounds of air pollution, the proposal is contributing to an already high ammonia and nitrogen background which could be affecting the designated features. It may be that the receiving environment has reached its environmental capacity to absorb such developments. Therefore planning applications of this kind will need to be considered more strategically and future developments that produce ammonia and/or nitrogen may not be possible.

Manure Management

The Design and Access Statement references the farm's waste management plan, but this has not been included in the application documents. It states all manure will be taken off the site and utilised on the applicant's farm holding as fertilizer. The applicant is required to collect, store and dispose of all wash water and manures arising from the sheds 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.

Site infrastructure

There is no detail on how the site will be drained and any proposed treatment of surface water, if required. Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaway should be directed away from existing surface waters.

Your authority may wish to secure a planning condition to any permission granted to ensure surface water is disposed of satisfactorily.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We advise that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration.

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

In summary, NRW issues a holding objection to the proposals as currently there is insufficient information for us to make a full assessment of their impacts on European protected species. We can provide further comments on the proposals when provided with the information requested above. We therefore recommend that a decision on the application is deferred until all the relevant information is supplied or that the application is refused on the basis of insufficient information.

I hope these comments are of assistance. If you have any queries, or if you require any further information, please do not hesitate to contact us at the above address.

Correspondence received 19th October 2015 –

Thank you for consulting Natural Resources Wales about the above development proposal. This response supersedes our response dated 9th April 2015 to this planning application.

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.

NRW does not object to the proposed development subject to any planning consent for the development including conditions as identified below to ensure the maintenance of the favourable conservation status of protected species.

Protected Sites

The proposal had the potential to impact the River Wye (tributaries) Site of Special Scientific Interest (SSSI), River Wye Special Area of Conservation (SAC), Glascwm and Gladestry Hill SSSI.

We have considered the potential impact from the type of development proposed which includes ammonia and nitrogen emissions.

A SCAIL model has been provided that indicates that the ammonia and nitrogen contribution of this development to nearby nationally and internally designated sites would not be significant.

Manure Management

The Manure Management Plan that supports the application is comprehensive in terms of detailing how nutrients arising from the proposal will be stored and incorporated into the farming rotation to maximize their benefit and help reduce run off of nutrients.

We have the following comments to make on the manure management plan.

No details have been provided relating to control of run off from the ranging and veranda areas. Good soil and crop cover management are essential to help reduce run off from ranging areas which have a very high nutrient and sediment loading. The applicant may choose a variety of methods to help control this run off including directing to effluent tanks or earth bunds in fields corners to help prevent it reaching a watercourse.

The applicant is advised to plan for emergency spillages and provide equipment to help minimise the risk of pollution in the event of an emergency. This may involve having an accident management plan, identifying all potentially polluting substances on site and provide secondary containment where possible and keep drain covers and drain bungs on site.

The management of surface waters from the development, including the ranging areas needs to be described in a pollution prevention plan. The need for a pollution prevention plan should be conditioned as part of any planning consent given for the development and approved to the satisfaction of the LPA.

All new construction for the collection of agricultural effluent must satisfy The Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil Regulations (England and Wales) 2010.(SSAFO).

Environmental Permitting Regulations

NRW confirms that a permit under the EPR 2010 regulations is not required for the proposal as it is for under 40,000 chickens.

Discharge (of Effluent) to ground or surface waters

The applicant will need to apply for a Permit, or Exemption from NRW, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch.

The applicant may also need to apply for a Permit from NRW to allow certain discharges into ground. Any necessary Permit must be obtained prior to works starting on site.

Further information regarding permitting requirements including exemption is available on our website;<https://naturalresources.wales/apply-and-buy/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Protected Species

An Ecological Survey prepared by Ecology Services dated June 2015 supports the planning application.

- *Great crested Newts*

Pond is located 150m to the south west of the proposed access road into the site.

The survey results indicate that the pond supports a small population of great crested newts and therefore the development can only proceed if Reasonable Avoidance Measures (RAMS) are implemented to ensure no detrimental impact on the favourable conservation status of Great Crested Newts.

As advised in the report, the RAMS should include removing/translocating the hedgerow under the supervision of an ecological clerk of works who should undertake a search for the species whilst the hedgerow is being removed on a section by section basis. In the event that any GCNs are found, work should stop and NRW contacted for further guidance. Please note that in this case the development could only progress under a derogation licence issued by NRW.

The Reasonable Avoidance Measures identified in the ecological survey report should be conditioned as part of any planning consent given for the development and should be implemented in full.

We are satisfied that if the above advice is followed that the proposal will not have a detrimental impact on the favourable conservation status of Great Crested Newts.

- *Dormice*

Although the survey confirms that the two hedgerows sited nearest the proposed access road is not suitable as dormouse habitat. However we welcome the adoption of a precautionary approach during the hedgerow removal/translocation process.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to be approved to the satisfaction of the LPA prior to commencement of development.

We consider that this assessment should include the following information;

- 1) Identification of appropriate measures to control any INNS on site
- 2) Identification of measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operations phase of the scheme.

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species and species and this may be accessed using the following link: www.biodiversitywales.org.uk.

To conclude, we have no objection to the development subject to any planning consent for the development including conditions as identified to ensure the maintenance of the favourable conservation status of protected species.

We thank you for consulting with NRW. Should you require any further information or clarification, Natural Resources Wales may be contacted at the above address.

Correspondence received 22nd April 2016 –

Thank you for consulting Natural Resources Wales (NRW) about the above case.

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.

In our letter dated the 1/10/15 in response to this consultation NRW explained that we did not object to this proposal subject to any planning consent for the development including the conditions identified our letter.

The three conditions which NRW recommended were:

1. The submission of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality.
2. Implementation of the reasonable avoidance measures identified in the ecological survey report.
3. Biosecurity risk assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme.

NRW agree that the conditions recommended in your email dated the 15/4/16 (Holly Hobbs) in relation to this case should adequately cover these conditions provided that the pollution

management plan includes the impact that surface water will have from both the ranging area and the development during construction and operation.

Correspondence received 11th May 2016 -

I am writing with regards to the above case in order to make the following addition to our letter dated the 22/4/16.

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.

It has been brought to the attention of NRW that the ranging area outlined in the plans submitted in support of this application is currently estimated to be approximately 2.77Ha. Commission Regulation (EEC) No 1274/91 (OJ No L 121 of 16.5.91) as amended requires that free range poultry enterprises satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC in order to mark their small egg packs as free range. One of the requirements is that ranging areas have a maximum stocking density of 2500 hens per hectare (4m² per hen) for free range chickens (DEFRA Laying Hens Code of Recommendations for the Welfare of Livestock). It is also understood that some egg suppliers have lower stocking rate requirements which would necessitate larger ranging areas.

Given this the ranging area is likely to be underestimated (16000 hens at a stocking rate of 2500 would need a 6.4Ha range) and if this is the case then the actual ranging area would extend beyond the area outlined in the ranging area plan originally submitted in support of this application.

In our letter dated the 22/4/16 NRW reviewed the Habitat Regulations Assessment which was submitted in relation to this plan which assesses the impact that the installation could have on the River Wye SAC and agreed with its conclusion and recommendations that this scheme should not impact on the River Wye SAC provided that:

- no manure is spread within 10m of any of the tributaries of the River Wye, that any tributaries are fenced out of the ranging area (10m buffer) and
- that a pollution management plan is submitted in support of the development (provided that the pollution management plan includes the impact that surface water will have from both the ranging area and the development during construction and operation).

NRW still stand by this advice. As previously stated NRW does not object to the proposal, provided that the permission is subject to the conditions outlined in your response (15/4/16 email Holly Hobbs). However given this new information NRW would request that the applicant review the extent of the ranging area and also if necessary outline any additional areas which need to be fenced out along watercourses (in the reviewed ranging area) and present this information within the pollution management plan. This is so that the applicant can demonstrate that the unit will not adversely impact the River Wye SAC.

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

Correspondence received 10th June 2016 -

Thank you for consulting Natural Resources Wales (NRW) about the above application. Please note that this response supersedes all of our previous consultation responses for this application. We confirm that correspondence received from the owners of neighbouring properties has provided additional information that has required us to reassess the possible effects of the proposed development. Further detail is provided below.

We have significant concerns with the proposed development as submitted.

We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Summary of requirements prior to determination of planning application

Requirement 1: Protected species: GCN habitat management plan

Requirement 3: Clarification of the construction of the crossing

Requirement 4: Amendment to the plan to show fencing or field boundaries

Requirement 5: Amendment of plan to identify any existing watercourses/ditches within the ranging area

Summary of requirements that can form subject of condition of any planning consent given for the development

Requirement 2: The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme.

Requirement 6: The submission and approval of details of the method of installation of the bund

Requirement 7: The submission and approval of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC.

Protected Species

As noted in our second consultation response dated 11/05/16, direct communication to NRW from a local neighbour has brought to our attention that the extent of the original ranging area within the application submission had been underestimated. We requested that the applicant reviewed the extent of the ranging area and also if necessary outline any additional areas which need to be fenced out along watercourses (in the reviewed ranging area) and present this information within the pollution management plan.

We have reviewed the updated plan received showing the extent of the ranging area, which identifies a larger ranging area than originally proposed and also includes areas of ponds. We consider that the larger ranging area has the potential to impact on the maintenance of the favourable conservation status of Great Crested Newts (GCN), and therefore as noted

below request that any planning consent includes provisions for the submission and implementation of a GCN habitat management plan.

Requirement 1: Protected species: GCN habitat management plan

We request that any planning approval given for the development includes a suitably worded condition requiring the provision prior to the commencement of development the submission and implementation of a great crested newt habitat management plan to the satisfaction of the LPA. This submission shall include but not be limited to;

- *Amphibian specific terrestrial habitat management*
- *Details of proposed surveillance*
- *Contingency measures that will be carried out in the event that the population is considered to be declining or deteriorating*

Subject to the above provision we are satisfied that the proposed development will not have a detrimental impact of the maintenance on the favourable conservation status of great crested newts.

NRW considers that it would be beneficial for the LPA to receive an outline for the Newt Management Strategy prior to the determination of the application in order to satisfy the three tests. Such a document could outline the contents of the Management Strategy and outline enhancements and long term management proposals for the site and show how the scheme would satisfy the requirements of the Derogation Tests under the Habitats Directive.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Requirement 2: The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to be approved to the satisfaction of the LPA prior to commencement of development.

We consider that this assessment should include the following information;

- 1) Identification of appropriate measures to control any INNS on site
- 2) Identification of measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operations phase of the scheme

Protected Sites

The proposal had the potential to impact the River Wye (tributaries) Site of Special Scientific Interest (SSSI), River Wye Special Area of Conservation (SAC), Glascwm and Gladestry Hill SSSI.

In our letter dated the 22/4/16 we agreed with the conclusion and recommendations of your HRA, that being that the development would not have a detrimental impact on the features of the River Wye SAC provided that the mitigation measures identified were implemented in full. As identified above the applicants have now recalculated the extent of the ranging area and we consider that this could have potential effects on the River Wye SAC. Further details are provided below.

We therefore recommend that you re-visit your HRA in light of the changes made to the proposal. However, we consider that the information requested below will be required to inform your HRA. We remind you that, as a competent authority for the purposes of the 2010 Regulations (as amended), your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC site.

The revised layout plans submitted also includes further development that requires consideration in the context of the HRA and possible effects on protected sites including proposals to establish a small area of trees, a 10m fenced out buffer along the boundary of the stream and a proposal to install a 0.5m high 10m bund which appears to be located in the ranging area. We assume that the bund is intended to assist in reducing surface water run off issues to the adjacent stream.

- Crossing

The ranging area now extends to a field on the opposite side of the stream and the plans indicate that a crossing is to be used for the chickens to move between the two fields. The ranging area on the west of the stream does not appear to extend to within 10m of the stream apart from where the chickens have to cross between the fields over the stream.

It is not clear from the plan if the crossing already exists or how it will be constructed. It is important that the crossing does not become a channel for nutrient/silt laden water to be directed towards the stream from the ranging area.

It is recommended that the crossing be installed/improved so that the slope and sides of the crossing direct any surface water back in to the field and away from the stream.

Requirement 3: Clarification of the construction of the crossing

It is recommended that details of the method of constructing the crossing (or improving the existing crossing) is submitted and approved prior to commencement of development and provided as part of the pollution management plan. There is a need to avoid the surface water from the crossing being directed into the stream which could affect water quality within the River Wye SAC.

- Fencing

Currently there does not appear to be any fencing or field boundaries in place to exclude the chickens from the land adjacent to the stream on site, and also the plans does not clearly mark an area of fenced buffer on the west side of the stream.

Requirement 4: Amendment to the plan to show fencing or field boundaries

We advise that the submitted plans are revised prior to determination to include details of the fencing or field boundaries that are to be provided to ensure that chickens are excluded from the land adjacent to the west side of the stream.

This it to ensure that there are no water quality issues likely to affect the River Wye SAC.

- Watercourses/ditches

NRW do not have records of any ditches within or adjacent to the ranging area however it has been brought to our attention that there may be a ditch which runs along the east side of the range near the road and that this may discharge directly in to the stream. We require clarification on this matter.

Requirement 5: Amendment of plan to identify any existing watercourses/ditches within the ranging area

Prior to determination of the planning application we require the submission of a plan identifying any existing watercourses/ditches within the ranging area (or within 10m of the ranging area where the ranging area will drain to these ditches) and confirmation that they will be fenced out of the range with a 10m buffer, if the range extends to both sides of the watercourse then the buffer needs to be at least 10m on both sides.

This it to ensure that there are no water quality issues likely to affect the River Wye SAC.

- Bund

The revised plans includes the installation of a bund. There is a need to construct the bund in a manner that does not affect water quality. We also identify that the bund has the potential to help reduce surface water runoff issues. It is important that if a bund is constructed, it must be complete enough so as not to allow run off to escape around the edges of the bund.

The plans seem to suggest that the bund is located outside the 10m fenced area within the ranging area. If it is located more than 10m from the boundary of the stream this should help to reduce the risk of surface water run off during its installation. It is recommended that the bund be seeded in order to stabilise it and that works be undertaken in dry weather, it will be necessary to temporarily fence out the bund from the ranging area until the vegetation on it is established.

Requirement 6: The submission and approval of details of the method of installation of the bund

We recommended that any planning permission includes a requirement for the details of the method of constructing the bund to be agreed prior to the commencement of development. These details could form part of the pollution management plan.

We also advise that you may wish to consult your land drainage team as the bund may have implications for ordinary watercourses.

Manure management plan

We refer you to our comments included in our letter dated 01/10/2015 which remain valid. As detailed in our comments, the management of surface waters from the development, including the ranging areas needs to be described in a pollution prevention plan.

Requirement 7: The submission and approval of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC.

The need for a pollution prevention plan should be conditioned as part of any planning consent given for the development and approved to the satisfaction of the LPA in consultation with NRW. The plan should demonstrate how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC.

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

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/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.

Correspondence received 14th June 2016 –

Thank you for your email. Apologies for the confusion, the GCN Habitat Management Plan is required prior to the determination.

Correspondence received 4th August 2016 –

Thank you for consulting Natural Resources Wales (NRW) about the above application.

We have significant concerns with the proposed development as submitted. We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Summary of requirements prior to determination of planning application.

Requirement 1: Protected species: GCN habitat management plan

Requirement 3: Clarification of the construction of the crossing (including the fencing/barrier along both sides of the crossing).

Requirement 4: Amendment to the plan to show fencing or field boundaries (with the 10m buffers)

Summary of requirements that can form subject of condition of any planning consent given for the development

Requirement 2: The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme.

Requirement 6: The submission and approval of details of the method of installation of the three bunds.

Requirement 7: The submission and approval of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC.

In our letter dated the 10/6/16 NRW explained that we had significant concerns with the proposed development as submitted and identified 7 requirements. NRW agreed that requirements 2, 6 and 7 identified in our letter can form the subject of condition for any planning consent given and therefore NRW will not comment further in relation to these requirements at this time.

Requirement 1 related to the provision of a great crested newt habitat management plan. This plan has not yet been submitted and therefore NRW cannot comment on this matter further, NRW will be able to comment once the plan has been submitted.

Requirement 1: Protected species: GCN habitat management plan

The third requirement relates to the need to clarify the construction of the crossing this was because it is important that the applicant identify how they will ensure that water from the crossing is directed away from the watercourse. The resubmitted plan identifies bunds which will run along the side of the culvert crossing and that the culverted crossing will be extended upstream. No other information about the construction for the bunds have been included.

It may be necessary to get consent to extend the length of the culvert upstream, it is recommended that the applicant contact the lead local flood authority (Powys County Council) to determine whether this activity needs consent.

NRW recommended in our letter that the crossing be installed/improved so that slope of the crossing and the sides of the crossing be constructed to direct water back into the field and away from the stream.

- It would be helpful for the applicant to clarify that the crossing is or will be graded to ensure that water flows away from the centre of the crossing and into the fields.
- It would also be helpful for the applicant to clarify the size of the bunds and confirm that they will be adequate size to accommodate any surface water run off without overtopping.
- Given the high level of footfall in this area and the proximity of the bunds to the water course they may be subject to erosion over time therefore it would be helpful for the applicant

to clarify how the bunds will be stabilised to ensure that they do not erode away (i.e. they will seeded and also be fenced out of the chicken range).

- If a bund is constructed, it must be complete enough so as to not allow run off to escape around the edges of the bund, the proposed soil bunds extend approximately 15m in length it would be helpful if the applicant could also confirm that they are confident that the extent of the bunds will direct all surface water run-off from the range into the adjacent fields.

As stated previously the method of construction of the crossing will need to be submitted as part of the pollution prevention plan.

Requirement 3: Clarification of the construction of the crossing (including the fencing/barrier along both sides of the crossing).

Providing that the above points are met the soil bunds should be an adequate mitigation, so long as every bund is permanently fenced to prevent soil erosion and encourage vegetation.

Requirement 6: The submission and approval of details of the method of installation of the three bunds.

Requirement 5 recommended that an amended plan identifying any existing watercourse/ditches within the ranging area (and any watercourses within 10m of the ranging area which the ranging area drains to) be submitted. In our letter dated the 10/6/16 NRW also raised concerns about the possible location of a ditch along the east of the ranging area. It is noted that a ditch to the south and the east of the ranging area are now marked in blue on the plan and therefore this has fulfilled requirement 5.

Requirement 4 requested that the plan be amended to show the location of the fencing of field boundaries, the main purpose of this was to clarify that all watercourses are fenced out with at least a 10m buffer. Runoff from the ranging area (or poultry unit) must not be allowed to enter any water watercourse, surface water or ditch, birds must be excluded from all watercourses and ditches by fencing a 10m vegetated buffer zone as a minimum therefore buffer strips should be included along the Eastern and Southern parts of the ranging area where a ditch is present on the plan as well in areas already proposed and the plan needs to be amended to reflect this.

Requirement 4: Amendment to the plan to show fencing or field boundaries (with the 10m buffers)

The only area where it is not clear that there is a fence/barrier is along the sides of the crossing between the two ranging areas, this may be an artefact of the plan due to the scale and it is assumed that there will be fence/barrier to prevent poultry from escaping from the range in this area however it would be helpful if the applicant could confirm what kind of barrier will be constructed along the edge of the crossing and whether the applicant intends the bunds to be inside or outside the fence/barrier.

We have significant concerns with the proposed development as submitted. We recommend that planning permission should only be given if the requirements outlined above can be met. If these requirements are not met then we would object to this application.

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

Correspondence received 9th September 2016 -

Thank you for consulting Natural Resources Wales (NRW) about the above application.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of requirements that can form the subject of conditions of any planning consent given for the development:

Requirement 2: The submission and approval of a Biosecurity Risk Assessment which will identify appropriate measures to control INNS on the site and actions that aim to prevent INNS being introduced to the site for the duration of the construction and operational phases of the scheme.

Requirement 6: The submission and approval of details of the method of installation of any bunds associated with the development.

Requirement 7: The submission and approval of a pollution management plan which includes an explanation of how surface waters from the development including the ranging areas will be managed to avoid any impacts in terms of water quality on the River Wye SAC.

Requirement 8: Outstanding issues regarding the surveillance of newts should be addressed by a reserved condition.

Requirement 9: The applicant must submit and agree the design of the crossing (including the fencing/barrier to prevent poultry escaping into the watercourse) between the two range areas to ensure that it does not adversely impact water quality within the watercourse and that this should be agreed with PCC and NRW before any construction work on the site can start.

In our letter dated the 10/6/16 NRW explained that we had significant concerns with the proposed development as submitted and identified 7 requirements. NRW agreed previously that requirements 2, 6 and 7 can form the subject of a condition for any planning consent given. It has been proposed that the design of the final culvert be made a condition of the planning application. The applicant has submitted additional information which has either partially or fully addressed requirements 1, 4 and 5. Requirements 8 and 9 above are required in order to address outstanding issues associated with requirement 1, 3 and 5 which still need to be addressed.

Protected Species

Requirement 1 listed in our letter dated the 10/6/16 requested that the applicant submit a great crested newt habitat management plan. The applicants have now submitted a great crested newt mitigation strategy report (Reference Emms, C. (2016) Great Crested Newt Mitigation Strategy – Penarth Farm, Cregrina, Powys, Ecology Service. Unpublished). NRW

have reviewed the strategy and in our view the submission is satisfactory in terms of terrestrial habitat management and contingency measures for great crested newts.

NRW recommend that field surveillance is based on the ARC/Cofnod/WG online methodology and that the duration must be for a minimum of 5 years. We also advise that population surveillance targets are defined and these are used to inform key performance indicators (KPI's) associated with future surveillance and monitoring. Requirement 8 now supersedes requirement 1 identified in our letter dated the 10/6/16.

Requirement 8: Outstanding issues regarding surveillance can be addressed by a reserved condition.

Protected Sites and Water Quality

NRW have previously raised concerns about the crossing between the two range areas. As the stream over which the crossing is placed discharges in the River Wye SAC it is necessary that the development does not adversely affect the water quality in the SAC. It is necessary for the applicant to identify how they will ensure that water from the crossing is directed away from the watercourse and how it will not adversely affect water quality.

In our previous letter we also noted that the fencing plan did not appear to include a fence/barrier along the sides of the crossing between the two ranging areas, it was suggested that this may be an artefact of the plan due to the scale. It is essential that there will be a fence/barrier to prevent poultry from escaping from the range in this area and the applicant will need to confirm what kind of barrier will be constructed along the edge of the crossing and how it will be located in relation to the crossing.

It has been proposed that the design of the culvert and the associated mitigation to avoid adverse impacts on the water quality of the stream be made a condition of the planning application. NRW would not object to this proposal provided that it be conditioned that the design needed to be agreed before any construction is undertaken and that it needed to be agreed to the satisfaction of Powys County Council and NRW. Requirement 3 is now superseded by requirement 9.

Requirement 9: A condition should be placed on the permission to ensure that the applicant must submit and agree the design of the crossing (including the fencing/barrier to prevent poultry escaping into the watercourse) between the two range areas to ensure that it does not adversely impact water quality within the watercourse and that this should be agreed with PCC and NRW before any construction work on the site can start.

NRW recommended that the crossing be installed/improved so that slope of the crossing and the sides of the crossing be constructed to direct water back into the field and away from the stream it may be necessary to install further mitigation in the form of a swale or soakaway to ensure that the water is not directed back into the stream. NRW have also raised concerns about the stability and adequacy of the proposed bunds.

As stated previously the method of construction of the crossing will need to be submitted as part of the pollution prevention plan.

Requirement 5 recommended that an amended plan identifying any existing watercourse/ditches within the ranging area and any watercourses within 10m of the ranging area which the ranging area drains to be submitted. The applicant submitted a plan which appeared to indicate that there was a ditch along the east of the range area as there was a blue line around the edge of the range. If this was a ditch which the range drained to then NRW would expect that it be fenced out of range however the applicant has confirmed that the inclusion of this blue line was an error and that it denoted the edge of a previous development boundary and not a ditch. The applicants have resubmitted the plan which now only shows the stream which runs through the two range areas and have confirmed there are no other watercourses/drains within the range or within 10m of the range area which the range drains to. Provided that this is the case then requirement 5 has been met.

Requirement 4 requested that the plan be amended to show the location of the fencing of field boundaries, the main purpose of this was to clarify that all watercourses are fenced out of the range with a 10m buffer. As the previous plan included a blue line which ran along the east and south east boundary of the range which NRW had been under the impression was denoting a ditch NRW asked that the fencing plan be amended to show that the ditch was adequately fenced out of the range. However the applicant has now clarified that there is no ditch in this location or anywhere else within the range or within 10m of the range which the range drains to. Provided that this is the case then the only watercourse/ditch present is the stream marked in the recently submitted map then NRW would not expect the fencing to be modified and this information should mean that requirement 4 is fulfilled.

As stated above it is not clear that there is a fence/barrier along the sides of the crossing between the two ranging areas, NRW requested that the applicant confirm the structure of the fencing and how it is located in relation to the crossing. The applicant has failed to do this however this requirement has been incorporated into requirement 9 above.

In summary we recommend that you should only grant planning permission if you attach the conditions outlined above. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

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

Land Drainage

The County Council as Land Drainage Authority would wish the following recommendations/observations be applied:-

Surface Water Run-off:

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

The use of soakaways and or other infiltration techniques should be investigated in the first instance for surface water disposal. Porosity tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change.

Although rainwater harvesting for the use of washing purposes is to be encouraged, it cannot be taken into account when sizing an attenuation system as the storage facility may be full when a storm event occurs.

Reason: To ensure that the proposed surface water drainage is fully compliant with regulations and is of robust design.

Watercourses:

Any proposed diversion or culverting of any 'ordinary' watercourse (non Main River) will require prior consent from the Lead Local Flood Authority (Powys County Council) under the terms of Section 23 of the Land Drainage Act 1991 (as amended).

The developer must not, in any way, create an obstruction or a restriction to the flow of a watercourse under normal or flood flow conditions. No material should be tipped within 5 metres of a watercourse or within the floodplain.

Clwyd Powys Archaeological Trust

Correspondence received 10th September 2015 -

Thank you for the consultation on the Full application following earlier pre-planning consultation.

Our advice regarding the egg production unit remains the same and Cadw must be consulted for their opinion on any potential setting impacts for the SAM RD 076 Penarth Mount Castle Mound. The primary contacts would be Will Davies will.davies@wales.gsi.gov.uk and Suzanne Whiting suzanne.whiting@wales.gsi.gov.uk

Cadw must also be consulted with regard to the associated hedgerow removal and highway works on the A481 road junction to create a new visibility splay. The highways plan submitted appear to suggest that the southern edge of the new splay would enter the scheduled monument boundary and potentially impact the outer defences of the SAM RD 035 Colwyn Castle. The applicant should therefore obtain the latest scheduling boundary plan from Cadw (same contacts as above) and the proposed highway works should not extend to within 20 metres of the scheduled boundary.

Due to the proximity of the splay works to the scheduled monument and the potential for associated archaeology or artefacts outside the defences of the motte caste we would recommend that a watching brief is also maintained on all ground disturbing works for this highway improvement. A suitable condition is provided below.

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control

Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.

Correspondence received 19th April 2016 -

Thank you for the notice of additional plans submitted.

We note the new soil bund and buffer zone on the west side of the application area and I can confirm that these will have no direct impact upon the scheduled Penarth Mount castle site or any undesignated archaeological sites. There may be an increased setting impact from the bund and Cadw (Will Davies - will.davies@wales.gsi.gov.uk) should be contacted for their views.

With regard to the highway improvements at the A481 junction we would still require a watching brief condition here as per the advice given in our response dated 16/9/15.

Correspondence received 6th May 2016 –

Thank you for your email.

We had assumed that the applicant would have adjusted the layout of the access splay ground excavation area so that it lies outside the scheduled area in consultation with Cadw, but this does not seem to be the case. We would not support any ground excavation for the splay within the scheduled area, or immediately adjacent to it, and the applicant must adjust the splay accordingly in consultation with Cadw. We would therefore object to the current splay layout adjacent to the Colwyn Castle scheduled monument due to the direct impact. The splay should generally be kept at least 5 metres, preferably more, from the edge of the scheduled monument boundary, but the precise buffer should be discussed with Cadw. If this cannot be achieved then additional pre-determination evaluation work with geophysics and/or investigative trenching may be required.

Correspondence received 1st June 2016 –

1. Old Colwyn Visibility Splay

With regard to the new visibility splay at Old Colwyn we note that the splay has now been moved so that it no longer impacts the scheduled area. We therefore have no objection to the revised layout. The previously recommended watching brief condition should still be maintained here due to the proximity of the castle site and the potential for related unrecorded archaeology on the ground just below the scheduled area. In this case the condition would be:

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys

Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

2. Penarth Farm Poultry Shed and Access

The extended ranging area does run right up to the boundary with the scheduled monument at the south east end. It would be useful to pull this back to the north west by about 10 metres to prevent any accidental erosion by chicken grazing activity. We assume Cadw have been re-consulted on this scheme and they may have additional advice.

Correspondence received 9th August 2016 –

Thank you for the additional plans.

The new layout plan does not appear to show any significant changes with regard to the proposed field boundary fencing and the poultry ranging areas in relation to the scheduled monument boundary for Penarth Mount Motte. Our comments therefore remain the same as provided on 1/6/16. If Cadw have not already been consulted they should be forwarded a copy of the latest plans for their comments on any potential direct and setting impacts. The contact at Cadw would be Helen May Helen.May2@wales.gsi.gov.uk

CADW

Correspondence received 27th February 2015 –

Thank you for your letter of 12 February 2015 inviting Cadw's comments on the planning application for the proposed development as described above. Cadw will comment separately on the screening opinion.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where

nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The proposal lies within the vicinity of the scheduled ancient monument known as Penarth Mount Motte RD076, a substantial and partially tree covered artificial motte or mound of a medieval earth and timber castle. This occupies a spur on the western slopes of the Edw Valley overlooking its confluence with the Clas Brook to the south. The development site is located immediately to the south east of Penarth Farm, approximately 180m to the north-west of and at a similar elevation to the monument. The scheduled area of this monument is shown outlined in red on the attached plan

Cadw provided a response to a pre application which recommended that the applicant considered the potential impacts of the structure on the setting of the monument, specifically in key views along the valley from the motte. The location of the unit has accordingly been moved to the west where it is now viewed against the backdrop of the existing buildings of Penarth Farm.

Whilst there will be no direct impact on the monument, the potential indirect impact of the development on the setting of the monument should be assessed as part of any planning application and should be a material consideration when such an application is determined.

In this instance the unit will represent a substantial industrially scaled addition to views north from the mound, facing the monument across an open pasture field and will therefore have some degree of impact on the setting of the monument. However, the unit will not interrupt key views from the motte along the valley to the south, east and north east, which it was almost certainly sited to command and will appear against a backdrop of existing agricultural buildings. In Cadw's view the proposed development will therefore have no significant adverse impact on the setting of the monument although the potential to further mitigate this impact of the development through screening should be considered, through planting as there are no existing boundaries to offer any visual barrier.

Correspondence received 16th September 2015 –

Thank you for your letter of 26 August 2015 inviting Cadw's comments on the planning application for the proposed development as described above.

Cadw's role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments or registered historic parks and gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission, including issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of

Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The proposed development is located within the scheduled monument known as Colwyn Castle (RD035) and within the vicinity of Penarth Mount Castle Mound (RD076).

The ecological assessment and mitigation strategy submitted to accompany this application includes details of hedgerow realignment works and a proposed new visibility splay to the north of the A481 at Hundred House. The visibility splay involves substantial re-profiling (3.15 of ecological assessment) and excavation to create a new verge and realigned hedgerow approximately 160m in length. This area is immediately adjacent to Colwyn Castle (RD035) which is a substantial motte and bailey thought to date to the medieval period. The monument comprises a mound which would have supported a timber defensive structure and an adjoining settlement defined by a single earthen bank and ditch. Recent archaeological investigations at the site were targeted to investigate the origins of the site, thought to possibly superimpose an earlier Roman fort. Whilst no evidence for a fort was revealed, the site retains significant archaeological potential with the possibility of extra-mural settlement or other remains surviving in the surrounding landscape.

In addition to planning permission, the proposed visibility splay involves significant excavation in an archaeologically sensitive area and as such, scheduled monument consent will be required for this work from the Welsh Minister (in practice, the Historic Environment Service (Cadw)). Given the overarching national policy in favour of the physical preservation of scheduled monuments the onus will be on the applicant to demonstrate that no practicable alternative [route or location], avoiding the monument exists and that the need to undertake the works outweighs the presumption in favour of the protection of such an important monument of national importance.

The ecological assessment also includes details of new hedge planting alongside the new access road to the proposed egg production unit. However, the application does not include an assessment of the indirect impacts of the proposals on the setting of Penarth Mount Castle Mound (RD076) nor does it include any proposals for screening or planting alongside the new building, as suggested in our previous response of 25 February 2015.

Section 9.8 of the Environmental Statement highlights fencing alongside the river which lies approximately 100m west of Penarth Mount. However, the fencing is unlikely to have an adverse impact on the setting of this monument.

In addition, the development control archaeologist at the Clwyd Powys Archaeological Trust must be contacted for advice on a suitable archaeological response to the proposals.

Correspondence received 10th May 2016 –

I refer to your additional information consulted that has been submitted to support the above application; however, no additional information on the impact of the proposed development on the scheduled monument of RD035 Colwyn Castle has been provided and no application for scheduled monument consent for works in the scheduled area has been made, even though these requirements were made clear in our letter of the 16 September 2015 (copy attached). Consequently insufficient information on the impact of the proposed development on the designated monument has been submitted with this application. This is a material consideration in determining this application and without the required information it will not be possible to make an informed determination of the current application.

Correspondence received 6th June 2016 –

Thank you for your emails of 13th May 2016 and 20th May 2016 inviting our comments on the amended plans and drawing of the chicken shed site and the proposed visibility splay adjacent to Colwyn Castle.

Our role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments or registered historic parks and gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission, including issues concerned with listed buildings and conservation areas.

The proposed development is located within the vicinity of the scheduled monuments known as RD076 Penarth Mount Castle Mound and RD025 Colwyn Castle.

At the shed site the amended plans indicate an area of screen planting of unspecified nature between RD076 Penarth Mount and the proposed chicken shed and a fenced 10 m buffer zone between the eastern bund protecting the stream to the west of the proposed ranging area. The screen planting will itself be an artificial feature but will potentially mitigate visual impacts of the shed on the motte, especially if a native species are planted rather than a block of conifers. In our view neither additional measure will have a significant effect on the impact of the development on the setting of the monument. The proposal is still likely to have a slight-moderate impact on the setting of the Penarth Mound due to its proximity to the monument but it will appear only peripherally, if at all, in significant views from the motte along the valley.

As previously requested more detailed drawing have been provided of the visual splay to the A481 and its relationship to the scheduled area of RD035 Colwyn Castle. These confirm that the proposed road work and re-laying of the hedge will be outside of the scheduled area. In our view the proposed landscaping relocation of this hedge-line will affect the layout rather the character of the pastoral land that forms the immediate setting of the castle to the west and south and will not significantly alter views of and from the monument in these directions.

Whilst the visual splay will in our view have no significant impact on the setting of Colwyn Castle its proximity to the castle and Roman fort dictates that the area affected by any groundwork has some potential to contain undesignated related buried archaeology; to this end the development control archaeologist at the Clwyd Powys Archaeological Trust should be closely consulted.

Correspondence received 17th August 2016 –

Thank you for your consultation on the above.

The new information consists of a plan showing that the existing piped culvert to the west of the farm will be widened and a great crested newt mitigation strategy. None of this new information alters our previous assessment of the impact of the proposed development on the settings of the scheduled monuments or the advice given.

Representations

At the time of writing this report, 11 representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Impact on Highway Safety – vertical bend, pinch point, increased traffic movements;
- Impact on the River Wye SAC – Inadequate mitigation;
- Cumulative Impact;
- Impact on the SAM;
- Impact on Residential Amenity;
- Water Pollution;
- Size of Range;
- Odour Report Inaccuracies;
- Distance between neighbouring properties;
- Noise;
- Impact on Ancient Woodland

Planning History

AGRI/2012/0056 – Erection of an agricultural building. Approved 25/05/12.

R1660 – Full: Erection of an agricultural dwelling. Refused 01/06/79.

R1660A – Full: Erection of a sheep shed. Approved 13/12/93.

R1660B – Full: Erection of an agricultural building. Approved 02/02/94.

R1660C – Full: Extension to sheep shed. Approved 17/11/94.

R166004 – Full: Erection of an agricultural worker's bungalow and installation of a septic tank. Approved 16/04/2003.

Principal Planning Constraints

Penarth Mount Motte – Scheduled Ancient Monument located within 180 metres of the proposed development.

Colwyn Castle – Schedule Ancient Monument located adjacent to proposed highway improvements.

Proximity to River Wye SAC and SSSI's.

Principal Planning Policies

National Planning Policy

- Planning Policy Wales (8th Edition, 2016)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 1/98 – Planning and the Historic Environment: Directions by the Secretary of State for Wales
- Welsh Officer Circular 60/96 – Planning and the Historic Environment: Archaeology (1996)
- Natural Environment and Rural Communities Act (2006)

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

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
 TR2 – Tourist Attractions and Development Areas
 DC9 – Protection of Water Resources
 DC13 – Surface Water Drainage
 DC14 – Development and Flood Risk

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

Introduction

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.

Environmental Impact Assessment Regulations 2016

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2016 details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists those developments where EIA is mandatory and Schedule 2 where the development must be screened to determine if it is EIA development.

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. Whilst an Environmental Impact Assessment is not a mandatory requirement for the proposed development, the floor area of the proposed building exceeds the applicable threshold of 500 square metres and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued by the Local Planning Authority.

Members are advised that the proposed poultry development was assessed against the selection criteria contained within Schedule 3 of the Regulations, with the opinion being that the development was EIA development by virtue of its scale, location specifically its proximity to the River Wye SAC. The applicant subsequently sought a screening direction from Welsh Government who confirmed that the proposal was EIA development based upon the *‘likely impact on European or British Protected Species (namely dormouse, bats, badgers and nesting birds)’*.

An Environmental Statement (ES) has been prepared by the developer. In accordance with Article 3 (3) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, the local planning authority must not grant planning permission unless they have taken the environmental information into consideration, and they must state in their decision that they have done so.

Principal of Development

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

Farm Diversification

The agent has provided a statement giving details of the agricultural enterprise they are currently engaged in and also details of the proposed free range egg production unit. The applicants' agent confirms that the landowner has an essential economic requirement to diversify the existing business to provide an additional source of income. It is indicated that the proposal will allow for the diversification of agricultural activity at the farm into the poultry sector, which may be seen as further aiding the sustainability of the farming enterprise as a whole.

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

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

Landscape and Visual Impact

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 application site comprises of agricultural land located immediately to the south of the existing farm complex, at a lower ground level. The proposed building will be sited in the north western area of the existing field whilst the proposed access track will run parallel to the northern site boundary. The application site is enclosed by mature hedgerows and slopes gently from west to east.

The application site is located within the 'Upland valley, Edw & adjacent' aspect area of Landmap and recognised as a well-defined valley comprising of distinctive small settlements, strong field patterns, hay meadows, hedges, tree and watercourse woodlands. Landmap acknowledges the tranquil and attractive qualities of the aspect area which has attractive

views both in and out and further encourages the conservation of the landscape elements identified above. For the purpose of Landmap, the overall visual and sensory value is identified as 'high'.

Notwithstanding the scale of the proposed development, Officers acknowledge that the proposed building will be seen against the backdrop of the existing building complex and as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the height of the proposed buildings and topography of the land, the profile is relatively low and thus further reduces potential landscape impact. The proposed building will be clad in profile sheeting – Juniper Green finish which is considered to be an appropriate material, in keeping with the agricultural character of the site and rural surroundings.

Whilst only an indicative landscaping scheme has been submitted to date, Officers consider that an appropriate landscaping and implementation scheme is capable of being secured by condition which will help aid the assimilation of the development within the landscape.

Although Development Management acknowledges that the proposal will result in the loss of the north western part of the field and represents a substantial built addition to the rural landscape, given the location of the development adjacent to the existing complex together with existing screening, it is not considered that the proposed development would compromise the desire to conserve the key landscape elements defined above. As such, the proposal is deemed to be in accordance with planning policy and therefore would not have an unacceptable adverse effect on the site and the landscape character of the area.

Visual Impact

The public highway (C1334) is located to the east of the site however is separated by an intervening field and established hedgerows which limit views into the site. It is considered possible that highway users may be aware of the presence of the proposed poultry unit and feed bins although Officers consider that views of the development would be limited given the direction of travel and location of the development. Furthermore, views would also be in the context of the existing buildings at the site which form a backdrop to the development. It would seem likely that most users of the C1334 road would be travelling between destinations and would not be highly sensitive to the limited visual impacts identified above.

There are residential properties within proximity of the site, the closest un-associated property being Penarth Farmhouse located approximately 70 metres to the North West. Notwithstanding the noted proximity, the sites are separated by an existing agricultural complex thereby limiting views of the proposed development from this location. The existing agricultural workers' bungalow located to the north east which is controlled by the applicant is considered to have low sensitivity to visual impact and therefore whilst the building and access road will be clearly visible from the bungalow, by virtue of the association, the visual impact is not considered to be unacceptable.

Officers acknowledge that there may be the opportunity to see the development from other properties whose occupiers would be more sensitive to visual impacts given the non-association. In particular it is possible that the parts of the development and feed bins would be discernible. However, given the distance between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship to the

existing farm, it is not considered that there would be an unacceptable adverse impact on residential receptors.

Based upon GIS maps, the closest public right of way is located approximately 1km to the north east of the proposed site of development. Whilst there may be views of the development from the surrounding public rights of way network, given the intervening distances and landscaping, it is not considered that the proposal will have an unacceptable visual impact from these locations.

Having carefully considered the potential visual impacts and notwithstanding third party concerns, overall the proposal is considered to be acceptable in terms of its grouping with buildings, its landscape impact and its visual impact therefore is considered to be compliant with relevant policies, including policies ENV2, GP1 and EC9.

Impact on Heritage Assets

Scheduled Ancient Monument

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application. Where nationally important archaeological remains and their setting are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

Penarth Mount Motte

The application site lies within approximately 180 metres (proposed access) of the scheduled ancient monument known as Penarth Mount Motte RD076, confirmed by Cadw to be a substantial and partially tree covered artificial motte or mound of a medieval earth and timber castle. The Motte occupies a spur on the western slopes of the Edw Valley overlooking its confluence with the Clas Brook to the south and is at a similar elevation to the proposed poultry development.

Cadw acknowledges that the location of the unit to the west of the monument means that the proposal is now viewed against the backdrop of the existing buildings of Penarth Farm thereby reducing potential visual impact from this heritage asset. Whilst Cadw confirms that there will be no direct impact on the monument, it is suggested within their response that there is potential for the proposal to indirectly impact upon the setting of the monument.

Officers acknowledge that the unit will represent a substantial addition to views north from the mound, facing the monument across an open pasture field and will therefore have some degree of impact on the setting of the monument. Notwithstanding the above, the unit will not interrupt key views from the motte along the valley to the south, east and north east, which Cadw indicate was almost certainly sited to command. Furthermore, it is noted that the building will also be seen against the backdrop of the existing buildings at Penarth. In concluding their assessment, Cadw's confirms that proposed development will have no significant adverse impact on the setting of the monument.

Notwithstanding the above, Cadw suggests that consideration be given to additional screening to further mitigate the impact on the heritage asset by providing a visual barrier. Should Members be minded to grant planning permission, Officers would recommend that a suitable condition be attached to any grant of consent requiring the submission of a detailed landscaping, implementation and maintenance scheme to be submitted prior to the commencement of development.

It is noted that the extended ranging area as detailed on drawing no IP/VP/02 adjoins the boundary with Penarth Mount Motte. Within CPAT's correspondence of 1st June 2016, it is recommended that buffer of 10 metres be implemented in order to prevent any erosion by chicken grazing activity. Should planning permission be granted, it is recommended that suitable condition be attached to this affect.

Subject to the above, it is considered that the potential impact on the Scheduled Ancient Monument can be appropriately managed. In light of the above, the proposed development is considered to be in accordance with planning policy, particularly policies ENV17 and ENV18 of the Powys Unitary Development Plan, Welsh Office Circular 60/96 and Planning Policy Wales.

Colwyn Castle

The proposed development includes hedgerow realignment works and a proposed new visibility splay to the north of the A481 at Hundred House. The visibility splay involves re-profiling and excavation to create a new verge and realignment hedgerow.

The area of highway improvement works are located adjacent to Colwyn Castle (RD035) which is a substantial motte and bailey thought to date to the medieval period. In their response, Cadw confirms that the monument comprises a mound which would have supported a timber defensive structure and an adjoining settlement defined by a single earthen bank and ditch. It is understood that recent archaeological investigations at the site were targeted to investigate the origins of the site, thought to possibly superimpose an earlier Roman fort. Whilst no evidence for a fort was revealed, the site retains significant archaeological potential with the possibility of extra-mural settlement or other remains surviving in the surrounding landscape.

Detailed drawings have been provided by the applicant which demonstrate the extent of highway improvements and relationship to the scheduled area of Colwyn Castle. As acknowledged by Cadw in their response of 6th June 2016, the submitted plans confirm that the proposed works and re-laying of the hedge will be located outside of the scheduled area. Whilst noting that the works will affect the layout of the pastoral land which forms the immediate setting of the castle to the west and south, Cadw indicate that the character will not be adversely affected nor will views of and from the monument in these directions be significantly altered. As such, the response confirms that the highway improvement works will not have a significant impact on the setting of Colwyn Castle.

Whilst the proposed highway improvements do not directly affect the Colwyn Castle SAM, given the noted proximity, Officers acknowledge the potential for archaeological remains within the area surrounding the heritage asset to be affected. In their consultation response (1st June 2016), Clwyd Powys Archaeological Trust recommends that an archaeological watching brief is secured by condition in order to maintain a record of any unrecorded

archaeology located within the area of highway improvement works. Officers consider this approach to be consistent with UDP policy ENV18 which confirms that where the Council is satisfied that the merits of the proposal mean that development should proceed, suitable conditions will be imposed to ensure that a record is made of any remains of archaeological interest.

Subject to the imposition of the above condition, it is not considered that the proposed development is in conflict with the presumption in favour of physical preservation in situ. As such, the proposal is considered to be in accordance with policies ENV17 and ENV18 of the Powys UDP, Welsh Office Circular 60/96 and Planning Policy Wales.

Conclusion

Having carefully considered the potential impact of the proposed development on cultural heritage assets, it is not considered that the proposed will unacceptably harm the setting the aforementioned scheduled ancient monuments. In light of the above, Development Management considers the proposed development to be in accordance with planning policy, in particular policies ENV17 and ENV18 of the Powys Unitary Development Plan, Welsh Office Circular 60/96 and Planning Policy Wales.

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 poultry development includes the provision of a new highway access and track to serve the application site together with highway improvements at the A481 junction in Hundred House. Information submitted indicates that the proposed development will generate 2.4 lorry movements per week including feed deliver, egg collection, bird delivery and bird collection.

Following ongoing discussions and consultation with the Highway Authority, a response has been received which confirms that Highway Officers are satisfied that the appropriate visibilities can be provided both at the class I road junction and at the site access. On this basis, appropriate highway conditions have been recommended. Subject to the imposition of the recommended conditions and notwithstanding the third parties concerns expressed, Development Management considers that adequate highway provision can be secured thereby safeguarding highway safety and movement.

In light of the above, Officers consider the proposed development to be in accordance with planning policy, particularly policies GP4 of the Powys UDP, Technical Advice Note 18 and Planning Policy Wales.

Ecological Impact

River Edw SSSI and River Wye SAC

Policies ENV4, ENV5 and ENV6 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest. Specific guidance within policy ENV4

(Internationally Important Sites) confirms that proposals for development that have the potential to affect Special Areas of Conservation (SAC) will only be permitted they would not significantly affect the achievement of the conservation objectives for which the site is designated either individually or in combination with other proposals.

The River Edw (designated as part of the River Wye SAC/SSSI) is located approximately 400 metres east of the proposed development. Officers also note that there is watercourse located approximately 50 metres west of the proposed poultry unit which is a tributary of the River Edw, joining approximately 700 metres downstream.

It is considered that the key impacts associated with the proposed development include impacts to water quality through surface water run-off and manure spreading together with possible disturbance to key features associated with the SAC during construction and operation of the site. Given the noted proximity and potential impacts, a Habitats Regulations Assessment (HRA) has been undertaken to determine the 'Likely Significant Effects' on the SAC in accordance with the requirements of the Conservation of Habitats and Species Regulation. The HRA assessment (15/04/2016) concludes that subject to an appropriate condition requiring the submission of a pollution prevention plan together with appropriate manure management, there will be no significant effect on the River Wye SAC. NRW indicate that the pollution prevention plan should include mitigation to reduce surface water run-off from the range area entering the adjacent watercourse.

Following the undertaking of the initial HRA, Members are advised that there has been additional information submitted by the applicant which has prompted additional consultation responses including recommendations/conditions from NRW. As such, Officers have requested that the County Ecologist review the HRA and undertake further assessment if necessary. At the time of writing this report, additional comments from the Ecologist are outstanding however Development Management will look to secure this detail in advance of the Committee meeting and report this within the Committee update.

Policy ENV4 as above, requires consideration to be given to the in-combination effects with other proposed and existing developments. Having carefully considered the impacts of the development, Development Management does not consider that the proposed development will have an unacceptable cumulative impact with existing and proposed intensive livestock units within the River Wye catchment. Furthermore, as the statutory consultee for European Protected Sites, it is noted that no objection has been raised by NRW regarding potential cumulative impact having considered the details accompanying the planning application.

In light of the above together with consultation responses from Natural Resources Wales (NRW), Officers do not consider that the proposed poultry development will have adversely affect the integrity of the River Wye SAC. The proposal is therefore considered to be compliant with policies ENV4, ENV5, ENV6 and ENV7 of the Powys UDP, Technical Advice Note 5 – Nature Conservation and Planning (TAN5) and Planning Policy Wales (PPW).

Sites of Special Scientific Interest (SSSI's)

Policy ENV5 of the Powys UDP confirms that there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest.

Within their consultation response, NRW advise that the proposal had the potential to impact the River Edw SSSI, Glaschw and Gladestry Hill SSSI. Thereafter, the consultation response confirms that the potential impacts of the development (ammonia and nitrogen emissions) have been considered. Based upon the SCAIL modelling provided, NRW advises that the ammonia and nitrogen contribution of the proposed development to nearby designated sites would not be significant. Furthermore, Officers note that no objection has been raised with respect to cumulative impact.

In light of the above observations, Officers do not consider that the proposed poultry development will have adversely impact upon the designated sites mentioned above. The proposal is therefore considered to be compliant with policy ENV5 of the Powys UDP, Technical Advice Note 5 – Nature Conservation and Planning (TAN5) and Planning Policy Wales (PPW).

Protected Species

Policy ENV7 of the Powys UDP, TAN5 and PPW seek to safeguard protected species and their habitats.

An Ecological Survey prepared by Ecology Services dated June 2015 supports the planning application and confirms the presence of Great Crested Newts (GCN) and Dormice within the area surrounding the application site, both of which are protected by European Legislation.

Great Crested Newts

There is a pond located approximately 150 metres to the south west of the proposed access road. The survey results indicate that the pond supports a small population of great crested newts and thereafter details Reasonable Avoidance Measures (RAMS) to ensure no detrimental impact on the favourable conservation status of Great Crested Newts.

In addition to the above, a Great Crested Newt Habitat Management Plan has been submitted by the applicant and reviewed by NRW. In their response of 8th September 2016, NRW confirm that the strategy is satisfactory in terms of terrestrial habitat management and contingency measures for great crested newts. Notwithstanding the above, NRW recommend that further GCN surveillance (minimum of 5 years) be secured by condition.

Subject to the imposition of a condition requiring the RAMs to be implemented in full together with GCN surveillance, Officers are satisfied that the proposed development will not have a detrimental impact on the favourable conservation status of Great Crested Newts, compliant with planning policy, particularly policies SP3, ENV3 and ENV7 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Dormice

Whilst the survey confirms that the two hedgerows sited nearest the proposed access road is not suitable as dormouse habitat, precautionary measures have been recommended within the report which will be implemented during the hedgerow removal/translocation process. Based upon the findings of the survey and precautionary approach suggested, NRW does not consider that the proposed development will have an unacceptable impact on Dormice.

Conclusion

In light of the above observations, Officers do not consider that the proposed poultry development will have unacceptably adversely impact upon European Protected Species. The proposal is therefore considered to be compliant with policies ENV3 and ENV7 of the Powys UDP, Technical Advice Note 5 – Nature Conservation and Planning (TAN5) and Planning Policy Wales (PPW).

Impact on Residential Amenity

Egg production units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour, concerns relating to which have been expressed within third party representations received. There are also concerns regarding the impact on health from these emissions and from rodents and flies.

Members are advised that the application is supported by an Environmental Statement which contains chapters assessing the significant likely impacts on amenity and the living conditions of local residents. Consideration of the aforementioned impacts is duly given below;

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 application is accompanied by 'Plant Noise Assessment' prepared by Matrix Acoustic Design Consultations, dated 21st January 2015. This report considers the operation of the fans on the poultry house and the potential for noise from their operation to harm amenity. It is noted that one of the residential properties closest (bungalow) to the application site is within the ownership of Penarth whilst there are a further two non-associated properties within 480 metres of the proposed development. The properties included within the assessment are as follows;

- Property A – Penarth Farmhouse (approximately 70 metres to the north west, private ownership, un-associated with Penarth);
- Property B - Brookfield (approximately 480 metres to the south west, private ownership, un-associated with Penarth).

At the identified properties, the noise assessment indicates that subject to attenuation features, the noise levels will not exceed the agreed day and night rating level limits.

Members are advised that this assessment has been considered by the Councils' Environmental Health Officer. No objections have been received at the time of writing this report however a series of standard conditions have been recommended to control noise emissions and safeguard residential amenity.

On the basis of the information submitted, it is therefore 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, notwithstanding the concerns expressed, Development Management considers the proposal to be in accordance with planning policy, in particular 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.

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

The application is supported by an "Odour Dispersion Modelling Study" prepared by AS Modelling & Data, dated 14th November 2014. This assessment uses the standardised approach to odour assessment and the results of the model runs are presented in a report. The conclusion states the following: "The modelling predicts that at all of the residential receptors considered, the odour exposure levels would be below the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 ouE/m³ over a one year period. The predicted 98th percentile hourly mean odour concentrations are also below 1.0 ouE/m³ at the majority of the receptors considered and at these levels, which odour from the poultry unit would rarely be detectable".

On the basis of the information submitted, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Therefore, notwithstanding the concerns expressed, Development Management considers the proposal to be in accordance with planning policy, in particular UDP policy GP1.

It is noted that concern has been expressed regarding the impact of the proposed development, specifically the extended range area on the amenities enjoyed by the occupants of Penarth Farmhouse. At the time of writing this report, no additional comments have been received from Environmental Health despite re-consultation. Officers will therefore look to secure further comments in advance of the Committee meeting.

Other impacts on living conditions

Issues such as rodents and flies have also been raised as giving rise to harm to living conditions. The Environmental Impact Assessment confirms that the building will be baited in order to control rodents whilst the regular cleaning of the building will control the fly breeding cycle. Officers consider that subject to appropriate conditions these matters can be adequately addressed and managed thus avoiding any unacceptable impact upon neighbouring properties.

Surface Water Drainage

Policies DC9 and DC13 seek to protect existing watercourses and manage the disposal of surface water respectively.

The application details confirm that foul and surface water drainage arrangements are separated, with all dirty water directed to a sealed containment system whilst clean water downpipes are sealed at ground level. Whilst Officers consider the proposed drainage methods to be acceptable, should Members be minded to grant consent, it is recommended that a suitable condition be attached requiring a detailed scheme to be submitted and approved prior to first operational use of the unit. Subject to the above, it is considered that the proposed development is in accordance with policies DC9 and DC13 as above.

Bird Welfare – Range Area

Members are advised that concern has been expressed regarding the size of the proposed range area. Notwithstanding the concerns raised, Officers would advise that this is controlled by separate regulations and is not a material planning consideration. As such, limited weight can be given to this matter in the consideration of the planning application.

Recommendation

After carefully considering the planning application, Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, 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 documents received (Design & Access Statement, Environmental Statement, Manure Management Plan, Great Crested Newt Mitigation Strategy), plans received 6th April 2015 (drawing no's IP/VP/02, IP/VP/03, IP/VP/06A, IP/VP/022 and IP/VP/033), additional plan received 8th December 2015 (drawing no. IP/JA/05), amended plan received 12th May 2016 (drawing no. IP/VP/10), amended plans received 20th May 2016 (drawing no's. IP/VP/01D and IP/JA/05 Rev A), additional plan received 10th June 2016 (drawing no. IP/JA/05 Rev B) and additional plan received 7th July 2016 (drawing no. IP/VP/02 Rev B).

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, unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
7. No development shall begin until a Pollution Prevention Plan has been submitted to and approved in writing by the Local Planning Authority. The Pollution Prevention Plan shall include all measures to reduce pollution of existing watercourses during the construction and operation of the poultry development hereby approved. Thereafter, the development shall be undertaken strictly in accordance with the Pollution Prevention Plan so approved.
8. 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.
9. 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.
10. Notwithstanding the details submitted, a manure management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first operational use of the poultry unit hereby approved. The manure management plan shall include details of manure spreading together with means of transportation. The development shall not be undertaken other than in full accordance with the manure management scheme as approved. The manure management scheme shall be fully implemented as approved in perpetuity.

11. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and Clwyd Powys Archaeological Trust within two months of the fieldwork being completed.

12. No development shall take place until a scheme for separate foul and surface water drainage works has been submitted to and approved in writing by the local planning authority. None of the buildings shall be brought into use until the drainage works have been provided in accordance with the approved scheme.

13. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as L_{A90} [1hour] (day time 07:00-23:00 hours) and/or (b) L_{A90} [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

14. 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.

15. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

16. 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.

17. Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

18. Prior to first installation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location of lighting, size, projection and level of illumination. Thereafter, the external lighting shall be implemented strictly in accordance with the details so approved.

19. The Mitigation and Enhancement Strategy in Section 3 of the Ecological Assessment & Mitigation Strategy Report by Ecology Services dated June 2015 and the Mitigation Strategy in Section 3 of the Hedgerow Assessment & Mitigation Strategy Report by Ecology Services

dated December 2014 shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

20. The development hereby permitted shall be undertaken strictly in accordance with the Great Crested Newt Mitigation Strategy dated July 2016 unless otherwise agreed in writing by the Local Planning Authority.

21. Prior to commencement of development a Bio-Security Risk Assessment Plan detailing measures to control and prevent introduction of INNS shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the Bio-Security Risk Assessment Plan so approved.

22. Prior to the commencement of development, a scaled plan identifying the location of the proposed bunds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of the proposed method of construction. Thereafter, the bunds shall be fully implemented in accordance with the details so approved prior to the first occupation of the poultry unit and retained as such in perpetuity.

23. Prior to the commencement of development, a Great Crested Newt Surveillance Scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the Great Crested Newt Surveillance Scheme so approved.

24. Prior to the commencement of development, details of the of proposed crossing between the two range areas (including fencing/barrier to prevent poultry escaping into the watercourse) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the crossing shall be fully implemented in accordance with the details so approved prior to the first occupation of the poultry unit and retained as such in perpetuity.

25. Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 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.

26. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20.0 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

27. The centre line of the first 20.0 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.

28. 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 2.4 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 90.00 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 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.

29. Prior to commencement of the development clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05/B. 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.

30. 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 20.0 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.

31. 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 0.3 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.

32. The width of the access carriageway, constructed as Condition 30 above, shall be not less than 6.0 metres for a minimum distance of 20.0 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

33. Prior to the occupation of the development a radius of 15.0 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.

34. Prior to the occupation of the egg 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 20.0 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.

35. Upon formation of the visibility splays as detailed in condition 28 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.

36. No development shall commence, until a Construction Method Statement relating to the forward visibility improvement along the county class I road A481 as detailed on Drawing IP/JA/05/B and specified in condition 29 above has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details relating to the timing of the works, the contractor, the method of construction including engineering drawings

where necessary, details of the proposed signing and guarding to the highway and details of measures to minimise disruption to highway users.

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 and EC9 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 and EC9 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. To safeguard the environment in accordance with policies ENV3, ENV4, ENV5 & ENV6 of the Powys Unitary Development Plan (March 2010) and Technical Advice Note 5: Conservation and Planning (2009) and Planning Policy Wales (2016).
8. 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).
9. 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).
10. To protect the local amenities of the local residents in accordance with GP1 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
11. This condition is imposed in order to ensure an appropriate record is made of any surviving archaeological features in accordance with policies ENV17 and ENV18 of the Powys Unitary Development Plan (2010), Welsh Office Circular 60/96 and Planning Policy Wales (2016).

12. To ensure that details of these elements of the development are adequately provided and to ensure that surface water drainage is adequately catered for at the site in accordance with Powys Unitary Development Plan (2010) policy DC13.
 13. To protect the local amenities of the local residents from noise in accordance with policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
 14. To protect the local amenities of the local residents from noise in accordance with policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2016).
 15. To protect the local amenities of the local residents from the excess of mal-odorous emissions in accordance with policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
 16. 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 policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
 17. To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area in accordance with policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
 18. To protect the local amenities of the local residents from the excess of illuminance in accordance with policies GP1, EC1 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
 19. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, January 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.
 20. In order to safeguard Great Crested Newts in accordance with policies SP3, ENV3 and ENV6 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
 21. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, January 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.
 22. To safeguard the environment in accordance with policies ENV3, ENV4, ENV5 & ENV6 of the Powys Unitary Development Plan (March 2010) and Technical Advice Note 5: Conservation and Planning (2009) and Planning Policy Wales (2016).
 23. In order to safeguard Great Crested Newts in accordance with policies SP3, ENV3 and ENV6 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
-

24. To safeguard the environment in accordance with policies ENV3, ENV4, ENV5 & ENV6 of the Powys Unitary Development Plan (March 2010) and Technical Advice Note 5: Conservation and Planning (2009) and Planning Policy Wales (2016).
25. In the interests of highway safety in accordance with policies GP1, GP4, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
26. In the interests of highway safety in accordance with policies GP1, GP4, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
27. In the interests of highway safety in accordance with policies GP1, GP4, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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35. In the interests of highway safety in accordance with policies GP1, GP4, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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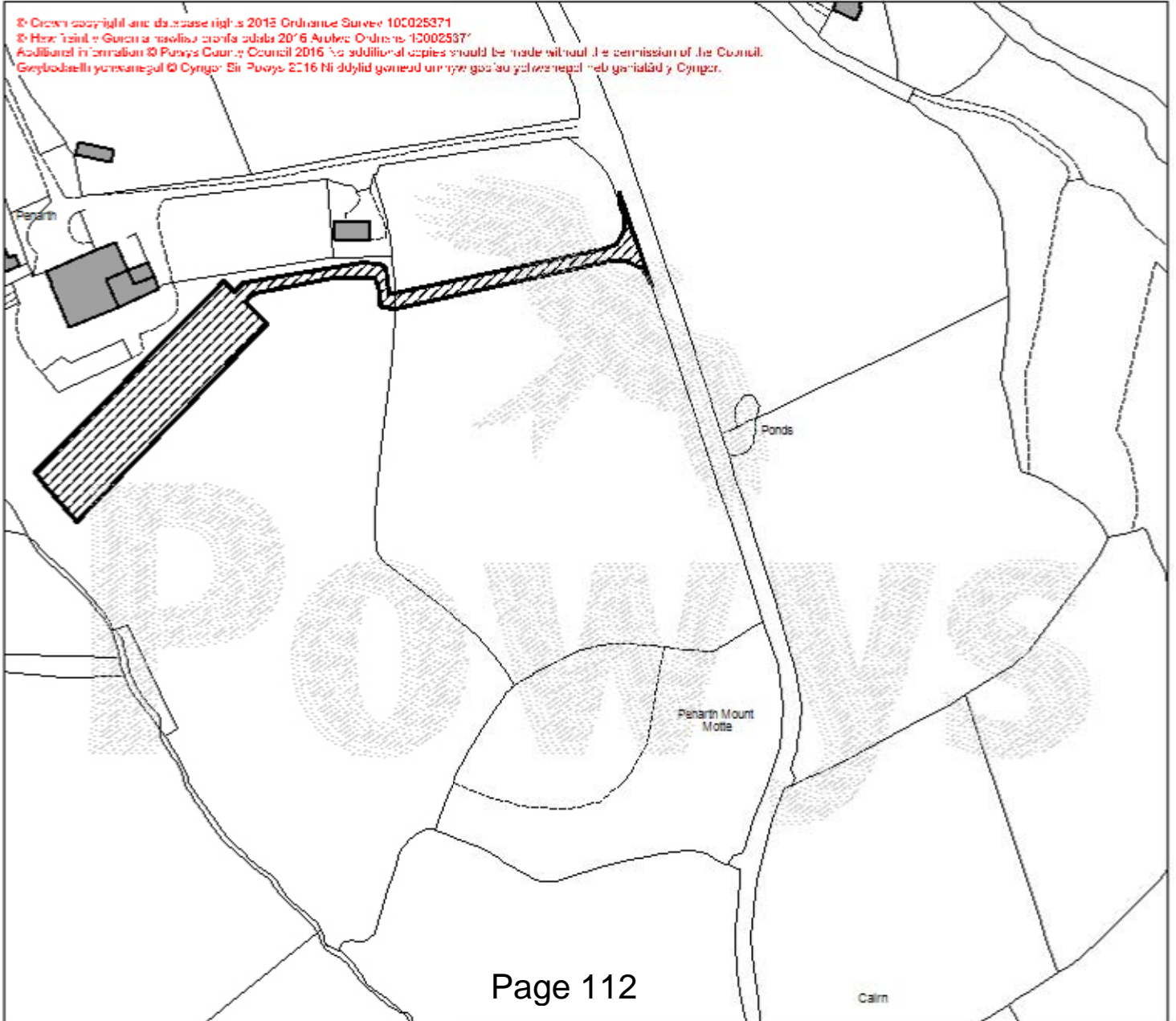
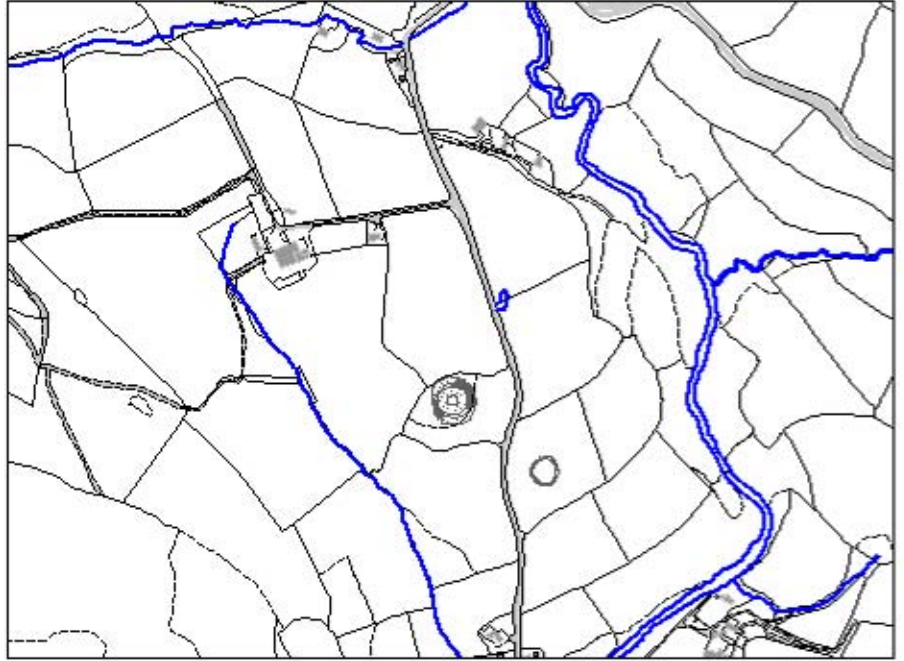
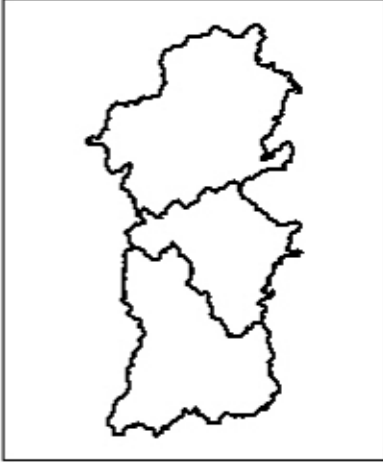
36. In the interests of highway safety in accordance with policies GP1, GP4, EC1 and EC10 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).

Case Officer: Holly-ann Hobbs- Principal Planning Officer
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Mr V Powell

Location: Land at Penarth Farm, Cregina,
Llandrindod Wells



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- Insufficient details in respect of the proposed crossing to inform the HRA;
- No revised HRA;
- Impact on Ancient Woodland – failure to include assessment within the Committee report;
- Siting of proposed poultry unit and impact on human health;
- Impact of the extended range on the amenities enjoyed by neighbouring properties – no additional comments from Environmental Health;
- Odour assessment – failure to consider the potential impact of the revised range area;
- Impact of the development on White Claw Crayfish;
- Pollution of existing watercourses;

- 18 letters of support;

- Employment opportunities;
- Improvements to existing A481 junction;
- Siting of the proposed building will reduce visual impact;
- Supporting farm diversification – essential in rural communities;
- Enable younger generation to remain on the family farm;

Case Officer: Holly-ann Hobbs- Principal Planning Officer
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk

4.3

Planning, Taxi Licensing and Rights of Way Committee Report

| | | | |
|---------------------------|---|--------------------|---|
| Application No: | P/2017/1044 | Grid Ref: | 321905.69 318481.7 |
| Community Council: | Llansantfriad | Valid Date: | Officer: 18/09/2017 Eddie Hrustanovic |
| Applicant: | Mr Bebb Wallace, Bebb Farms, Hendre Poeth, Llansantfriadydym Mechain, Powys, SY22 6TJ, | | |
| Location: | Hendre Poeth, Llansantfriad ym Mechain Powys SY22 6TJ | | |
| Proposal: | Major - Erection of a replacement intensive poultry building and all associated works to include a boiler bio mass storage building | | |
| Application Type: | Application for Full Planning Permission | | |

The reason for Committee determination

The planning application is accompanied by an Environmental Statement.

Site Location and Description

The application seeks full planning permission for construction of two replacement poultry units and all associated works to include a boiler bio mass storage building at Hendre Poeth Farm, south of Llansantfriad. The proposal would be able to house up to 100,000 broiler hens split between two buildings (up to 50,000 birds in each building).

The application site is located within an area of open countryside, approximately 1.6km from the development boundary of Llansantfriad. The existing poultry units, which used to hold 65,000 birds, have fallen into disrepair following a storm in 2013 will be removed from the site and replaced by the proposed new buildings. The site is located adjacent to a county highway C2101 of which the improved access is to be gained off. As noted, the site is already in agricultural use containing a number of agricultural buildings which have unfortunately fallen into disrepair beyond realistic option to repair them. To the north west of the site Hendre Poeth farm holding is located while to the west of the site a dwelling known as Tyddyn is located, which is also in the applicant's ownership.

There are several areas of Ancient Woodlands (AWs) within 2 km of the site of the proposed poultry houses. There are two Sites of Special Scientific Interest (SSSIs) within 5 km of the site (Montgomery Canal, Gwenydd Ty-Brith, Llanymynech and Llancllys Hills, and Bryngwyn Hall Stables and Coach House), and two Special Areas of Conservation (SACs) within 10 km of the site; namely the Montgomery Canal SAC (7.1km), and the Tanat and Vyrnwy Bat Sites SAC (9.3km). Parts of the Midland Meres and Mosses Phase 2 Ramsar are also within 10 km of the proposed poultry unit.

The proposed replacement buildings will each measure 97.54 metres x 24.38 metres. The total floor area for each shed will therefore be 2,378m². Eaves and ridge height will be 2.59

metres and 5.17 metres respectively. Each of the new houses will have the potential to accommodate upto 50,000 “standard” broilers. Roof will be covered by a metal sheets at a 10 degree pitch, with eaves height od 2.59 metres with a ridge height of 5.17 metres, while the walls will be constructed of box profile sheets coloured in dark green. There will be six feed silos which will be located between the both units at the western end, and would have a maximum height of 6.6 metres, while the each building will also contain 12 mechanical roof fans. The adjacent bio-mas store building will be located adjacent to the proposed sheds on western elevation within the proposed yard and it will measure 30.45 metres x 15.24 metres and it will be 8.15 in height. The new access point will be created just east of the existing dwelling.

Consultee Response

Llansantfriad CC

Before the above council can support the above planning application further information is needed:-

The site of the new development is not particularly clear on the plans and this needs to be clarified please. It was felt that the site of the former chicken sheds should be used as part of the new development which would tidy the area up.

It was also felt that the access to the site is quite narrow and unsuitable for large lorries.

Many of the documents pertaining to this planning application on the website are redacted and cannot be viewed – can you please give the reasons for this.

PCC Highways

The County Council as Highway Authority for the County Class III Highway, C2101 wish the following recommendations/Observations be applied;

Conditions

The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10m measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

Prior to the commissioning of the unit the entrance gates shall be set back at least 15m 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 development hereby permitted remains in existence.

Prior to any works commencing on the new unit 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 and is to be finished in a 40mm bituminous surface course for a distance of 15m from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

Prior to the occupation of the new 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 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.

No other development shall commence until the access has been constructed so that there is a clear visibility splay 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, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 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 the area 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.

Upon formation of the visibility splays as detailed in the above condition, 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.

Within 20 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent Water

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

PCC Environmental Health

- *1st response (03/10/2017)*

Noise impact assessment

Mechanical plant

The development will include 20 mechanical ventilation fans. The nearest residential property to the development will be approximately 100m from the buildings. Section 11.4.1 of the Environmental Statement attempts to assess the potential noise impact of these fans by way of a comparison with another unspecified 'poultry unit' that allegedly has 24 fans. However, this assessment is inadequate because no details have been provided regarding the make and model of those fans, and there is no information about at what distance the noise measurements were taken, which is the most important factor. I need the agent/applicant to provide a proper assessment of these 20 fans in order to demonstrate the predicted noise level at the nearest noise-sensitive property. Without this information I will need to object to the application on the grounds of insufficient information.

Deliveries

The Environmental Statement states the restricted hours of vehicle movements, which I would recommend be included as a planning condition, as follows:

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

Odour impact assessment

Odour dispersion modelling has been carried out which predicts that no sensitive receptors will experience odour concentrations above the recommended benchmark for moderately offensive odours. I am satisfied with the conclusion of this report.

Dust management

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

Lighting scheme

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

- *2nd response (09/10/2017)*

Thanks for forwarding the agent's response to my enquiry about the fan noise.

I've spoken with Rosina, who I've copied in here, to confirm that the nearest neighbouring property is actually Tyddyn, immediately to the west of the development site. The exact distance to this property from the noise source will need to be confirmed but it is approximately 100m. Using the table provided of fan noise at 100m, it can be seen that 20 fans in operation at the same time is predicted to be 43 dB(A). I am concerned, particularly for the night time period that this noise level could be significantly in excess of the prevailing background noise level for the area. Therefore, can I request that a noise impact assessment is carried out, in accordance with BS 4142:2014 '*Methods for rating and assessing industrial and commercial sound*', that compares the rating level of the fans with

the existing background noise levels. The background noise monitoring will need to be undertaken over a long enough period to gather representative noise levels for all times of the day.

- 3rd response (10/10/2017)

I can confirm that I am satisfied with the predicted noise levels at the nearest property demonstrated in the noise impact assessment.

PCC Ecologist

- 1st response (25/10/2017)

| Ecological Topic | | Observations |
|---|--|---|
| EIA Screening Opinion needed? | Not applicable | The proposed scheme is an intensive livestock installation which is classified as Schedule 1 (17a) development, as it exceeds 60,000 places for hens. As such, EIA is mandatory and has been undertaken, as evidenced by the provision of an Environmental Statement with the planning application. There is therefore no requirement for a Screening Opinion. |
| Ecological Information included with application? | Yes | An Extended Phase 1 Habitat Survey report (Arbor Vitae Environment Ltd, April 2017) has been submitted with this application. An Environmental Statement (ES) (Roger Parry and Partners, August 2017) has also been submitted. These observations are also based on an interpretation of available aerial and street imagery and the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service (BIS). |
| Protected Species & Habitats ¹ | European Species <input checked="" type="checkbox"/> | <p><u>Otters</u> According to the BIS data within 1km of the proposed site, there are three records of otter along the Afon Efyrynwy to the west, with the closest located c.615m to the northwest. However, there is not considered to be any suitable otter habitat that would be directly affected or disturbed by the proposed works, so no further action is required regarding otters, other than pollution prevention measures during construction and operation as discussed under Habitats below.</p> <p><u>Bats</u> The Extended Phase 1 Habitat Survey Report (Arbor Vitae, April 2017) details the presence of two mature ash trees (within the eastern boundary of the existing site) with potential to support roosting bats that would need to be removed as part of the proposed works. Therefore, in order to assess the potential impacts to roosting bats, a preliminary assessment of these trees for their</p> |

¹ Species records within 1km (minimum).

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| | | <p>bat roost potential is required. Any other trees that require removal for the proposed works should also be included within the assessment, which needs to be undertaken by an appropriately experienced and licensed bat consultant, with a report identifying any further survey work or mitigation measures required, including the requirement for an EPS license if bats are found to be roosting within these trees.</p> <p>The recommended mitigation included within the Extended Phase 1 Habitat Survey Report, including the erection of three Schwegler 1FF bat roost boxes and a Schwegler 1FW bat hibernation box, is welcomed and should be undertaken, in addition to any additional mitigation arising from the preliminary bat assessment or associated further survey.</p> <p>Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).</p> <p>As described in the Extended Phase 1 Habitat Survey Report (Arbor Vitae, April 2017), it is likely that the existing buildings and hedgerows are used by bats for foraging and commuting and therefore the proposals for new hedgerow planting and restoration of the northern boundary hedgerow are welcomed and should be undertaken, using a diverse mix of native species, similar to those existing in the local area.</p> <p>Any new lighting associated with the proposals could adversely affect nocturnal animals, such as bats, that may use the boundary trees and hedgerows for foraging/commuting. A lighting design plan has been submitted with the application (Roger Parry and Partners) and includes appropriate sensitive lighting measures such as cowls, low wattage/intensity lighting and directional downlighting. This is welcomed and should be adhered to.</p> |
| | <p>UK Species <input checked="" type="checkbox"/></p> | <p>Within 1km of the site there are records of the following nationally protected species: badger and various breeding bird species.</p> <p><u>Badgers</u> The Extended Phase 1 Habitat Survey (Arbor Vitae, April 2017) recorded no evidence of badgers or their setts within 30m of the site of proposed works. Therefore no further action is required.</p> <p><u>Breeding birds</u> During the Extended Phase 1 Habitat Survey (Arbor Vitae, April 2017), blackbird and robin activity indicated use of the existing buildings at the site by these species for nesting. Demolition of the existing buildings and clearance of trees and hedgerows should therefore be timed to avoid the bird nesting season (March to August inclusive). If this is not possible a pre-construction nesting</p> |

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| | | <p>bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. The proposed erection of eight nest boxes for small birds, one barn owl box and one kestrel box, included in the Extended Phase 1 Habitat Survey Report (Arbor Vitae, April 2017) are welcomed and should be undertaken in order to replace any potential habitat lost and enhance the site for biodiversity.</p> |
| | <p>Section 7 Species & Habitats <input checked="" type="checkbox"/></p> | <p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Within 1km of the site there are historic records of the following Section 7 species: large-flowered hemp nettle; otter; house sparrow; dunnoek; starling; and song thrush. Hedgerows and arable field margins will also be lost to the proposed development. These are Section 7 Priority Habitats, as are watercourses.</p> <p>The proposals discussed above to erect bird and bat boxes will help to mitigate potential impacts on Section 7 species. In addition, as an area of arable field margin would be lost that also provides potential habitat for the large-flowered hemp nettle, a species of this habitat-type recorded nearby, it is recommended that the new margin of the arable field affected by the proposal should be managed for wildlife, as described by the following guidance for this priority habitat: http://jncc.defra.gov.uk/pdf/UKBAP_BAPHabitats-02-ArableFieldMargins.pdf.</p> <p>Due to the removal of hedgerows and trees required as part of the proposed works, I recommend that the new hedgerow planting proposed includes locally-occurring native species and also an appropriate number of standard trees within the hedgerow, to replace those lost. Also I recommend that the adjacent retained trees and hedgerows are protected in accordance with BS5837:2012 during the demolition and construction works.</p> <p>A pollution prevention method statement has been included with the application, which contains measures to avoid or minimise pollution of watercourses during construction and operation of the site. A drainage plan has also been submitted and includes provisions for managing surface and foul water from the proposal during its operation.</p> |
| | <p>LBAP Species & Habitats <input checked="" type="checkbox"/></p> | <p>Please refer to the observations above.</p> |

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| Protected Sites | International Sites (within 1km) | ☒ | <p>An ammonia modelling report prepared by AS Modelling and Data Ltd has been submitted with the application. The report considers impacts upon 3 SACs within the 10km screening distance (Montgomery Canal, Tanat and Vyrnwy Bat Sites, and Granllyn) and concludes following preliminary modelling that no impacts are expected within the boundaries of these sites.</p> <p>However the assessment in the report has been undertaken using the criteria provided in the Defra/EA guidance available at: https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit. NRW have issued new guidance for assessing air quality impacts of proposals for intensive livestock units on European sites and SSSI's (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits and planning applications for such installations. It is recommended that the report is updated to take account of the more stringent thresholds provided in OGN 41, as this is likely to require that detailed modelling and in-combination effects are considered for European Site receptors.</p> |
| | National Sites (within 1km) | ☒ | <p>An ammonia modelling report prepared by AS Modelling and Data Ltd has been submitted with the application. The report considers impacts upon 4 SSSIs within the 5km screening distance (Montgomery Canal, Gwendydd Ty-Brith, Llanymynech and Llancllys Hills, and Bryngwyn Hall Stables and Coach House) and concludes following preliminary modelling that no impacts are expected within the boundaries of these sites.</p> <p>However the assessment in the report has been undertaken using the criteria provided in the Defra/EA guidance available at: https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit. NRW have issued new guidance for assessing air quality impacts of proposals for intensive livestock units on European sites and SSSI's (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits or planning applications for such installations. It is recommended that the report is updated to take account of the more stringent thresholds provided in OGN 41, as this is likely to require that detailed modelling and in-combination effects are considered for SSSI receptors.</p> |
| | Local Sites (within 500m) | ☒ | <p>There are several Ancient Woodlands present within 2km of the proposals. According to the conclusion of the ammonia modelling report prepared by AS Modelling and Data Ltd and submitted with the application, detailed modelling predicts that the process contribution to ammonia concentration and nitrogen deposition rates would not exceed the lower threshold percentage of</p> |

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| | | precautionary Critical Level or Load at any of the surrounding Ancient Woodland sites. |
| Invasive Non-Native Species | No | None mentioned in the Extended Phase 1 Habitat Survey Report so it is assumed that none are present at the site. |
| Recommendations | | Demolition of the existing buildings and clearance of trees and hedgerows should therefore be timed to avoid the bird nesting season (March to August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. |
| Further information required prior to determination of application | | <p>It is recommended that the ammonia modelling report prepared by AS Modelling and Data Ltd is updated to take account of the more stringent thresholds provided in NRW's recent guidance note OGN 41.</p> <p>In order to assess the potential impacts to roosting bats, a preliminary assessment of two mature ash trees within the eastern boundary of the existing site for their bat roost potential is required. Any other trees that require removal for the proposed works should also be included within the assessment, which needs to be undertaken by an appropriately experienced and licensed bat consultant, with a report identifying any further survey work or mitigation measures required, including the requirement for an EPS license if bats are found to be roosting within these trees.</p> |
| Recommended Conditions | | <p>Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> |

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

Prior to commencement of development, a Biodiversity Enhancement Plan including details of locations and numbers of bat boxes and bird nest boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

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

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

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

Reason: To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

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

Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

Reason: To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements

of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

The pollution management/mitigation scheme submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Informatives

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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| | <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> |
| Relevant UDP Policies | <p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species</p> |

- 2nd response (09/01/2018)

| Ecological Topic | | Observations |
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| Additional Information | | <p>I provided initial ecological observations for this application on 25/10/2017. Since then, additional information consisting of a Bat Tree Assessment (Oakwood Ecology, December 2017), Bat Method Statement (Arbor Vitae, December 2017) and Landscape Plan (Arbor Vitae, no date) have been provided. Additional observations regarding this information are provided in bold type below, otherwise my previous observations remain valid.</p> |
| EIA Screening Opinion | Not applicable | <p>The proposed scheme is an intensive livestock installation which is classified as Schedule 1 (17a) development, as it exceeds 60,000 places for hens. As such, EIA is mandatory and has been</p> |

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| needed? | | undertaken, as evidenced by the provision of an Environmental Statement with the planning application. There is therefore no requirement for a Screening Opinion. |
| Ecological Information included with application? | Yes | <p>A Bat Tree Assessment (Oakwood Ecology, December 2017), Bat Method Statement (Arbor Vitae, December 2017) and Landscape Plan (Arbor Vitae) have now been provided. These observations are based on an interpretation of these reports along with the Phase 1 Habitat Survey Report previously submitted, available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>An Extended Phase 1 Habitat Survey report (Arbor Vitae Environment Ltd, April 2017) has been submitted with this application. An Environmental Statement (ES) (Roger Parry and Partners, August 2017) has also been submitted.</p> |
| Protected Species & Habitats ² | European Species <input checked="" type="checkbox"/> | <p><u>Otters</u> According to the BIS data within 1km of the proposed site, there are three records of otter along the Afon Efyrynwy to the west, with the closest located c.615m to the northwest. However, there is not considered to be any suitable otter habitat that would be directly affected or disturbed by the proposed works, so no further action is required regarding otters, other than pollution prevention measures during construction and operation as discussed under Habitats below.</p> <p><u>Bats</u> The Extended Phase 1 Habitat Survey Report (Arbor Vitae, April 2017) details the presence of two mature ash trees (within the eastern boundary of the existing site) with potential to support roosting bats that would need to be removed as part of the proposed works. The Bat Tree Assessment provided in December 2017 provides details of the bat roosting potential of the two mature ash trees to be felled, following inspections from the ground and from a climbing inspection. This report concludes that Tree T1 has negligible potential for roosting bats and that no further action is required for this tree to be removed. However, Tree T2 has been assigned as Low potential, with the recommendation that an old woodpecker hole in the tree is inspected again by a licensed bat worker immediately prior to its removal. This should be undertaken as described in Section 4.4 of the report. If bats are found to be present during this inspection, removal of the tree must be postponed and Natural Resources Wales (NRW) must be notified. A bat license from NRW may then be required before works can recommence.</p> <p>The Bat Method Statement submitted in December 2017 should</p> |

² Species records within 1km (minimum).

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| | | <p>also be adhered to during the demolition of the existing buildings at the site, with works to cease and NRW to be notified if any bats are found during this process. Again, a bat license from NRW may then be required before works can recommence.</p> <p>As described in the Extended Phase 1 Habitat Survey Report (Arbor Vitae, April 2017), it is likely that the existing buildings and hedgerows are used by bats for foraging and commuting and therefore the proposals for the retention of existing habitat, and Landscape and Habitat enhancement measures described in the Landscape Plan submitted in December 2017, are welcomed and should be undertaken in full.</p> <p>Any new lighting associated with the proposals could adversely affect nocturnal animals, such as bats, that may use the boundary trees and hedgerows for foraging/commuting. A lighting design plan has been submitted with the application (Roger Parry and Partners) and includes appropriate sensitive lighting measures such as cowls, low wattage/intensity lighting and directional downlighting. This is welcomed and should be adhered to in full.</p> |
| | <p>UK Species <input checked="" type="checkbox"/></p> | <p>Within 1km of the site there are records of the following nationally protected species: badger and various breeding bird species.</p> <p><u>Badgers</u> The Extended Phase 1 Habitat Survey (Arbor Vitae, April 2017) recorded no evidence of badgers or their setts within 30m of the site of proposed works. Therefore no further action is required.</p> <p><u>Breeding birds</u> During the Extended Phase 1 Habitat Survey (Arbor Vitae, April 2017), blackbird and robin activity indicated use of the existing buildings at the site by these species for nesting. Demolition of the existing buildings and clearance of trees and hedgerows should therefore be timed to avoid the bird nesting season (March to August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished. The proposed erection of eight nest boxes for small birds, one barn owl box and one kestrel box, included in the Extended Phase 1 Habitat Survey Report (Arbor Vitae, April 2017) are welcomed and should be undertaken in order to replace any potential habitat lost and enhance the site for biodiversity.</p> |
| | <p>Section 7 Species & Habitats <input checked="" type="checkbox"/></p> | <p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Within 1km of the site there are historic records of the following</p> |

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| | | <p>Section 7 species: large-flowered hemp nettle; otter; house sparrow; dunnoek; starling; and song thrush. Hedgerows and arable field margins will also be lost to the proposed development. These are Section 7 Priority Habitats, as are watercourses.</p> <p>The proposals discussed above to erect bird and bat boxes will help to mitigate potential impacts on Section 7 species. In addition, as an area of arable field margin would be lost that also provides potential habitat for the large-flowered hemp nettle, a species of this habitat-type recorded nearby, it is recommended that the new margin of the arable field affected by the proposal should be managed for wildlife, as described by the following guidance for this priority habitat: http://jncc.defra.gov.uk/pdf/UKBAP_BAPHabitats-02-ArableFieldMargins.pdf. This is not included within the Landscape Plan but the developer should ensure that such measures are included as part of the compensation/enhancement measures proposed.</p> <p>Due to the removal of hedgerows and trees required as part of the proposed works, I recommend that the new hedgerow planting proposed includes locally-occurring native species and also an appropriate number of standard trees within the hedgerow, to replace those lost. The planting proposals described in the Landscape Plan submitted in December 2017 are acceptable and should be adhered to in full. Also I recommend that the adjacent retained trees and hedgerows are protected in accordance with BS5837:2012 during the demolition and construction works.</p> <p>A pollution prevention method statement has been included with the application, which contains measures to avoid or minimise pollution of watercourses during construction and operation of the site. A drainage plan has also been submitted and includes provisions for managing surface and foul water from the proposal during its operation.</p> |
| | <p>LBAP Species & Habitats <input checked="" type="checkbox"/></p> | <p>Please refer to the observations above.</p> |
| <p>Protected Sites</p> | <p>International Sites (within 1km) <input checked="" type="checkbox"/></p> | <p>An ammonia modelling report prepared by AS Modelling and Data Ltd has been submitted with the application. The report considers impacts upon 3 SACs within the 10km screening distance (Montgomery Canal, Tanat and Vyrnwy Bat Sites, and Granllyn) and concludes following preliminary modelling that no impacts are expected within the boundaries of these sites.</p> <p>However the assessment in the report has been undertaken using the criteria provided in the Defra/EA guidance available at: https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit. NRW have issued new guidance for assessing air quality impacts of proposals for intensive livestock units on European sites and SSSI's (Operational Guidance Note 41:</p> |

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| | | <p>Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, (March 2017), which includes changes to the air quality thresholds for environmental permits and planning applications for such installations. It is recommended that the report is updated to take account of the more stringent thresholds provided in OGN 41, as this is likely to require that detailed modelling and in-combination effects are considered for European Site receptors.</p> |
| | <p>National Sites (within 1km) <input checked="" type="checkbox"/></p> | <p>An ammonia modelling report prepared by AS Modelling and Data Ltd has been submitted with the application. The report considers impacts upon 4 SSSIs within the 5km screening distance (Montgomery Canal, Gwennydd Ty-Brith, Llanymynech and Llancllys Hills, and Bryngwyn Hall Stables and Coach House) and concludes following preliminary modelling that no impacts are expected within the boundaries of these sites.</p> <p>However the assessment in the report has been undertaken using the criteria provided in the Defra/EA guidance available at: https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit. NRW have issued new guidance for assessing air quality impacts of proposals for intensive livestock units on European sites and SSSI's (Operational Guidance Note 41: Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission, March 2017), which includes changes to the air quality thresholds for environmental permits or planning applications for such installations. It is recommended that the report is updated to take account of the more stringent thresholds provided in OGN 41, as this is likely to require that detailed modelling and in-combination effects are considered for SSSI receptors.</p> |
| | <p>Local Sites (within 500m) <input checked="" type="checkbox"/></p> | <p>There are several Ancient Woodlands present within 2km of the proposals. According to the conclusion of the ammonia modelling report prepared by AS Modelling and Data Ltd and submitted with the application, detailed modelling predicts that the process contribution to ammonia concentration and nitrogen deposition rates would not exceed the lower threshold percentage of precautionary Critical Level or Load at any of the surrounding Ancient Woodland sites.</p> |
| <p>Invasive Non-Native Species</p> | <p>No</p> | <p>None mentioned in the Extended Phase 1 Habitat Survey Report so it is assumed that none are present at the site.</p> |
| <p>Recommendations</p> | | <p>Demolition of the existing buildings and clearance of trees and hedgerows should be timed to avoid the bird nesting season (March to August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the clearance works and depending on the presence and location of nesting birds, site clearance may need to cease until breeding has finished.</p> |

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| | <p>The Landscape Plan should be updated to include measures to manage the new arable field margin for wildlife. See Recommended Conditions below.</p> |
| <p>Further information required prior to determination of application</p> | <p>The ammonia modelling report prepared by AS Modelling and Data Ltd should be updated to take account of the more stringent thresholds provided in NRW's recent guidance note OGN 41. This is still required, and is likely to result in the requirement for further detailed modelling for receptors including nationally and internationally protected sites.</p> |
| <p>Recommended Conditions</p> | <p>Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:</p> <p><i>The mitigation regarding bats and nesting birds contained in the Bat Method Statement (Arbor Vitae, December 2017) and Bat Tree Assessment (Oakwood Ecology, December 2017) shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The enhancement measures contained in the Landscape Plan (Arbor Vitae, no date) shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA. Measures to manage the new arable field margin for wildlife should be incorporated into an updated version of the Landscape Plan to be submitted to the Local Planning Authority and implemented as approved unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act</p> |

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| | <p>2016.</p> <p><i>No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The pollution management/mitigation scheme submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any bats. • Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. |
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| | <p>This is taken to mean all bat roosts whether bats are present or not.</p> <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> |
| <p>Relevant UDP Policies</p> | <p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 7: Protected Species</p> |

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- *3rd response (12/01/2018)*

With respect to the e-mail received from Richard Corbett below in relation to P/2017/1044 and the amended Landscape Plan received on 08/01/2017, I have the following comments:

I am satisfied that the amended landscape plan (revision 1) is adequate and should be implemented in full, as specified in the previously suggested condition regarding this.

Apologies, I must have missed the comments from NRW on the Planning Portal, and was unaware that the permit application had been submitted prior to the end of March 2017. I now understand that NRW have made it clear that they are happy to apply the old thresholds with regard to Ammonia modelling and therefore this is sufficient and no further modelling is required.

Therefore I'm happy that in terms of ecological matters, **no additional information is now required** with regard to this planning application.

CADW

Thank you for your letter of 11 October 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have **no objections** to the impact of the proposed development. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

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

Assessment

The application area is inside 2km of the scheduled monuments MG078 Plas yn Dinas and MG200 Collfryn Enclosure & Field System but intervening topography will block all views of the proposed development from these scheduled monuments. Consequently the proposed development will cause no damage to the setting of any scheduled monument.

CPAT

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

NRW

- *1st response (23/10/2017)*

Thank you for your consultation received on 25th September 2017. An EPR permit was granted by NRW for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001).

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 and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and Conditions

Requirement 1 – EPS Bats: The applicant must submit an updated bat survey report to include activity surveys of the derelict buildings and to include the findings of activity surveys in line with Bat Conservation Trust Bat Survey Guidelines 2016, 3rd edition.

Requirement 2 – EPS Bats: The applicant must submit a landscape/ecological plan which clearly illustrate the hedgerow / trees to be retained and any proposed habitat enhancements as described in section 4.7 of the Environmental Statement.

Requirement 3 – Clarification whether manure will be exported or spread on the holding – if manure is to spread on the holding we require a manure management plan including;

- Calculation of total Nitrogen and Phosphate produced from proposed poultry unit and all other sources of nutrient imported or produced on the holding.
- Details of the area of land available to spread dirty water and litter.
- Calculation of nutrient loading (Nitrogen and Phosphate) per hectare of land available for spreading.
- Show how nutrients will be used by the holding for agricultural benefit.
- Risk map of proposed spreading area indicating sensitive receptors, e.g. boreholes, wells, lakes, rivers, other water bodies or habitats that may require assessment under EIA Agriculture Regulations, adjacent designated sites, e.g. SSSI.

Condition 1 - To prevent pollution to watercourses during the construction and operational phases of the proposal the development shall be carried out in accordance with the;

- i) Method Statement Pollution Prevention
- ii) Drainage Plan RJC-MZ86-05 Dated 05/09/2017

European Protected Species (EPS) - Bats

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales.

Requirement 1 – EPS Bats: The applicant must submit an updated bat survey report to include activity surveys of the derelict buildings and to include the findings of activity surveys in line with Bat Conservation Trust Bat Survey Guidelines 2016, 3rd edition.

Requirement 2 – EPS Bats: The applicant must submit a landscape/ecological plan which clearly illustrate the hedgerow / trees to be retained and any proposed habitat enhancements as described in section 4.7 of the Environmental Statement.

We have reviewed the Extended Phase 1 Habitat Survey by Arbor Vitae Environment (SJ 219184) and Chapter 10 Ecology of the Environmental Statement. We concur with the ecologist that the proposal is unlikely to have a detrimental effect on European protected species other than bats as we have no records of them within a 1km radius.

The Phase 1 survey report identifies the presence of two mature ash trees within the hedgerow to the south of the existing building. These two trees have been identified as having bat roosting potential and need to be removed as part of the proposal. The proposed block plan RJC-M786-02 clearly illustrates the loss of the southern and eastern hedgerow. The conclusion of the survey report is that additional checks must be carried out to establish whether the trees support bats.

We recommend that additional bat activity surveys will be required to establish whether the trees affected support bat roosts and to undertake activity surveys of the derelict structures.

The information within the ES contradicts the conclusion of the Phase 1 report, as section 10.6.4 states “lack of suitable buildings and trees on site to support bat roosts” and dismisses any potential impact on ecology. The ES (section 4.7) suggests that existing hedgerows will be retained and allowed to grow and new native woodland will be planted and managed sympathetically.

The ES indicates that the landscape improvements are illustrated on the location plan Appendix 1.0 however plans illustrating the proposed landscape / ecological enhancements have not been found with the submissions.

The discrepancy of information from the Phase 1 Survey and the ES means that we currently consider that there is insufficient information to prove that there will be no detrimental effect on the favourable conservation status of any population of bats in its natural range. A bat activity survey is required to establish whether any of the mature trees proposed for removal host a bat roost.

The submissions of accurate and clear plans will clarify any contradicting information with regards to habitat loss and habitat creation on site.

Advisory: The lighting scheme submitted is acceptable although we would advise that all exterior lights are should be fitted with PIR sensors to avoid lights being left on overnight incidentally.

Manure Management Plan (MMP)

Requirement 3 – Clarification whether manure will be exported or spread on the holding – if manure is to spread on the holding we require a manure management plan including;

- Calculation of total Nitrogen and Phosphate produced from proposed poultry unit and all other sources of nutrient imported or produced on the holding.
- Details of the area of land available to spread dirty water and litter.
- Calculation of nutrient loading (Nitrogen and Phosphate) per hectare of land available for spreading.
- Show how nutrients will be used by the holding for agricultural benefit.
- Risk map of proposed spreading area indicating sensitive receptors, e.g. boreholes, wells, lakes, rivers, other water bodies or habitats that may require assessment under EIA Agriculture Regulations, adjacent designated sites, e.g. SSSI.

The Manure Management Plan dated August 2017 states that all manure is to be exported. There is a discrepancy with the statement in the ES (12.7.7) that ‘Dirty water will be spread directly onto the adjoining land thereby eliminating the need to travel on the local highway’.

Protected Sites: Air Quality

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

A permit was granted for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016.

NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

We have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd.) submitted in support of this proposal.

Table 4, on pages 23 and 24 of the Ammonia report presents the ammonia screening results for designated sites using five variations of meteorological data.

The highest ammonia concentration regardless of meteorological data indicates that the farm ammonia concentration will be below the thresholds (20% for SSSIs, 4% for SACs, SPAS and Ramsar) that we apply in our assessment of potential impacts on protected sites.

- Gweunydd Ty Brith SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.05 µg/m³, which is 5% of the critical level

- Llanymynech and Llyncllys Hills SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.03 µg/m³ which is 3% of the critical level.

- Tanat and Vyrnwy Bat SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.03 µg/m³ which is 3% of the critical level.

- Granllyn SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.02 µg/m³ which is 2 % of the critical level.

- Midland Meres and Mosses Ramsar

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.01 µg/m³ which is 1% of the critical level

- Montgomery Canal SSSI/SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 3 µg/m³

The maximum annual mean ammonia concentration is 0.04µg/m³, which is 1.33 % of the critical level

Drainage Plan

The Drainage Plan RJC-MZ86-05 Dated 05/09/2017 confirms;

- The separate clean and foul water pathways and directions of flow
- Clean water from the roof and clean surfaces will be directed to stone filled infiltration trenches and a piped system
- Clean water will be discharged into ditch with a hydrobrake.
- At wash down stage the clean water system will be switched to the dirty water tank
- The position of the SSAFO compliant dirty water tank which is more than 10m from a watercourse.

From the Drainage Plan it appears that the clean water will be discharged to a field boundary where no watercourse is visible. The permit documents state that uncontaminated surface water from yard areas around the office will be discharged to a drainage ditch leading to the River Vrynwy.

Method Statement Pollution Prevention (MSPP)

A Method Statement Pollution Prevention for Hendre Boeth, Llansantffraid has been submitted.

Condition 1 - To prevent pollution to watercourses during the construction and operational phases of the proposal the development shall be carried out in accordance with the;

- iii) Method Statement Pollution Prevention
- iv) Drainage Plan RJC-MZ86-05 Dated 05/09/2017

Advisory: A note of NRW's number 24-hour incident number Tel: 0300 065 3000 should be kept with the MSPP for ease of future reference.

Advisory: Demolition Waste

From the Design and Access Statement (DAS) and ES we understand that there are currently dilapidated poultry units on the site and that these will be demolished prior to the

erection of the new poultry units. The ES, the DAS and the MSPP give very little specific information regarding the demolition process.

Any old slurry from the buildings that are to be demolished 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 (CoGAP) .

Any waste excavation material or building waste generated during the development and necessary demolition must be recovered/ disposed of satisfactorily in accordance with the Duty of Care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites in accordance with the Environmental Permitting Regulations 2016. Transfer notes shall be kept for each load for a minimum of 2 years.

Wherever practical the quantity of waste arising from demolition works should be reduced. In this regard the developers should consider the reuse of existing material within the proposed development site. This will reduce the potential impact on existing landfill facilities.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

The activity of importing waste onto the site for use as, for example hardcore, must be either registered by with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2016 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption or environmental permit for any material imported to the site.

Environmental Permitting Regulations

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.

- Intensive Farming

The current advice relates to a proposed unit for 100,000 broilers. A permit was granted for 110,000 broilers on 19th September 2017 (EPR/AB3594FT/A001).

- Discharges (including foul drainage)

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

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

- Abstractions

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

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

Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

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.

Scope of NRW Comments

Our comments only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. Any site owner/developer 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.

- *2nd response (09/02/2018)*

Thank you for referring the additional information in support of the above application, which we received from yourself on 30/01/2018. Further to our previous letters referenced SJ21/GB/CAS-49650-P7P9 dated 26/01/2018 and CAS-41723-C2V7 dated 23/10/2017, we have the following advice to provide.

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

Requirement 1 – Amendment of the Manure Management Plan’s ‘Contingency Plan’ section, to include specific measures for the storage of contaminated wash water.

Subject to the satisfaction of this requirement, we would request the following condition:

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

- Drainage plan RJC-MZ86-05 dated 05/09/2017
- Method Statement Pollution Prevention (Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners)
- Manure Management Plan (subject to Requirement 1 being satisfied)

Manure Contingency Plan

We have assessed the Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017). The Plan states that all the manure produced at the site will be exported off the farm and includes a contingency plan for the storage of manure when export off the farm is not possible.

Requirement 1 – Amendment of the Manure Management Plan's 'Contingency Plan' section, to include specific measures for the storage of contaminated wash water.

The Manure Management Plan should also include contingency measures for the storage of wash water during and after disease outbreak, as this is classified as hazardous waste and depending on the severity and type of outbreak, may need to be stored for longer than other wastes and separate from other manures and slurry. The measures of dealing with this substance must be specified in the document.

We advise the document should be dated accordingly for ease of reference.

Protected Species

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

NRW is satisfied that the Method Statement for the 'Protection of bats' dated December 2017 by Arbor vitae, provides sufficient avoidance measures that will minimise the risk to bats if encountered. Due to the low potential of these buildings to be used by bats we agree that additional surveys will not be required provided the method statement is implemented and works stop if bats are encountered. Works must not be resumed until NRW has provided advice on the license requirements.

We therefore consider Requirement 1 of our previous letter **has been satisfied**.

We also welcome the submission of the 'Assessment of bat roosting potential in trees at Hendre Boeth' dated December 2017 by Oakwood Ecology. The close-up inspection of the trees has identified negligible and low potential for bat roosting in the two trees due to be removed. We do not envisage the removal of these trees will be detrimental to the favourable conservation status of bats population at the site, provided the precautionary measures identified in the report are implemented.

The undated 'Landscape plan' by Arbor Vitae provides clarification over the landscaping proposal for the site and fulfils requirement 2.

Pollution Prevention

We have assessed the pollution prevention plan ('Method Statement Pollution Prevention' Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners) submitted in support of this proposal.

Provided the construction works and site operations take place in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

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

Drainage Plan

We have assessed the drainage plan ('Drainage Plan', Drawing No. RJC-MZ86-05 dated 05/09/2017 by Roger Parry & Partners) submitted in support of the proposal. The plan confirms:

- The separate clean and foul water pathways and direction of flow

Clean water from the roof and clean surfaces will be directed to stone filled infiltration trenches and a piped system

- Clean water will be discharged to a ditch with a hydrobrake
- At wash down stage the clean water system will be switched to the dirty water tank
- The position of the SSAFO compliant dirty water tank is more than 10m from a watercourse.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the water environment.

Protected Sites: Air Quality

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

A permit was granted for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

We have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd.) submitted in support of this proposal.

Table 4, on pages 23 and 24 of the Ammonia report presents the ammonia screening results for designated sites using five variations of meteorological data.

The highest ammonia concentration regardless of meteorological data indicates that the farm ammonia concentration will be below the thresholds (20% for SSSIs, 4% for SACs, SPAS and Ramsar) that we apply in our assessment of potential impacts on protected sites.

Gweunydd Ty Brith SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.05 µg/m³, which is 5% of the critical level

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The maximum annual mean ammonia concentration is 0.03 µg/m³ which is 3% of the critical level.

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The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.03 µg/m³ which is 3% of the critical level.

Granllyn SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.02 µg/m³ which is 2 % of the critical level.

Midland Meres and Mosses Ramsar

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.01 µg/m³ which is 1% of the critical level

Montgomery Canal SSSI/SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 3 µg/m³

The maximum annual mean ammonia concentration is 0.04µg/m³, which is 1.33 % of the critical level

Demolition Waste

From the Design and Access Statement (DAS) and ES we understand that there are currently dilapidated poultry units on the site and that these will be demolished prior to the erection of the new poultry units. The ES, the DAS and the MSPP give very little specific information regarding the demolition process.

Any old slurry from the buildings that are to be demolished 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 (CoGAP) .

Any waste excavation material or building waste generated during the development and necessary demolition must be recovered/ disposed of satisfactorily in accordance with the Duty of Care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites in accordance with the Environmental Permitting Regulations 2016. Transfer notes shall be kept for each load for a minimum of 2 years.

Wherever practical the quantity of waste arising from demolition works should be reduced. In this regard the developers should consider the reuse of existing material within the proposed development site. This will reduce the potential impact on existing landfill facilities.

No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

The activity of importing waste onto the site for use as, for example hardcore, must be either registered by with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2016 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption or environmental permit for any material imported to the site.

Environmental Permitting Regulations

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.

Intensive Farming

The current advice relates to a proposed unit for 100,000 broilers. A permit was granted for 110,000 broilers on 19th September 2017 (EPR/AB3594FT/A001).

Discharges (including foul drainage)

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

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

Abstractions

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

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

Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

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.

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

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales->

and-planning-consultations-final-eng.pdf). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

- *3rd response (14/02/2018)*

Thank you for referring the additional information in support of the above application, which we received from yourself on 30/01/2018. Further to our previous letters referenced SJ21/GB/CAS-49650-P7P9 dated 09/02/2018, SJ21/GB/CAS-49650-P7P9 dated 26/01/2018 and CAS-41723-C2V7 dated 23/10/2017, we have the following advice to provide.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address the significant concerns that we have identified and we would not object provided you attach it to the planning permission.

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

- Drainage plan RJC-MZ86-05 dated 05/09/2017
- Method Statement Pollution Prevention (Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners)
- Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017, amended version received by email on 12/02/2018 from the agent)

Manure Management Plan

We have assessed the Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017, amended version received by email on 12/02/2018 from the agent). The Plan states that all the manure produced at the site will be exported off the farm and includes a contingency plan for the storage of manure when export off the farm is not possible. The plan also includes measures for dealing with contaminated wash water.

Provided the site operates in accordance with this management plan, the proposal is unlikely to adversely impact the surrounding environment.

Protected Species

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

NRW is satisfied that the Method Statement for the 'Protection of bats' dated December 2017 by Arbor vitae, provides sufficient avoidance measures that will minimise the risk to bats if encountered. Due to the low potential of these buildings to be used by bats we agree that additional surveys will not be required provided the method statement is implemented and works stop if bats are encountered. Works must not be resumed until NRW has provided advice on the license requirements.

Requirement 1 of our letter referenced CAS-41723-C2V7 dated 23/10/2017 has been satisfied.

We also welcome the submission of the 'Assessment of bat roosting potential in trees at Hendre Boeth' dated December 2017 by Oakwood Ecology. The close-up inspection of the trees has identified negligible and low potential for bat roosting in the two trees due to be removed. We do not envisage the removal of these trees will be detrimental to the favourable conservation status of bats population at the site, provided the precautionary measures identified in the report are implemented.

The undated 'Landscape plan' by Arbor Vitae provides clarification over the landscaping proposal for the site and fulfils requirement 2.

Pollution Prevention

We have assessed the pollution prevention plan ('Method Statement Pollution Prevention' Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners) submitted in support of this proposal.

Provided the construction works and site operations take place in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

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

Drainage Plan

We have assessed the drainage plan ('Drainage Plan', Drawing No. RJC-MZ86-05 dated 05/09/2017 by Roger Parry & Partners) submitted in support of the proposal. The plan confirms:

- The separate clean and foul water pathways and direction of flow
- Clean water from the roof and clean surfaces will be directed to stone filled infiltration trenches and a piped system
- Clean water will be discharged to a ditch with a hydrobrake

- At wash down stage the clean water system will be switched to the dirty water tank
- The position of the SSAFO compliant dirty water tank is more than 10m from a watercourse.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the water environment.

Protected Sites: Air Quality

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

A permit was granted for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

We have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd.) submitted in support of this proposal.

Table 4, on pages 23 and 24 of the Ammonia report presents the ammonia screening results for designated sites using five variations of meteorological data.

The highest ammonia concentration regardless of meteorological data indicates that the farm ammonia concentration will be **below the thresholds** (20% for SSSIs, 4% for SACs, SPAS and Ramsar) that we apply in our assessment of potential impacts on protected sites.

□ Gweunydd Ty Brith SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.05 µg/m³, which is 5% of the critical level

□ Llanymynech and Llyncllys Hills SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.03 µg/m³ which is 3% of the critical level.

□ Tanat and Vyrnwy Bat SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.03 µg/m³ which is 3% of the critical level.

□ Granllyn SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.02 µg/m³ which is 2 % of the critical level.

□ Midland Meres and Mosses Ramsar

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

The maximum annual mean ammonia concentration is 0.01 µg/m³ which is 1% of the critical level

□ Montgomery Canal SSSI/SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 3 µg/m³

The maximum annual mean ammonia concentration is 0.04µg/m³, which is 1.33 % of the critical level

Demolition Waste

From the Design and Access Statement (DAS) and ES we understand that there are currently dilapidated poultry units on the site and that these will be demolished prior to the erection of the new poultry units. The ES, the DAS and the MSPP give very little specific information regarding the demolition process.

Any old slurry from the buildings that are to be demolished 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 (CoGAP) .

Any waste excavation material or building waste generated during the development and necessary demolition must be recovered/ disposed of satisfactorily in accordance with the Duty of Care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites in accordance with the Environmental Permitting Regulations 2016. Transfer notes shall be kept for each load for a minimum of 2 years.

Wherever practical the quantity of waste arising from demolition works should be reduced. In this regard the developers should consider the reuse of existing material within the proposed development site. This will reduce the potential impact on existing landfill facilities. No material should be deposited within 10m of any watercourse without discussion with

Natural Resources Wales.

The activity of importing waste onto the site for use as, for example hardcore, must be either registered by with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2016 if the activity meets the exemption criteria or undertaken under an Environmental Permit. The developer should contact Natural Resources Wales to discuss the necessity for an exemption or environmental permit for any material imported to the site.

Environmental Permitting Regulations

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.

Intensive Farming

The current advice relates to a proposed unit for 100,000 broilers. A permit was granted for 110,000 broilers on 19th September 2017 (EPR/AB3594FT/A001).
Discharges (including foul drainage)

We note that proposal will include a shower room and conveniences for workers. The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site. <https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required. <https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

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.

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

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

Representations

The application was advertised through the erection of a site notice and press advertisement.

A single letter from a local resident has been received only making observations in respect of the access to the site;

“The proposed development is a mile or two away from the B4393 along a single track unclassified lane. There a number of family occupied houses along the lane. There are very few passing places (even for cars, let alone large numbers of HGVs), several blind corners and roadside verges and banks that have been subject to erosion by increasing traffic in recent years. There will certainly be serious issues to address re highways, traffic and safety aspects of the proposed development”.

The received communication does not indicate an objection or support for the scheme.

Planning History

11818 – Construction of Poultry Houses. Approved 1971.

M1940 – Extension to poultry house. Approved 1976.

AGRI/2017/0072 – Construction of an agricultural building to house a boiler unit. Planning Permission required

Principal Planning Constraints

Open countryside

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

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

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 13 – Tourism (1997)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2017)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment
Natural Environment and Rural Communities Act (2006)

Local Planning Policy

Powys Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
DM15 – Waste within Developments
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Environmental Impact Assessment Regulations 2017

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

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. Whilst an Environmental Impact Assessment is not a mandatory requirement for the proposed development, the floor area of the proposed building exceeds the applicable threshold of 500 square metres and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued by the Local Planning Authority.

The proposed development is for intensive rearing of poultry which exceeds the prescribed amount of birds and as such the planning application is accompanied by an Environmental Statement.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, states:

“The relevant planning authority or the Welsh Minister or an inspector must not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have taken the environmental information into consideration, and they must state in their decision that they have done so”.

The Environmental Permitting (England & Wales) Regulations 2016

The proposed development would result in the site accommodating over 40,000 birds and in its cumulative total and therefore requiring an Environmental Permit for the operation of the site.

Natural Resources Wales have confirmed that a permit was granted for 110,000 broilers on 19th September 2017, (Permit no. EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW’s air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

It is noted that the permitting process is separate to any planning application considered and it was considered by Natural Resources Wales under their relevant criteria. Therefore, the Officers wish to report that the permit has been issued for members’ information, however this does not form a material consideration in the determination of the planning application.

Planning History

The application site had previously benefited from full planning permission for the construction of "Poultry Houses" in 1971. In 1976 the Montgomeryshire District Council granted a further application for extension to the existing buildings to house additional birds, giving an approximate combined floor space in the region of 1,400m². The applicant has confirmed that total number of birds at the holding was 65,000.

The applicant states that the buildings were in use until 2013 when there were damaged by a storm and after that fell into disrepair.

Principle of Development

Policy E6 of the Powys Local Development Plan accept the principle of farm diversification in rural communities allowing further commercial opportunities to provide rural employment that utilises existing resources. LDP polices, namely T1 and DM4 are equally supportive of such schemes.

In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Farm Diversification

Hendre Poeth is a family owned farming business which extends to 53.25 hectares (131.58 acres) () and is seeking consent to diversify further into poultry enterprise in order to secure the long-term viability of the farming enterprise.

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

Furthermore, LDP policy E6 also states that such schemes will help and maintain the viability of individual farm units or enable the family unit to remain within the community and to have viable employment. In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Poultry unit developments raise a number of planning issues such as smell, noise, dust, pollution and traffic. Whilst the 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 Policy DM4 of Powys Local Development Plan. Whilst the principle of the poultry rearing unit is acceptable at this location, the aforementioned matters and other material planning considerations will be discussed below.

Landscape and Visual Impact

Guidance within the Powys Local Development Plan policy DM4 indicates that development proposals must not, individually or cumulatively have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. Policy DM4 also requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LAMNDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

This application site is located within the *River Severn Flood plain aspect area* (Aspect Area Code MNTGMVS650) which is characterised as an area as 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. LANDMAP classifies this area as moderate (*smaller areas within the aspect as a whole displays some and outstanding qualities however this is lessened by the association with urban areas and a heavily used road corridor*).

The proposed buildings are to replace the existing dilapidated agricultural buildings, and the proposed buildings will be able to accommodate up to 100,000 broiler rearing birds. The proposed site is currently overgrown with a number of timber buildings which are to be removed. As a part of this proposal consent is sought for a new access point to the site with a large parking and turning area to the front of the buildings. The site is bound by agricultural land to the north with intervening C class road between, east and south, to the west of the site the an existing dwelling is located which is in the applicants ownership. This application also seeks consent for the construction of a building to store a bio mass unit which is to be located within the yard west of the proposed units and it will be seen in conjunction with the proposed buildings. The proposed landscaping and planting is designed sympathetically to help assimilate the proposed development into the landscape and to further screen the proposed buildings within the wider landscape.

Policy E6 of the Powys Local Development Plan states that farm diversification proposals should be of intensity appropriate to the location and setting and have no significant detrimental effect on the vitality and viability of adjacent land uses.

The proposed building will be on the site of dilapidated agricultural buildings which are to be removed and in close proximity of the existing farm holding at Hendre Poeth (approximately 110 metres) which also contains a poultry unit and number of existing agricultural buildings.

In support of this application the Environmental Statement includes a Landscape and Visual Impact Assessment. The report considers the LANDMAP landscape characterisation for the area, the historic landscape register, visual impact upon the surrounding area impact upon the sensitive residential receptors around the site, popular viewpoints, impact upon footpath users and road users. The report concludes that the direct effects on the fabric of the landscape will be limited. The proposed development will occupy intensively farmed pasture land and dilapidated poultry units. No important landscape features or elements will be lost

as a direct consequence of the development. As the site lies on an established agricultural development, the proposed development will be compatible with the surrounding land uses.

With regard to indirect effects and the perception of landscape character, it is anticipated that the proposed development will have no effect on the landscape character. It is acknowledged that the development will be seen in localised areas within a limited zone of visual influence around the site. However, the setting of the site in the context of the established agricultural development means that the overall effect on the perception of landscape character will change little. The setting of the site combined with the proposed mitigation measures will minimise the effect that this development could have on landscape character.

In the short term the report acknowledges that there will be some moderate effects on visual amenity as a result of the proposed development, as is inevitable with a development of this scale. However, as with the potential effect on landscape character, these will be mitigated by the setting of the site and proposed landscaping. The viewpoint analysis identifies that at some of the locations close to the site there will be some effect on visual amenity as a result of this development, the worst affected are public footpaths that in any case are used irregularly as they are of limited value, the footpaths are clearly historical remnants of practical access routes for residents of the area rather than for enjoyment of the countryside; The incorporated mitigation measures will in the longer/medium term reduce some of the effects and indeed will have some beneficial effects on the landscape as historic landscape features will be restored. The viewpoint analysis shows that at the other locations examined in the analysis there will not be a significant effect on visual amenity as a result of the poultry installation. This is largely attributed to a combination of increasing separation distance, the influence of intervening vegetation and the surrounding agricultural context (large scale agricultural development) that the proposed poultry installation will be seen in the context of.

It is acknowledged that the proposed poultry buildings are of a large scale, however they will be grouped and seen in the context of the existing nearby complex and as such, potential landscape and visual impact could be minimised. Furthermore, given the height of the proposed buildings and 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 existing field, but, taking account of the mitigation measures, the location adjacent to existing buildings and the condition and sensitivity of the landscape it is considered that whilst the development would have an impact on the surrounding landscape, and particularly from the adjacent road, it is not considered sufficient to warrant refusal of the application on this ground.

There is the opportunity to view the development from other properties whose occupiers would be more sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be visible. However the distance maintained between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship of the units to the existing farm complex, it is considered that there would not be an unacceptable impact on residential receptors.

A public road located near to the site, being located to the north of the site. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However the existing vegetation and buildings with landscape mitigation proposed will all serve to mitigate the view from the road

network, therefore it is considered that the effect on visual amenity would not be unacceptable.

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

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

Highways Safety and Movement

Policy T1 of the Powys Local Development Plan seeks to secure appropriate highway provision within the developments in terms of a safe and efficient flow of traffic for all transport users.

The supporting planning statement indicates that the main vehicular movements associated with the proposed poultry development are as follows;

The site is accessed off the A495 at Llansantffraid onto the B4393. The site is accessed off the council maintained highway, from a new access as per the site and location plans leading to buildings. Feed HGVs will be coming from a local feed company using the A495 and then as above. The access is to be 3.5 metres in width and the first 15 metres of either end of the access will be finished with tarmac, the remainder will be stoned.

The application states that due to the nature of the poultry enterprise it is not possible to give an accurate daily average as the movements are concentrated around certain activities during the cycle. Feed movements increase during the crop cycle as bird weights increase. Manure removal takes place in a short period between bird removal and chick placement and the direction of the movements will vary. Bird removals take place in two waves each lasting two days during the crop cycle. On 23 days of the 48-day crop cycle there will be no movements and on a further 15 days of the crop cycle there will only be one vehicle visiting the site.

Third party comments are noted in respect of vehicular movements, however it is important to note that Powys County Council's Highway Authority has been consulted on the proposed development and have no objection. Powys County Council's Highway Authority has requested number of safeguarding conditions in respect of construction of adequate access point to the site and closing off of the existing access point. Furthermore it is noted that the plans submitted highlight an area for parking and turning of vehicles within the compound and therefore the proposed development would not have a detrimental impact upon highway safety. The proposed development in light of the above therefore complies with T1 of Powys Local Development Plant.

Biodiversity and Ecology

SSSI's and SAC

Guidance contained within Policies SP7 and DM2 of Powys LDP which indicate that development proposals should preserve and enhance biodiversity and features and sites of ecological interest.

There are several areas of Ancient Woodlands (AWs) within 2 km of the site of the proposed poultry houses. There are two Sites of Special Scientific Interest (SSSIs) within 5 km of the site (Montgomery Canal, Gwenydd Ty-Brith, Llanymynech and Llancllys Hills, and Bryngwyn Hall Stables and Coach House), and 3 Special Areas of Conservation (SACs) within 10 km of the site; Montgomery Canal SAC (7.1km), and the Tanat and Vyrnwy Bat Sites SAC (9.3km) and Granllyn. Parts of the Midland Meres and Mosses Phase 2 Ramsar are also within 10 km of the proposed poultry unit.

An ammonia modelling report prepared by AS Modelling and Data Ltd has been submitted with the application. The report considers impacts upon 3 SACs within the 10km screening distance (Montgomery Canal, Tanat and Vyrnwy Bat Sites, and Granllyn) and concludes following preliminary modelling that no impacts are expected within the boundaries of these sites.

NRW state that a permit was granted for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

NRW have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd.) submitted in support of this proposal. Table 4, on pages 23 and 24 of the Ammonia report presents the ammonia screening results for designated sites using five variations of meteorological data. The highest ammonia concentration regardless of meteorological data indicates that the farm ammonia concentration will be below the thresholds (20% for SSSIs, 4% for SACs, SPAS and Ramsar) that they apply in their assessment of potential impacts on protected sites.

Powys County Ecologist also notes the permit application had been submitted prior to the end of March 2017, and that NRW have made it clear that they are happy to apply the old thresholds with regard to Ammonia modelling. The County Ecologist confirms that no further modelling is required.

Therefore, Natural Resources Wales and the Powys County Ecologist have concluded that for all of the protected sites the ammonia and nitrogen deposition levels for the proposed unit are below the threshold applied in the assessment of potential impacts upon SSSI's and SAC.

Protected Species

LDP Policy DM2, TAN5 and PPW seek to safeguard protected species and their habitats.

An Extended Phase 1 Habitat Survey report (Arbor Vitae Environment Ltd, April 2017) has been submitted with this application. An Environmental Statement (ES) (Roger Parry and Partners, August 2017) has also been submitted which considers protected species issues. Assessment of bat roosting potential in trees at Hendre Boeth' dated December 2017 by Oakwood Ecology has also been submitted on the advice of NRW.

NRW confirm that they are satisfied that the Method Statement for the 'Protection of bats' dated December 2017 by Arbor Vitae, provides sufficient avoidance measures that will minimise the risk to bats if encountered. Due to the low potential of existing buildings to be used by bats NRW agree that additional surveys will not be required provided the method statement is implemented and works stop if bats are encountered. Works must not be resumed until NRW has provided advice on the license requirements. No objections have been raised to the proposed development by the County Ecologist who has recommended a number of conditions to be attached to any grant of consent to secure mitigation and recommendations included within the ecological assessment.

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

Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour. There are

Members are advised that the application is supported by an Environmental Statement which contains chapters assessing the significant likely impacts on amenity and the living conditions of neighbouring properties. Consideration of the aforementioned impacts is duly given below;

Noise

LDP policy DM13 states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities. The nearest non-associated residential property is approximately 190 metres south east of the site.

According to the submitted plans the proposal involves installation of 24 mechanical fans on the roof of the proposed buildings (12 fans per building). As part of this application process Environmental Health officers have been consulted and have requested a Noise Assessment. Given the distance and intervening landscape between the site and the said property the Officers consider that there would be no significant adverse impact upon the residential amenity enjoyed by the occupants of the property as a result of the proposal. Furthermore, the Environmental Health officer is satisfied with the information submitted with

the application and no further information has been requested in respect of noise from the fans.

However, offices have recommended that a condition in relation to the timing of deliveries to and from the site be attached to any grant of consent in order to reduce the impact upon amenity.

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

Odour

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

A manure management plan has been submitted in support of this application. NRW confirms that they have assessed the Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017, amended version received by email on 12/02/2018 from the agent). The Plan states that all the manure produced at the site will be exported off the farm and includes a contingency plan for the storage of manure when export off the farm is not possible. The plan also includes measures for dealing with contaminated wash water. Provided the site operates in accordance with this management plan, NRW confirm that the proposal is unlikely to adversely impact the surrounding environment.

As part of this application process Environmental Health have been consulted, no objections have been raised by the officer and they are satisfied that the information provided in respect of ammonia dispersal for the proposed development is satisfactory. As part of the comments received from the ecologist they have recommended that upon any grant of consent that the manure is to be transported in sheeted trailers to prevent any spillage and is to be spread in line with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil. Officers consider that these conditions are necessary and would be attached to any grant of consent.

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

Dust

It is acknowledged that the process of chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s).

All feed is stored in purpose built buildings outside the main unit to reduce the dust particles in the atmosphere. Fans will be used inside the buildings to prevent the build-up of dust. It is therefore considered that the proposal will be sufficiently distant from sensitive residential properties which will prevent unacceptable impact upon them. In order to mitigate any potential impacts the proposed ventilation fans will be fitted with dust baffles and the feed delivery lorries will be covered and be blown directly from the lorry into the storage silos. Feed will be delivered to the buildings from the silos via a pipe system therefore minimising any dust emissions during feeding.

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

Drainage

Drainage details have been submitted in support of the application which concluded that there was adequate surface water provision at the site. Following consultation with Environmental Health no objection to the proposed drainage at the site has been received.

NRW have assessed the drainage plan (Drainage Plan, Drawing No. RJC-MZ86-05 dated 05/09/2017) submitted in support of the proposal which confirms that:

- The separate clean and foul water pathways and direction of flow
- Clean water from the roof and clean surfaces will be directed to stone filled infiltration trenches and a piped system
- Clean water will be discharged to a ditch with a hydrobrake
- At wash down stage the clean water system will be switched to the dirty water tank
- The position of the SSAFO compliant dirty water tank is more than 10m from a watercourse.
- Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the water environment.

Therefore, NRW confirms that the subsisted plan is adequate and that the development should be carried out in accordance with the approved Drainage Plan RJC-MZ86-05 dated 05/09/2017 and recommend a relevant condition in that respect. Officers consider that the proposed drainage systems are acceptable and a condition will be attached to any grant of consent referring to the surface water drainage scheme and drainage plans as submitted with the application. the applicant has also confirmed that there are no private water supplies on the site which could be affected by the proposal, and in that respect EHO has confirmed that there are no issues in that respect.

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

Archaeology and Scheduled Monuments

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

While CADW confirms that the application area is inside 2km of the scheduled monuments MG078 Plas yn Dinas an MG200 Collfryn Enclosure & Field System however intervening topography will block all views of the proposed development from these scheduled monuments. CADW confirms that the proposed development will cause no damage to the setting of any scheduled monument.

In light of the above, it is considered that the proposed development fundamentally complies with policies SP7 and DM13 of the Powys Local Development Plan and Technical Advice Note 24 –The Historic Environment (2017).

Listed Buildings

There is no listed building in vicinity of the proposal which could be impacted upon.

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

Rights of Way and Tourism

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

With regards to landscape impact, it is accepted that the proposed development will be visible, especially in the early stages of construction and operation whilst the planting landscaping scheme is established. However the proposed building will be viewed adjacent to the existing farming operation as part of the rural landscape. Therefore, given that this is an existing operational farm holding nearby and that no public rights of way are directly affected by the proposal, the Officers consider that the proposal will not have a detrimental effect on nearby tourism assets in the area.

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

RECOMMENDATION

Development Management considers that the proposed poultry development is compliant with planning policies. The recommendation is one of conditional consent.

All information submitted with the application, including Environmental Statement have been considered.

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 documents received updated Manure Management Plan Contingency Section (February 2018), Assessment of bat-roosting potential in trees at Hendre Boeth, Llansantffraid, Powys SY22 6TJ by Oakwood Ecology (December 2017), Landscape Plan by Arbor Vitae Environment Ltd. (received on 08/01/2018), Method Statement - Protection of Bats by Arbor Vitae Environment Ltd., Method Statement Pollution Prevention by Roger Parry & Partners LLP (received on 25/01/2018), Manure Management Plan by Roger Parry & Partners LLP (dated August 2017), Design and Access Statement by Roger Parry & Partners LLP (August 2017), Environmental Statement by Roger Parry & Partners LLP (August 2017), Scoping Report (August 2017), Lightning Design Scheme (August 2017), A Dispersion Modelling Study of the Impact of Odour by AS Modelling & Data Ltd.(dated 04/07/2017), A Report on the Modelling of the Dispersion and Deposition of Ammonia Odour by AS Modelling & Data Ltd.(dated 10/03/2017), Dust Management Plan, and plans (drawing no's: RJC-MZ86-01, RJC-MZ86-02, RJC-MZ86-03B, RJC-MZ86-03, RJC-MZ86-05 (dated 05/09/2017).
3. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
4. 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.
5. 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.
6. The each poultry unit/building hereby permitted shall house a maximum of 50,000 birds.
7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10m measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8. Prior to the commissioning of the unit the entrance gates shall be set back at least 15m 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 development hereby permitted remains in existence.
9. Prior to any works commencing on the new unit 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 and is to be finished in a 40mm bituminous surface course for a distance of 15m from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
10. No storm water drainage from the site shall be allowed to discharge onto the county highway.
11. Prior to the occupation of the new 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 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.
12. No other development shall commence until the access has been constructed so that there is a clear visibility splay 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, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 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 the area 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.
13. Upon formation of the visibility splays as detailed in the above condition, 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.
14. Within 20 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
15. Deliveries (except for the purpose of bird removals) shall not be taken or dispatched from the site outside the hours of 0700 to 2100 hrs Monday to Friday; 0700 to 1700 hrs on Saturdays and; 0900 to 1700 hrs on Sundays and Bank Holidays.
16. The mitigation regarding bats and nesting birds contained in the Bat Method Statement (Arbor Vitae, December 2017) and Bat Tree Assessment (Oakwood Ecology, December 2017) shall be adhered to and implemented in full.
17. The enhancement measures contained in the Landscape Plan (Arbor Vitae) shall be adhered to and implemented in full unless otherwise agreed in writing with the Local Planning Authority. Measures to manage the new arable field margin for wildlife should be

incorporated into an updated version of the Landscape Plan to be submitted to the Local Planning Authority and implemented as approved unless otherwise agreed in writing with the Local Planning Authority.

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

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

20. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

21. The pollution management/mitigation scheme submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter.

22. 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.

23. Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

24. 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.

25. Notwithstanding the details submitted, a detailed landscaping implementation (phasing) and maintenance scheme for the landscaping scheme submitted, shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented as approved and maintained thereafter in accordance with the approved scheme.

26. Notwithstanding the details submitted, a detailed landscaping implementation (phasing) and maintenance scheme for the landscaping scheme submitted, shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented as approved and maintained thereafter in accordance with the approved scheme.

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 minimise visual impact in accordance with Powys LDP Policy DM13.

4. 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).
5. 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 Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
6. 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 Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
15. To safeguard the amenities of the locality in accordance with policy E6 of the Powys Local Development Plan.
16. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
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23. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.

24. To comply with Powys County Council's LDP Policy DM7, the requirements of Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

25. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Powys LDP Policy DM2.

Informative Notes

A Building regulations application may be required, please contact Building Regulations on 01874 612290.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- 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.

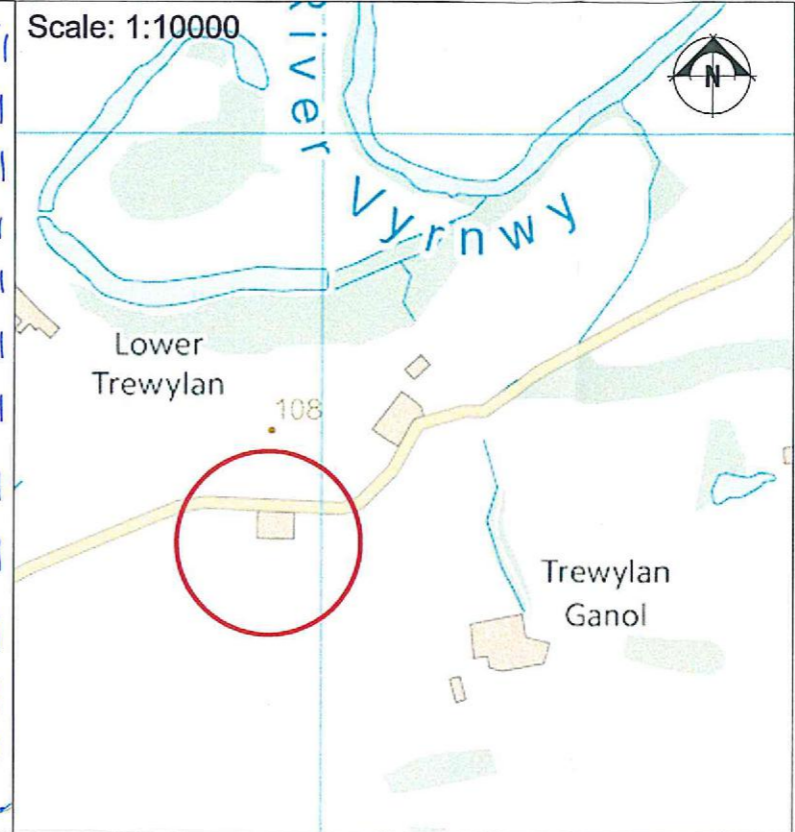
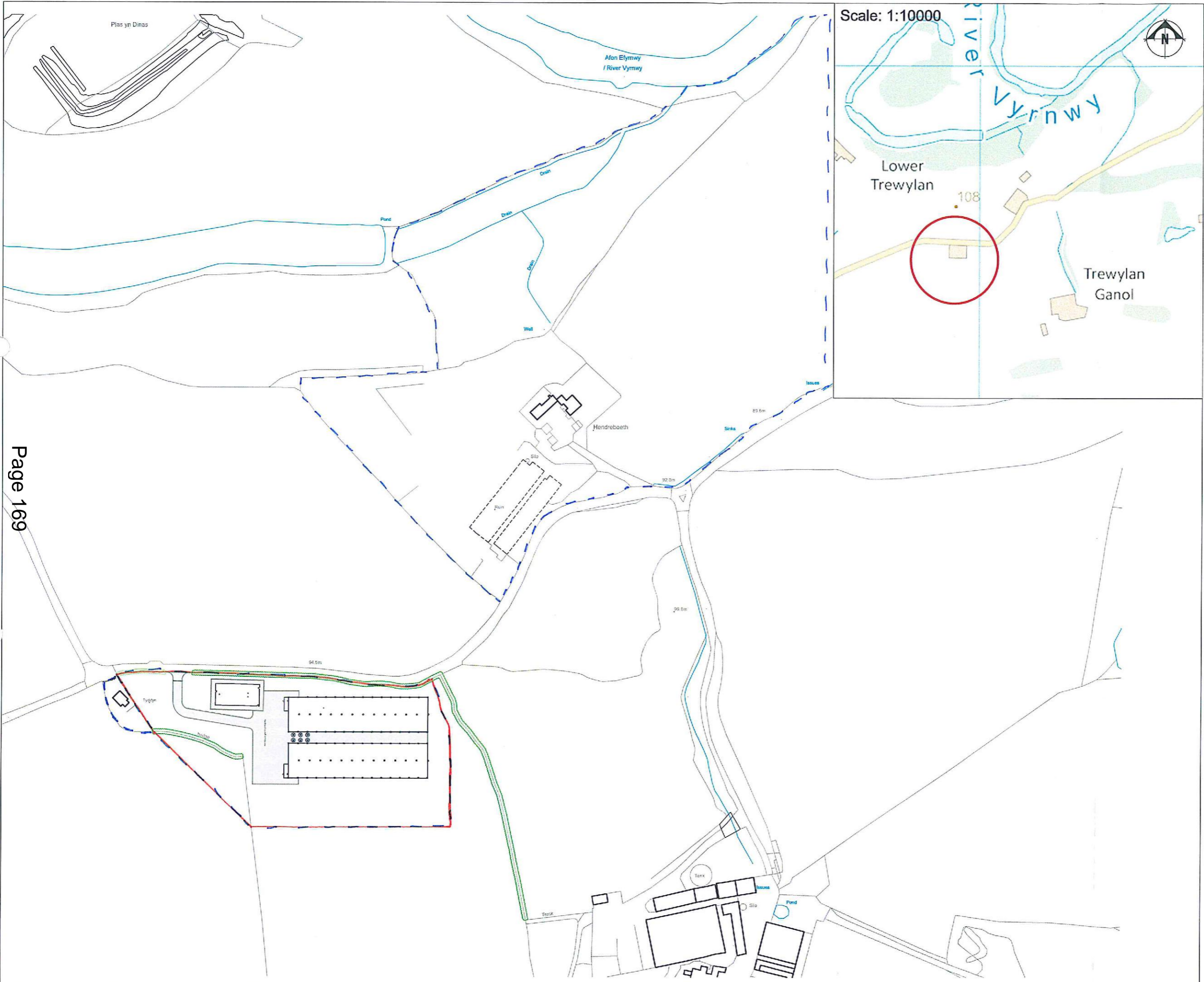
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

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.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk

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| Rev | Description | Date | Dr by | App by |
|----------|-------------|------|-------|--------|
| Original | | | | |



| | |
|---|---|
| Residential - Agricultural - Commercial | |
| Job | Proposed replacement broiler unit |
| Title | Location Plan |
| Location | Hendre Boeth Llansantffraid Powys SY22 6TJ |
| Client | . |
| Scales | 1:2500 @ A3 |
| Drawing No. | RJC-MZ86-01 |
| Drawn by | AZ |
| Date | 05-09-2017 |

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

| | | | | | |
|--------------------|---|-------------|---------------|----------|------------|
| Application No: | P/2015/0176 | Grid Ref: | 276414 212002 | | |
| Community Council: | Ystradgynlais | Valid Date: | 06/02/2015 | Officer: | Tamsin Law |
| Applicant: | Mr David Mackins, Juwi Renewable Energies Ltd | | | | |
| Location: | Land at Bryn Henlllys Open Cast Mine site near Cwmllynfell, Upper Cwmtwrch, Swansea, Powys | | | | |
| Proposal: | Full: Installation of Solar Photovoltaic (PV) Farm with ancillary infrastructure capable of generating up to 20 MW. | | | | |
| Application Type: | Application for Full Planning Permission | | | | |

Reason for the Committee Determination

The application is accompanied by an environmental statement.

Site location and description

The site is located at Bryn Henlllys farm, circa 1km to the east of Ystradowen, 3.5km north of Gurnos and 1km north east of Cwmtwrch Uchaf.

The site was previously used for open cast minerals extraction which ceased in 2003. Since then, the site has been restored and is now primarily laid to grass for sheep and cattle grazing (PCC accepted as a *'matter of fact and degree'* that the site was restored in report PTLRW70-2013). It is a relatively open area with no internal hedgerows and there are a number of tracks and drainage ditches that cross the site.

Immediately to the east of the site, the river Nant Gwys flows in a southerly direction and converges with the Afon Twrch to the south west of the site. The Nant Gwys is a wooded river valley and forms the eastern boundary of the site, while agricultural land is to the north, south and west.

A Byway Open to All Traffic (BOAT) abuts the northern boundary of the site which joins the Pen-y-Graig Road to Ystradowen to the west. Footpaths branch off the BOAT and cross the site. The site has an existing access road from Palleg Road on the eastern boundary.

The Brecon Beacons National Park lies approximately 500m to the north of the site. The valleys to the south and east acts as a transport corridor through the area with settlements along the route.

A full description of the proposed development is set out in Section 2 of the Environmental Statement (ES). In summary, the proposal, which would be decommissioned at the end of the 25 year operational period and comprises:

- Rows of solar photovoltaic (PV) panels (also referred to as 'solar modules'), typically of dimensions of 1m x 2m and 50mm depth, arranged on mounting racks;
- Solar modules mounted on galvanised metal frames set into the ground by either direct piling or screw piling and tilted southwards at 20 degrees from the horizontal;
- Electrical substation and ancillary equipment;
- Inverter/transformer stations;
- Underground electrical cables;
- One temporary site construction compound and lay down areas;
- Security fencing (deer stock);
- Thermal and/or infrared CCTV cameras for security;
- Site entrance;
- On-site access tracks; and
- Lighting (only for maintenance purposes).

The ES states that the proposed solar farm would *'generate up to 20 MW, which will be capable of generating approximately 19,480,000 kWh/year of renewable energy... This is equivalent to the average annual electricity requirements of approximately 5,900 homes and displaces 8,376 tonnes of carbon dioxide (CO₂) per year.'*¹

Consultee Response

A summary of consultation responses received are set out below. Representations are available to be read in full at the Council's offices or on the Council's website.

PCC – Environmental Health

Letter dated 14 April 2015 stated:

The following issues of environmental concern have been identified with this application:- noise and dust during the construction phase of the proposed development and the possibility of ongoing noise disturbance from the electrical substation and the inverter/transformer cabins, therefore the following conditions and informatives are recommended.

Conditions

1. Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust emanating from the construction phase of the development, together with details of the potential for noise disturbance from the electrical substation and the inverter/transformer cabins. Suitable sound installation of the substation and cabins

¹ See Planning Statement para 3.2

should be considered. Such a scheme shall be maintained and shall not be altered without the written approval of the Local Planning Authority.

2. Site development and construction works shall not take place outside 0800 hours to 1800 hours Monday to Friday and 0800 to 1600 hours on Saturday. No works to take place on Sundays and Bank Holidays.

Reason: to protect the amenity of the locality especially people living nearby.

Informatives

- In order to comply with Condition 1, the scheme should comply with the guidance found in BS5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.
- With respect to Condition 2, regard should be had to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction sites.

PCC – Highways

Email dated 2 March 2015 stated:

Further to the consultation on the above application I would be grateful if you would seek additional information regarding the traffic movements likely during the construction period.

Although the Construction Traffic Management Plan is reasonably comprehensive it remains a little ambiguous in the region of 2.2 Construction Traffic Type and Volumes. I am particularly unclear on whether the figures in table 2.1 include all staff movements on a daily basis or just deliveries. There is also no indication from where the stone for the internal tracks is being sourced and if delivery of this is included as the 275 tipper trucks: a term I would also appreciate being clarified.

If it is additionally possible to see a slightly more timed breakdown of traffic movements through the 30 week construction period I would be very grateful.

Finally, the proposed internal access track in the north western sector of the site appears to be the creation of a new access onto the county class III road and I would therefore require a drawing showing the layout including width, gate position, visibility splays and surfacing.

I do not anticipate any problems but do refrain from making a formal comment until the above information is available for consideration.

Email dated 20 April 2015 stated:

The additional information and break down provided by Spencer Powell is most helpful and clarifies that the additional hgv movements generated by the development are likely to

average out to about 8 per day which I do not think could be considered a problem given other activities along Palley Road.

On the second point, the B.O.A.T. to which he refers is actually a class III road, (see attached plan) although the route is slightly different around the north east corner of the site. Which means the access in the north western sector of the area is effectively a new access onto a classified road for which I would prefer to have details before a decision is made. Whilst I could recommend conditions regarding the access visibility, width, gate position and construction this would require a site visit to estimate the traffic speed so will not be an instant answer.

I trust this clarifies my position and will schedule a visit as soon as practicable.

Email dated 14 May 2015 stated:

I finally carried out a site visit yesterday and was surprised by the condition of the 'adopted' highway and the scenery in which the development will site. Clearly my concern regarding appropriate conditions for the access onto the country road were largely unfounded.

In order to be consistent I believe the following conditions would be appropriate on any permission granted for this scheme.

HC1 Any entrance gates shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.

HC4 Upon erection of the boundary fencing the access shall be provided with 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, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **33.0 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 the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

HC7 Prior to the activation 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 **5.5 meters** 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.

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

I trust this allows you to conclude deliberations on this application.

PCC – Land Drainage

Consultation response dated 29th February 2016 is set out below:

Thank you for consulting the Lead Local Flood Authority (LLFA) in respect to the above mentioned application. Having reviewed the submitted details and other related drainage information on the Planning Portal, the LLFA would make the following observations/comments/recommendations:-

Land Drainage/Flood Risk.

Observation: Item 13 – Assessment of Flood Risk within the submitted application indicates the site is not within 20 metres of a watercourse. However, when viewing current and historic Ordnance Survey plans the proposed site has several watercourse channels within the site. It is appreciated that the majority of the watercourse channels have been engineered and are formalised stone lined channels but the LLFA would regard these as ordinary watercourse features. In addition to these stoned lined channels there also exist ponds and, informal shallow ‘depressions’ across the site, which the LLFA assume act as ‘swales’. The existing drainage network is shown on the ‘Drainage Strategy’ plan contained within Appendix B of the Flood Consequence Assessment (FCA).

The FCA indicates that the existing drainage network is to be retained and that a 5m (min) maintenance strip is to be provided to all formalised stoned lined channels and ponds. Reference is also made for the need to cross these drainage features to facilitate the construction of the new access tracks. Crossing of these watercourses may also be required for the laying of the electrical cabling. Land Drainage consent (Section 23 – Land Drainage Act 1991) may be needed prior to interference with these water features.

The erection of the security fencing adjacent to and across the watercourse channels may restrict future maintenance activities. A 5m (min) maintenance strip should be secured.

Comment: The LLFA holds no historical flood records relating to the site.

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. New roads, hardstandings and buildings may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime.

Recommendation: No buildings, structures, fences or alteration of contours shall take place within 5 metres of the top of the bank of any ordinary watercourse, or 3 metres either side of any culverted watercourse without prior permission from the LPA.

Reason: To ensure that the proposed development does not compromise the function of the land drainage features and that any proposed alterations are fully compliant with regulations and are of robust design.

Informative: Any proposed interference to any existing ordinary watercourse will require the prior consent from Powys CC (as LLFA). Relevant application forms and guidance notes should be sought from the Land Drainage team.

Riparian rights and responsibilities exist in respect to these land drainage systems.

Surface Water Drainage.

Observation: Reference to the management of surface water run-off is indicated in Item 13 – ‘Assessment of Flood Risk’ on the planning application, where it states that surface water is to be disposed by sustainable drainage systems and to existing watercourses. This is further outlined in the FCA.

The LLFA would generally accept the findings of the FCA in respect to surface water drainage but further clarification is needed in respect to the design for the new access tracks. In particular, the FCA indicates that the new tracks will be formed of permeable materials, most likely gravels. However, Figure 2.8 - ‘Typical Access Track Details’ shows a 300mm thick road base over sub base. To be an effective permeable system, the track construction should be typically a coarse graded aggregate material.

Comment: The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. New roads, hardstandings and buildings may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime.

The site is classed as Greenfield, therefore any proposed surface water discharge should be equivalent existing Greenfield run-off in accordance with good practice requirements. However, it is noted the development is to incorporate sustainable drainage systems for management of surface water run-off.

Further details showing the proposed track construction should be submitted and approved in writing by the LPA or alternative drainage provisions should be detailed.

Recommendation: The development shall not commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the site comes into operational use.

Reason: To ensure that the proposed surface water drainage system for the site is fully compliant with regulations and is of robust design.

I hope the above is of assistance.

PCC – Countryside Services

Email dated 9 March stated:

Countryside Services would like to make the following comments regarding the proposed development at Brynhenllys.

If consented, this application for a Solar Farm will have a significant impact on public rights of way. Byway Open to All Traffic (BOAT) number 090/7 will be used as an access track during construction and afterwards for private maintenance traffic. Public rights of way, Footpath numbers 090/116(a), 090/117(a) and 090/28 cross the site and 090/118(a), 090/125(a) and Public Bridleway number 090/42 abut the site.

The access into the Western part of the proposal is along the BOAT number 090/7. In light of the increased usage of the BOAT, Countryside Services request that a programme of maintenance for this route be sought as part of this proposed development. Due to the increased surface wear and maintenance requirements, Countryside Services seeks an undertaking from the applicants to maintain this section of the route, from the sealed bituminous surfaced/concrete road to the proposed entry point within the development. The maintenance should be for the duration of this Solar Farm and commensurate with its status and for the benefit of public use.

Public Rights of Way (PRoW) 090/116(a), 090/117(a) and 090/28 cross the site as indicated on the submitted plans. However, these plans do not show the PRoW which abut the development namely 090/125(a), 090/118(a) and Public Bridleway number 090/42 which run along the western, southern and eastern boundaries respectively. Countryside Services would like to ensure that the applicant is made aware that PRoW must not be obstructed during the development process (including during construction) and that no materials are to be placed or stored on the line of any PRoW .

Any damage caused to the surface of any PRoW must be made good to at least its current condition or better. All PRoW must remain open and safe for the public to use at all times. If planned works will effect PRoW, then the applicants must apply for Temporary Closure Orders for which fees will apply, payable by the applicant. A minimum of 3 months' notice is required to this department to make a Temporary Closure Order prior to the intended date of works.

The proposals for private vehicular access within the development site appear to be located in part over existing PRoW. The final surface of these routes should be finished in an appropriate manner to ensure public access over these routes is easily available at all times once construction is completed.

Countryside Services request information on the landscaping to be provided, to ensure that equestrians are not adversely effected by the proposals given that Public Bridleway number 42 abuts the proposals to the South. Please could this information be provided as soon as possible?

Countryside Services ask that a suitable condition be attached to any planning consent, to ensure that the maintenance for BOAT number 090/7 is agreed, implemented and signed off by ourselves, prior to commencement. We would also appreciate having the chance to proof-read the wording of this condition whilst in draft form.

Once the information on the landscaping abutting Bridleway 42 is received, Countryside Services will submit a final response to this application.

PCC – Contaminated Land

Response dated 26 February States:

It is noted that the proposed development is situated on land that was formerly a garage and railways (as shown on historic Ordnance Survey Maps) which are potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following conditions and note to applicant be applied to any future consent that may be granted.

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a *contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health ,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 ' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012

Item iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed

remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3

It is noted that the proposed development is situated on land that was formerly **a garage and railways (as shown on historic Ordinance Survey Maps)** which are potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012.*

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ___ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Brecon Beacons National Park

Letter dated 3rd June 2015 stated

INTRODUCTION

I write in response to your consultation regarding the above planning application which has been submitted to Powys County Council as local planning authority. I would like to apologise for the late response to the consultation, however trust that the below comments will be taken into consideration when determining the application. The Brecon Beacons National Park Authority (BBN PA) wish to comment on this proposal as it is a fringe development with potential to have impacts on the National Park. Please note that this response has been prepared by Officers, and will not receive formal ratification from Members until 14 July 2015 after which point in time I may provide a supplementary response as necessary.

The site is approximately 42.5 hectares and is located around 500 metres from the boundary of the Brecon Beacons National Park. The proposal is located on the site of the former Bryn Henllys open cast coal mine. There has been restoration of the land at the site but there are limited hedgerows and the site appears to be largely open and currently in agricultural use. It is an undulating site which generally slopes down north to south into the Twrch valley. The site is surrounded primarily by agricultural land.

The proposed development involves rows of photovoltaic (PV) panels, electrical substations and ancillary equipment, inverter/transformer stations, security fencing, CCTV cameras on poles, access tracks, a site entrance and lighting (for maintenance purposes). A temporary construction compound is also proposed.

LEGAL AND POLICY CONTEXT

THE ENVIRONMENT ACT 1995

Section 63 of the Environment Act 1995 sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

UK POLICY CONTEXT

In order to meet national targets and objectives in relation to global warming and carbon emission targets, the UK needs to significantly reduce its dependency on fossil fuels. These targets and objectives are defined in European Union and UK law and policy such as the Climate Change Act 2008, the UK Government Climate Change Programme, the Energy White Paper 2007 and the Renewable Energy Strategy 2009 (RES).

The RES was published in July 2009 and sets out the path for the UK to meet its legally-binding target of 15% of the energy coming from renewable sources by 2020. It puts forward a number of scenarios, the lead ones being:

- More than 30% of electricity generated from renewable.
- 12% of heat generated from renewable.
- 10% of transport energy from renewable.

The National Renewable Energy Action Plan for the UK (July 2010) sets out measures that would enable the UK to meet its 2020 target. Whilst it includes a number of statements of intent beyond 2020, it is not a Government policy document. The document sets out similar scenarios to the RES but stresses that these figures are illustrative as to how the overall 15% target for the UK could be met.

The Electricity Market Reform White Paper 2011; Planning Our Electric Future - a White Paper for Secure, Affordable and Low Carbon Electricity sets out the Government's commitment to transform the UK's electricity system to ensure that our future electricity supply is secure, low carbon and affordable. To de-carbonise electricity generation it is highlighted that it is important that the 15% renewable target is met by 2020 and 80% carbon reduction target by 2050.

The Climate Change Act 2008 imposes a duty on the Secretary of State to reduce carbon dioxide emissions to at least 80% below 1990 levels by 2050 with an interim target range of 26% - 32% by 2020. As part of the Act, the UK Government is committed to more investment in renewable energy.

The EU Renewable Energy Directive (2009/28/EC) April 2009 sets a legally binding target for the UK to meet 15% of its energy consumption from renewable sources by 2020.

On the 23rd April 2009 the European Parliament under Decision No 406/2009/EC considered the position of Member States in the context of reducing greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020. The Council decided that the UK should aim for a 16% reduction in greenhouse gas emissions by 2020, compared to 2005 emissions levels.

The Carbon Plan: Delivering Our Low Carbon Future (2011) produced by the UK Government sets out principles that will underpin the vision for a long-term transition to a low carbon economy by 2050. This includes low carbon power generation and the three sources of UK

electricity are likely to be i) renewables; ii) coal, biomass or gas-fired power stations fitted with CCS technology; and iii) nuclear power. There are uncertainties when looking 40 years ahead as to exactly how that vision will be achieved. It goes on to say that attempting to pick a single pathway to 2050 by relying on a single model is neither possible nor a helpful guide in the face of great uncertainty. But it does give insight into the most cost effective way to achieve the low carbon transition, illustrating the technologies likely to contribute to reducing emissions, and the most cost effective timing for their deployment. It shows that achieving a cost optimal transition overall often necessitates deploying technologies in the medium term that may not yet be cost effective against the carbon price.

The Carbon Plan also comments on the position in Wales stating that the Welsh Government is making solid progress on delivering its commitments since the publication of The Climate Change Strategy 2010. To date, Wales has some 830 MW of renewable energy operational, which represents a doubling in renewable energy operating capacity since 2007. This capacity represents enough electricity to power almost a half a million homes in Wales (para 2.258 notes).

WELSH PLANNING POLICY

Welsh national planning policy comprises Planning Policy Wales (PPW - 9th Edition, November 2016), Technical Advice Notes (TANs), circulars and policy clarification letters.

A strategic framework to guide future development and policy interventions is set out within the Wales Spatial Plan People, Places, Futures. This integrates the spatial aspects of national strategies for social inclusion and economic development, health, transport and environment, translating the Welsh Government's sustainable development duty into practice.

PPW acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. PPW also recognises that natural heritage issues are not confined by administrative boundaries and that the duty to have regard to National Park Purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area.

PPW places significant emphasis on the need to deliver an energy programme that contributes towards reducing carbon emissions as a means of tackling climate change. The Welsh Assembly Government's Policy Statement (2010) sets out an aim for Wales to be in a position by 2050 where almost all of the local energy needs can be met by low carbon electricity production and thus Local Planning Authorities should seek to facilitate the delivery of such development whilst avoiding, and where possible minimising environmental, social and economic impacts.

PPW recognises that the cumulative impact of development can be a material consideration, however, such consideration must be balanced against the need to meet the Welsh Government's renewable energy aspirations and the conclusions reached fully justified in any decision taken.

PPW goes on to state that "Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low

carbon energy schemes will not generally be appropriate in internationally and nationally designated areas and sites." (para 12.8.14).

PPW deals with renewable and low carbon energy. Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy. At the same time, local planning authorities should ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed and that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

In PPW, advice is given in relation to determining applications for renewable and low carbon energy development. The following matters need to be taken into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

TAN 8 advises that developers will need to be sensitive to local circumstances, including the siting of proposals in relation to local landform, proximity to dwellings and other planning considerations.

Written Statement by the Minister for Environment, Sustainability and Housing - Planning for Renewable Energy (8th June 2010)

This statement confirmed the Welsh Government's (WG's) commitment to delivering the Energy Policy Statement of March 2010 through TAN 8. It recognised the important role that the planning system has to play in that delivery and supported the delivery of the aspirations in an efficient and rational way.

LOCAL PLANNING POLICY

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquility - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal;

- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods;
- Sense of place and cultural identity - "Welshness" ;
- Sense of discovery;
- Sweeping grandeur and outstanding natural beauty;
- Contrasting patterns, colours, and textures;
- Diversity of wildlife and richness of semi-natural habitats;
- Rugged, remote and challenging landscapes;
- Enjoyable and accessible countryside;
- Intimate sense of community.

The Brecon Beacons National Park Authority (BBNPA) Local Development Plan 2007-2022 (LDP), is the development plan for the National Park. Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate - cross boundary issues could include for example wind energy development and transport infrastructure. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP 1 in commenting on proposals that impact on the National Park. Policy SP 1 sets out the following:

Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:

- a. Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park and/or
- b. Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and
- c. Fulfils the two purposes above and assists the economic and social wellbeing of local communities.

The development plan for the application site is the Powys Unitary Development Plan (March 2010) (UDP). Particularly relevant to the consideration of impacts on the Brecon Beacons National Park are paragraph 4.4.4 and policy ENV2.

Paragraph 4.4.4 states: "Whilst this Plan does not cover the Brecon Beacons or Snowdonia National Parks, the Authority will take into account National Park designations when considering any proposals for development that may affect a Park's special qualities or the reasons for its designation."

Policy ENV2 - Safeguarding the landscape states: " Proposals for 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 and surrounding landscape. Where appropriate, account will also need to be taken of the special qualities or reasons for designation of the Brecon Beacons and Snowdonia National Parks. Proposals which are acceptable in principle should: 1. Contain appropriate measures to ensure satisfactory integration into the landscape; 2. Not unacceptably adversely affect features of importance for nature conservation or

amenity; and 3. Not result in significant damage to ancient and semi-natural woodlands and should seek to conserve native woodlands, trees and hedgerows."

The impact of development on the special qualities of the National Park and the impact on the reasons for designating the National Park must therefore be considered in the light of the development plan for the application site.

CONSIDERATION

INTRODUCTION

The comments of the BBNPA (provided below) have primarily focussed on the consideration given to the impact of the development on the National Park as set out in the accompanying ES.

NEED FOR THE DEVELOPMENT

It is accepted that substantial weight should be given to the potential contribution of the proposal to securing electricity from renewable sources in line with the supportive policy context outlined above. The application indicates that the installed capacity of the solar array will be 20MW.

It should be noted that the UK Renewable Energy Roadmap Update (last published in November 2013) stated: 'Since the publication of the last Update in 2012, the UK has made very good progress towards our challenging 2020 renewables target, to deliver 15% of our energy demand from renewable sources. We are fully committed to achieving this target and have seen a significant amount of deployment to date, particularly in the renewable electricity sector. This was demonstrated in 2012 when more than 4% of the UK's energy came from renewable sources - above our interim target'.

The BBNPA do not wish to understate the continued urgency of the need; but in terms of weight and balance the strong progress towards achieving renewable energy targets indicates there is no justification for accepting poorly located, poorly designed, inadequately mitigated proposals or proposals which are likely to have unacceptable impact on a National Park.

IMPACT ON THE BRECON BEACONS NATIONAL PARK

The boundary of the Brecon Beacons National Park is around 500m to the north of the site of development. The boundary extends from the north east to the west of the site. The applicant's Environmental Statement contains a Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the impact of the development on the Brecon Beacons National Park. The appropriateness of the information submitted has been considered as follows: The LVIA study area; the LVIA view point selection; the LVIA's evaluation of impact on the National Park; and the scope for mitigation and enhancement.

LVIA Study area - the LVIA has a 5 km study area and includes a Zone of Theoretical Visibility (ZTV). The proposed solar farm is around 2.5m to 3m in height and is over 40ha in extent. In comparison to many renewable energy developments such as a wind turbine it represents a low lying, but extensive feature in the landscape. The ZTV shows that beyond the 5km study area the solar array will be visible reflecting the elevated upland areas of the

National Park to the north. While acknowledging it is likely that the solar farm will be visible within the National Park beyond 5km; it is considered that this is an appropriate study area to consider the potential for significant impacts within the National Park.

LVIA View point selection - the ZTV shows relatively extensive areas of the National Park to the north of the site of the proposed solar farm where at least part of the development will theoretically be visible. It is considered that viewpoints 6, 7, 8 and 9 are representative of the impact in this area and that the photographs from these locations effectively communicate the extent of the development within the existing view. The ZTV shows that areas of the National Park to the north west and west are considerably better screened from the development and unacceptable landscape and visual impacts are agreed to be unlikely in these areas of the National Park. The other viewpoints selected are considered to be appropriate and useful for assessing impacts that the development might have on the setting of the National Park. Figures 6.8 and 6.9 provide viewpoint photomontages of the development. Figure 6.8 shows the visual impact that the site has on the setting of the National Park. Figure 6.9 is to the north west of the array and gives a view out of the National Park. Overall it is considered that the viewpoint number and selection is appropriate and proportionate for assessing areas where landscape and visual impact might be unacceptably harmful to the National Park:

LVIA assessment of impact on the Brecon Beacons National Park - the LVIA contains an assessment of the impact of the proposal on the Brecon Beacons National Park, which starts from paragraph 6.5.92 onwards of the Environmental Statement (ES). The assessment identifies the Special Qualities of the National Park in Table 6.3, it then goes on to assign a value for "susceptibility". The BBNPA considers that the most significant impact is likely to be on the "sweeping grandeur and outstanding natural beauty" special quality of the National Park. The LVIA identifies a "medium" susceptibility from the development impacting on this special quality. The reasoning for this is "the proposed development will form a small element in views from some areas of the park and will not affect views of the park from within its boundaries". It is clear that there will be an impact on views from within the boundary of the National Park and the statement is not clear. The assigning of a medium "susceptibility" should be expanded upon.

The LVIA aggregates the susceptibility of each of the ten special qualities of the National Park. The method behind this aggregation is not made clear. It is considered that the medium "susceptibility" of the impact on the "sweeping grandeur and outstanding natural beauty" remains important regardless of whether the impact on other special qualities is low. We would appreciate clarification of how the conclusion of low susceptibility for impact on the National Park's special qualities was reached in Table 6.3 and on what basis aggregating to a low susceptibility was considered appropriate.

In conclusion the BBNPA considers that the proposal will introduce an extensive incongruous development in close proximity to its boundary. This it is considered will have some detrimental impacts on the National Park, this opinion is supported by the applicant's Environmental Statement which considers that "within approximately 4km of the site, small scale effects will occur. Such effects will be localised in extent and of long-term duration, resulting in effects of low magnitude and moderate significance." Applying the LVIA's assessment for the "sweeping grandeur and outstanding natural beauty" special quality of the National Park the sensitivity for this feature would be medium (table 6.3) and the scale of effect would be medium (table 6.4). This would give a high-medium sensitivity and medium

magnitude and moderate significance for impact on this special quality. There would be a moderate and not low significance of impact on this special quality. For the reasons outlined above the BBNPA is concerned that the development will impact on two special qualities of the National Park in particular the Park's "sweeping grandeur and outstanding natural beauty" and the patchwork of "contrasting patterns, colours and textures" . The applicant's conclusion that the effects will be "localised" in extent and of "long term duration" are agreed with, but we would contend that the significance of impact on the specific special qualities is underestimated.

Mitigation of landscape and visual impact and landscape enhancement - the BBNPA accepts that landscape and visual impact of solar arrays can, to an extent, be mitigated.

The National Park supports the applicant's removal of the area to the north of the BOAT at the project development stage (paragraph 6.6.1 of the LVIA); it is agreed that this has reduced impacts on the National Park.

The proposal also includes the planting of hedgerows and the planting of areas of native woodland. The LVIA at paragraph 6.6.3 states that: "These will break up the mass of the solar panels as viewed from the National Park and will join visually with the existing woodland planting on the neighbouring site". This view is to an extent agreed with, as in principle the planting will break up the regimented form of the solar panels. There are, however, only three small (relative to the solar farm as a whole) triangular patches of woodland planting proposed. These patches of woodland it is considered do not have a particularly natural form, with straight edges and angular shapes and will be in contrast to the surrounding areas of woodland. They should and could be made more extensive to provide improved mitigation and be designed to reflect the local woodlands character. There is a lack of detail regarding planting schedules and the prospect of these areas having a noticeable effect within the time frame of the solar array is uncertain without this information.

OTHER CONSIDERATIONS

The proposal includes lighting and it is indicated that this will be manually operated around the inverter transformer stations for maintenance purposes. The local area currently has few, if any, sources of light and the BBNPA supports minimal lighting in this location and requests that appropriate conditions are used to minimise lighting.

The BBNPA accepts that substantial solar arrays are largely reversible developments. The BBNPA requests that appropriate agreements and planning conditions are entered into by the local planning authority to ensure that the site is effectively decommissioned and the site restored.

CONCLUSION

The methods behind the LVIA's assessment of the impact on the National Park and support for the conclusions drawn are not considered to be clear and it should be established how the assessment of susceptibility for each independent special quality is aggregated to a single assessment of special qualities. It is currently the view of the BBNPA that each special quality should be considered independently, the BBNPA remains to be convinced that the aggregation of special qualities in the LVIA is appropriate. It appears that any aggregation of special qualities will always have the potential to mask a significant or unacceptable impact

on an individual special quality. The BBNPA is concerned that the development will impact on two special qualities of the National Park and in particular the Park's "sweeping grandeur and outstanding natural beauty" and the patchwork of "contrasting patterns, colours and textures". The impact will be due to the solar farm intruding into views out of the National Park and also impacting the setting of the National Park when viewed from areas outside its boundary; this is demonstrated within the LVIA. The applicant's conclusion that the effects will be "localised" in extent and of "long term duration" are agreed with, but it is our view that the impact will be more significant than presented in the LVIA. The localised impact is close to the boundary but will extend to areas within the National Park although it is accepted that the impact will not be widespread within the National Park as a whole.

There is scope to mitigate the impact and provide enhancement to the landscape. However, the proposed landscape and visual impact mitigation and enhancement appear to be very limited in extent and it seems questionable as to whether they will be effective within the life time of the solar farm. The BBNPA therefore request that revised details of mitigation and enhancement are provided prior to determination. The BBNPA also accepts that the development in terms of its impacts on the National Park is reversible, but also notes that impacts will be of long duration. Subject to effective mitigation it is considered likely that the proposal will leave only localised and minor residual detrimental impacts on the National Park. These impacts will need to be considered in light of the policy context outlined above - which offers both support for renewable energy development and places legal duties on your Authority to consider and give weight to the impact: of development on the National Park.

In conclusion therefore, the BBNPA currently issues a HOLDING OBJECTION pending clarification of the matters raised above, principally a more effective landscape mitigation and enhancement scheme. Whilst it may be possible to control this by condition, given the magnitude of the impact on the Park and the limited mitigation offered at present, it is considered necessary to request this information prior to determination in order to fully assess whether the proposed mitigation is sufficient to outweigh the concerns.

Specifically how the "Overall susceptibility: Low" in Table 6.3 is arrived at and the following conclusion in paragraph 6.5.96 that "Combining the national value and Low susceptibility of the National Park, the sensitivity is judged to be Medium" within the LVIA.

Letter dated 6th August 2015

Introduction

I write further to the above fringe application and the response of the applicant 's consultant following our representation to Powys County Council on the 3 June 2015. Both this and our previous representation should be read together and we have not repeated within this representation content previously expressed.

We welcome the applicant 's submission of further supplementary information which has helped to address the points we previously raised.

To clarify, on the applicant's submission, it appears to imply that the BBNPA refer to policies in our development plan as being directly applicable to this development. We refer to the adopted National Park development plan in the context of how this informs

responses to fringe applications. We also refer to it to identify the duties placed on public bodies in responding to the issue of development impacts on the National Park. We further identify that these duties are reflected within the adopted policies of the development plan for Powys County Council, which is directly applicable to the decision on this application.

LVIA assessment of impact on the Brecon Beacons National Park

The applicant has through the supplementary information addressed our concerns regarding the aggregation of impact on the Special Qualities of the National Park and has put more clearly the impact on the special qualities we have expressed particular concern about.

Mitigation of landscape and visual impact and landscape enhancement-

We note the applicant's view, as now expressed in the additional information that: *"The primary intent behind the proposed planting is to address localised effects adjacent to the site. Given the topography of the site and National Park, there is no planting solution which would effectively screen the panels from view in outward views from the National Park - panels on the higher ground within the site would remain visible above mature planting on the northern boundary regardless of the detail of proposals. Thus the provision of detailed planting schedules would not assist in this matter."* We do note that this does not follow the opinion expressed in the LVIA at paragraph 6.6.3, which states that: *"In addition, three small areas of native woodland planting are proposed south of the BOAT. The first will be located in the north-western corner of the Site and the remaining two will be located either side of the junction of the BOAT with the footpath running south. These will break up the mass of the solar panels as viewed from the National Park and will join visually with the existing woodland planting neighbouring the Site."*

We accept that the panels cannot be effectively "screened", this fact is more than amply demonstrated in the photomontages in the LVIA. The BBNPA supports mitigation which achieves the aim at 6.6.3 to "break up the mass of the solar panels as viewed from the National Park". The current scheme in our view does not achieve this aim.

It is our view that mitigation to break up the mass of the solar panels will be of value in reducing impact both in short and long views from the National Park. It is therefore our opinion that the impact on the National Park would be better mitigated if the form of the solar panels were broken up by additional landscape planting and associated reduction in the extent of the solar arrays within the site.

Conclusion

We are supportive of the applicant's pre-application decision to remove a large area of the scheme which would have been more visible from a wider area of the National Park. Notwithstanding this reduction the presence of the solar farm will remain visible within views out of the National Park as demonstrated in the applicant's LVIA.

The applicant's drawing out of the impacts on the specific special qualities which the BBNPA are particularly concerned about is noted, these impacts must be given consideration in determining the application.

The BBNPA is in agreement with the applicant's view that there is "no planting solution

which would effectively screen the panels from view in outward views from the National Park - panels on the higher ground within the site would remain visible above mature planting on the northern boundary regardless of the detail of proposals". We continue to be of the view, as previously expressed, that more planting of a more natural appearance would break up the panels in longer distance views. This also seems to be supported at 6.6.3 of the application's LVIA which suggests that the current planting will achieve this aim.

Our position remains largely as outlined in the previous letter of the 3 June 2015, we consider that the proposal is not sufficiently mitigated and therefore OBJECT to the application.

Welsh Government Highways

Response dated 2 March 2015

The proposed solar farm is remote from the trunk road and its development would not significantly impact on the trunk road network or its junctions.

The Welsh Government (Transport) therefore does not object or have any further comments to make.

Natural Resources Wales

Email dated 19th March 2015

Not a formal response to you as we haven't been consulted, and would not expect to be on a development such as this. However, I have had a local resident on the phone concerned about increased surface water run-off due to the development.

Appreciate the site is small in contrast to others and I explained the planning limits you have, however wanted to raise this to you. Peter in our Flood Risk team offers the following informal comments which I thought I should pass on to help you.

Email dated 5th March 2015

I haven't been involved with any solar farm applications so I'm unaware if NRW has a position statement. I have the following comments relating to drainage which are solely based on common sense and reference to recent nearby application in Shropshire.

Impacts will tend to be greater for the large scale farms but even with this application there is a fundamental change land management from pasture to solar and so soil compaction or degradation due to construction and operation need to be considered and mitigated for. No reference has been made to this in the application.

The assumption is that drainage off the panels will be uniform to the ground and there will be little impact on the existing drainage regime. However, in practice, drainage off the panels will be at a point and could cause compaction and rivulets.

During the construction process there may be soil stripping, cabling and new access tracks. Localised sustainable drainage in the form of swales and infiltration trenches will help control run-off at source. Consideration should be given to how the ground is ploughed/treated/planted after construction. Existing hedgerows, bushes etc could be retained.

As we have been made aware of downstream stream capacity problems, it is justified for LPA to request further information on drainage proposals. We would expect drainage issues to be dealt with by Powys Drainage team but as they may not have been made aware of the downstream issues, it may be prudent to forward these observations.

Wales & West Utilities

Response dated 20 February 2015:

According to our main records wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other Gr, and also privately owned may be present in the area. Information with regard to such pipes should be obtained from the owners.

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

Ystradgynlais Town Council

Response dated 8 March 2015

The Ystradgynlais Town Council considered the application at its meeting on the 5th March 2015 and has requested that the following observations be put forward:-

| | | |
|-------------|---|---|
| P/2015/0176 | Mr. D .Mackins Juwi Bryn Henllys Upper Cwmtwrch | Installation of Solar Photovoltaic (PV) Farm with ancillary infrastructure capable of generating up to 20MWV. |
|-------------|---|---|

To request that a financial bond is set up with the developer to ensure the funding is available at the end of the 27 year period for the site to be remediated.

In addition, it is suggested that a local community fund should be established through a Section 106 Agreement.

CPAT

Response dated 23 February 2015 stated:

I write to confirm that there are no archaeological implications of the proposed development.

Cadw

Letter dated 12 March 2015

Thank you for your email of 19 February 2015 inviting Cadw's comments on the planning application for the proposed development as described above.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment of the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The proposed development is located in the vicinity of the following scheduled ancient monuments:

- BR327 - Bryn Llechwen ring cairn
- BR333 – Dorwen standing stone
- BR334 - Llwynchwstabl round cairn
- BR388 - Lorfa Stone Circle
- CM354 - Cwm Twrch settlement
- CM355 - Cwm Twrch settlement and limekiln

GM399 – Tram road at Ystradgynlals

This advice is given in response to a planning application to construct a solar farm covering an area of some 42.5ha on the site of the former Bryn Henllys Open Cast Mine. The application is accompanied by an environmental impact assessment that contains a cultural heritage chapter produced by Headland Archaeology a Chartered Institute for Archaeologists Registered Organisation.

All of the Identified scheduled ancient monuments above are more than 2 km away from the proposed development area. The topography of the landscape coupled with the existing vegetation makes it unlikely that any of them will have clear views to the proposed development. It is therefore unlikely that the impact of the proposed development on the setting of any of these designated monuments will be greater than negligible.

Coal Authority

Response dated 5 March 2015

Thank you for your consultation email of 19 February 2015 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Substantive Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Records indicate that the site is within the boundary of a wider site from which coal has been extracted by surface methods. There are also mine workings at shallow depth beneath the site and five recorded mine entries are located within the application site boundary.

It is noted that the application is accompanied by Planning and Environmental Statements, and that these briefly acknowledge that the area has been subject to past mining activities. However, The Coal Authority objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, to assess the risks posed by mining legacy to the proposed development has not been submitted as part of the application.

It is a requirement of Planning Policy Wales, paragraph 13.9 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition the national validation list in Wales requires planning applications in the defined Development High Risk Area to be accompanied by a Coal Mining Risk Assessment.

In this particular instance, The Coal Authority considers that the Coal Mining Risk Assessment should clearly set out how the mining legacy affecting the site, particularly recorded mine entries, has been taken into account in the site layout, internal access routes and construction/delivery arrangements.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with Planning Policy Wales, paragraph 13.9.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

Response received 21st December 2017

Thank you for your consultation email of 15 December 2017 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is within the boundary of a wider site from which coal has been extracted by surface methods. Coal mining has taken place at shallow depth beneath the site and five recorded mine entries are located within the application site boundary.

The Coal Authority is therefore pleased to note the applicant has now submitted a Mining Risk Assessment Report (November 2017, prepared by James Associates) in support of the planning application. Based on a review of appropriate sources of coal mining and geological

information, the Report acknowledges that the application site has been subject to significant past coal mining activity. However, the report author is satisfied that potentially hazardous ground conditions derived from past underground coal mining legacy been removed as a result of subsequent opencast operations. The exception being recorded mine entry 276212-005 (referred to as 'Shaft 4' in the Report) which is located outside the area of opencast extraction. Accordingly the Report goes on to recommend that intrusive site investigations should be carried out to identify and treat this feature prior to development within the affected part of the site.

The Coal Authority welcomes the recommended site investigations. These should be designed by a competent person to properly to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Given that the Report only identifies the need to investigate shaft 276212-005, The Coal Authority assumes that the report author is satisfied that potential historic unrecorded shallow mining activity outside the areas of opencast extraction does not pose a risk to the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the location and condition of recorded mine entry 276212-005 and to inform appropriate treatment measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development within that part of the site where shaft 276212-005 is present:

- * The undertaking of an appropriate scheme of intrusive site investigations for the mine entry;
- * The submission of a report of findings arising from the intrusive site investigations including proposed treatment works: and
- * The implementation of those treatment works.

The Coal Authority considers that the content and conclusions of the Mining Risk Assessment Report are broadly sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition to secure the above.**

Please do not hesitate to contact me if you would like to discuss this matter further.

Landscape Architect: Professional Opinion commission by Development Management

In addition, a review of the environmental statement's landscape and visual impact assessment was prepared by Mr Russell-Vick, Landscape Director at Enplan. In his conclusions, he stated:

Our review of the LVIA has identified, we consider, a large number of significant issues which undermine its accuracy and reliability.

We have identified a number of shortcomings with the methodology employed although we accept that it is in accordance with the scope of the guidelines defined by GLVIA3. Our concerns with it relate to what are essentially finer points of process rather than fundamental flaws. We are concerned, however, with the accuracy of the assessment itself, the lack of narrative and evidence to support many of the assessments made and we have identified a large number of inconsistencies and what appear to be errors in the assessment itself. We consider that on this basis that the conclusions of the LVIA are not robust and we do not agree with them.

In our view the proposed solar farm would have significant adverse visual effects to up to around 2.5km and significant adverse landscape effects up to around 1.5km including within the designated landscape of the Brecon Beacons National Park, which are also LANDMAP Outstanding landscapes, and other landscapes, including LANDMAP High landscapes, and across a range of Open Access Land and Public Rights of Way within these areas. We consider that there would be a significant effect to a Special Quality of the National Park and that its landscape would be harmed by the proposed development as would its setting. We recommend that the Council should consider, as part of their overall planning balance, refusing permission on the basis of the landscape and visual effects of the proposal

Representations

Two representations have been received from local residents in relation to the proposed development. Both letters included the same content and read:

Firstly, I have to say how disappointed I am that residents of Palleg Road, Lower Cwmtwrch have not received notification of the above planning application considering that access to the proposed site is planned via Palleg Road. What is the reason behind this?

Construction and delivery vehicles are proposing to use Cwmpnil Road and Palleg Road for access to the site for approximately 30 weeks. There is hardly room for two small vehicles to pass in parts on either road and, in some areas, it is restricted to one vehicle only. How large are these vehicles and what is the proposed haulage weight? The residents already have to endure vibration and noise from large vehicles which has had an impact on some dwellings.

During the tenure of the Open Cast operation, the Open Cast Executive Board built an alternative access road to the Brynhenllys site. Would it not be sensible to reclaim that

piece of land to provide an alternative route, hence saving the residents of Palleg Road much grief and worry.

Palleg Road, which is a C class road, already endures a large number of vehicles of various weight and size traversing this road. It is totally unsafe for pedestrians due to lack of pavements, the narrowness of the road and the speed of vehicles driving down the hill although there is a 30mph sign which is totally ignored.

Due to the volume of traffic using the recycling site at the top of Palleg Road, it is a common occurrence that lorries, trailers and even open-ended cars lose some of their load along the road causing obstruction. Indeed, earlier this week I had to ring the Highways Department to clear Palleg Road due to a lorry shedding its load of wet clay, mud and stones the length of the road. This incident may not have any significant bearing on the proposed application but you need to understand how restricted Palleg Road becomes when this happens

I understand that on-site cabling will be buried and, not being technically-minded, am I correct in thinking that the cabling will need to join the main grid? If so, how will this be done? Will it be connected to pylons or through underground cabling along the access route?

Relevant planning history

The application site planning history is as follows:

- B132 – No Objection Raised 17/9/1974 – Opencast Coal Mining
- B142 – No decision found, just “planning clearance” written in a minute book – Proposed Prospecting for Opencast Coal – 13/8/1974
- B4061 – Refused – 24/3/1986 – Proposed Opencast Coal Site at Bryn Henllys

Planning policy

Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The duty of the decision maker is therefore to determine whether the application complies with the policies of the development plan and, if not, to consider whether material considerations justify the grant of planning permission. This assessment requires the identification of the relevant national and local policy framework and the key tests with them for assessing the effects of the proposed development.

Local Planning Policy

The Powys County Council Local Development Plan (LDP) was adopted on 17th April 2018 and will guide development during the plan period until 2026. It provides a policy framework

for positive forward planning, proposals and allocations for future developments and the basis on which consistent development control decisions can be made. Relevant policies of the LDP include:

Strategic Policy SP7 – Safeguarding of Strategic Resources and Assets
Policy DM2 – The Natural Environment
Policy DM4 – Landscape
Policy DM6 – Flood Prevention Measures and Land Drainage
Policy DM10 – Contaminated and Unstable Land
Policy DM13 – Design and Resources
Policy T1 – Travel, Traffic and Transport Infrastructure
Policy RE1 – Renewable Energy

The Powys Regeneration Strategy (June 2011) prioritises harnessing Powys' natural assets. It states that: *'The value of the Country's natural assets cannot be overstated. Green tourism, capturing renewable energy from wind and water, building on centres of expertise in alternative energy and developing supply chains and technology for low carbon energy are all areas around which Powys can build its Green Economy.'*

National Planning Policy

Relevant national planning policy is not part of the development plan, but is an important material consideration. The relevant national planning policies for solar farm developments are set out in:

- Planning Policy Wales Edition 9 (2016);
- Technical Advice Note 5 (TAN5): Nature Conservation and Planning (2009);
- Technical Advice Note 6 (TAN6): Planning for Sustainable Rural Communities (2010);
- Technical Advice Note 8 (TAN8): Planning for Renewable Energy (2005);
- Technical Advice Note 11 (TAN11): Noise (1997);
- Technical Advice Note 12 (TAN12): Design (2014);
- Technical Advice Note 23 (TAN23): Economic Development (2014) and;
- Technical Advice Note 24 (TAN24): The Historic Environment (2017)

Planning Policy Wales (PPW - 2016) is the principal national planning policy for Wales. PPW sets out the land use planning policies of the Welsh Government. Together with the series of Technical Advice Notes (TANs) and policy clarification letters it comprises national planning policy. Section 12.8 deals with renewable and low carbon energy.

PPW confirms that the UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. PPW highlights that the UK Renewable Energy Strategy (2009) and the UK National Renewable Energy Action Plan (2010) set the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future supplies.

This document notes that the Assembly Government's aim is to secure an appropriate mix of energy provision for Wales, whilst minimising, and where possible avoiding environmental, social and economic impacts.

PPW states that the Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

PPW notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, local planning authorities should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

PPW reaffirms, specifically in relation to renewable energy proposals, that it is WG's "aim...to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental...impacts" and expressly states that, when determining applications for renewable energy proposals, there is a need to "minimise impacts on local communities".

PPW states that local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed; and
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

PPW goes on to state at paragraph 12.10 that in determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;

- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Notes (TANs) should be read in conjunction with 'Planning Guidance (Wales): Planning Policy'. Planning Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications.

TAN5: Nature Conservation and Planning (2009) was published in September 2009 and provides supplementary advice to the policies set out within PPW with respect of nature conservation issues and planning. TAN5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 5 sets out the criteria for which development proposals will be judged with regard to sustainable development, protection and improvement of the environment, ensure appropriate weight is attached to designated sites of international, national and local importance, protect wildlife and natural features and adopt a step-wise approach to avoid harm to nature conservation.

The focus of TAN6: Planning for Sustainable Rural Communities (2010) is to provide practical guidance on how the planning system can support sustainable rural communities. TAN6 states that the quality of the agricultural land should be considered when determining planning applications.

TAN6 recognises that the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation. However local planning authorities should also ensure local communities are not negatively affected, protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

TAN8 sets out the Welsh Government's target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. It goes on to state that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

TAN11: Noise (1997) sets out how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. It outlines some of the main considerations which local planning authorities should take into account in drawing-up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources.

TAN11 states (at para. 8) that:

'Local planning authorities should ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.'

The purpose of TAN12: Design (2014) is to equip all those involved in the design of development with advice on promoting sustainability through good design, planning sustainable developments and design and access statements.

TAN13: Tourism (1997) focuses on promoting and developing tourism in Wales.

TAN15: Development and Flood Risk (2004) advises on development and flood risk as this relates to sustainability principles (section 2.2 PPW), and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location, can be assessed.

TAN18: Transport (2007) focuses on the importance of transport to sustainability. Para. 3.11 reiterates this principles stating that: *'Development in rural locations should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas.'*

Other national & regional energy policy & guidance & legislation

There are a number of national and international agreements and policies relating to the provision of renewable energy and achieving carbon emission reductions. These are material considerations and include:

- 5/93: Public Rights of Way (1993)
- Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas (1996);
- Circular 60/96: Planning and the Historic Environment: Archaeology (1996);
- Kyoto Protocol (1997)
- Circular 11/99: Environmental Impact Assessment (1999);
- Energy White Paper (2003)
- Wales Spatial Plan (2004)
- The Environment Act (1995) – *particularly Section 63*
- Energy White Paper (2007)
- UK Climate Change Programme (2008)
- Climate Change Act (2008)
- UK Renewable Energy Strategy (2009)

- EU Renewable Energy Directive 2009/28/EC (2009)
- UK Low Carbon Transition Plan (2009)
- A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement (2010)
- The Carbon Plan: Delivering Out Low Carbon Future (2011)
- Written Statement by the First Minister, Welsh Government: Planning for Renewable Energy in Wales (17 June 2011)
- Letter by the Minister for Environment and Sustainable Development (John Griffiths) - July 2011
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Assembly Government (2007), Guide to Good Practice on Using The Register of Landscapes of Historic Interest in Wales In The Planning and Development Process.
- Welsh Assembly Government (2011), Conservation Principles, Policies and Guidance for the Sustainable management of the Historic Environment in Wales
- Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

EN-1 is a UK policy document relating to large scale energy development. It is capable of being considered a material consideration, and whether they are material is a judgement for the decision maker. As the proposed development will generate up to 20MW, and is significantly smaller in scale than developments to which this policy was intended to address (proposals with a generating capacity of over 50MW), I do not believe that guidance is relevant and therefore EN-1 should not be a material consideration in this instance.

Other relevant legislation, among others, is found in the Human Rights Act 1998, the European Convention on Human Rights, The Planning Listed Building and Conservation Areas Act 1990, and Statutory Instrument No.243 (2011) – The Promotion of Use of Energy from Renewable Sources Regulations.

Officer Appraisal

A number of impacts have been identified through consultee responses, the applicant's submissions and comments from members of the public. These are considered below under the relevant topics.

Climate change & Principle of Development

The Intergovernmental Panel on Climate Change (IPCC) stated in 2014 that 'warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen'².

The Climate Change Act established a target for the UK to reduce its emissions by at least 80% from 1990 levels by 2050. This target represents an appropriate UK contribution to

² Intergovernmental Panel on Climate Change – Climate Change 2014 Synthesis Report

global emission reductions consistent with limiting global temperature rise to as little as possible above 2°C. The Act established a system of five-yearly carbon budgets, to incrementally achieve this reduction. To date there have been four and a fifth carbon budget is expected to be published in December 2015, covering the period 2028-2032 and draft legislation for this is anticipated in 2016. The legally binding reductions to date are:

- 23% reduction on 1990 levels by 2012
- 29% reduction on 1990 levels by 2017
- 35% reduction on 1990 levels by 2020
- 50% reduction on 1990 levels by 2025

To help achieve the above, in recent years there has been a push to increase the proportion of energy generated from renewable sources across the UK. These have been supported by the government in a number of ways including direct financial aid (such as subsidies) and planning policy. Planning policy is clear that there is a need to move towards renewable energy sources to combat climate change.

Whilst the need for the development is accepted, the contribution the scheme makes towards meeting that need is material and should be weighed in the planning balance.

The proposed development would generate up to 20MW, however it is noted that on average solar farms in the UK operate at around 25% of their capacity over the course of a year³. The anticipated load/capacity factor in this instance is unknown but once this is taken into account the proposed development is likely to produce around 5MW.

Regardless, the proposed development will provide clean renewable energy and reduce carbon emissions and this is to be given significant weight within the planning balance.

The application seeks full planning permission for a 20MW solar farm development. Policy RE1 of the Powys Local Development Plan states the following;

Proposals for renewable and low carbon energy development will be permitted subject to the following criteria:

1. Within or close to the Strategic Search Areas (SSAs), proposals for wind energy greater than 25MW will be permitted subject to criteria 3 to 5; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the SSA.
2. Within the Local Search Areas (LSAs), proposals for solar PV between 5 – 50MW will be permitted subject to criteria 3 to 5; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.
3. Proposals for all types of renewable and low carbon energy development and associated infrastructure either on their own, cumulatively or in combination with existing, approved or proposed development, shall comply with all other relevant policies in the LDP.

³ Digest of United Kingdom energy statistics (DUKES) for 2014 – 2015 statistics from Table 6.4: Capacity of, and electricity generated from, renewable sources.

4. Satisfactory mitigation shall be in place to reduce the impact of the proposal and its associated infrastructure. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use.

5. Where necessary, additional compensatory benefits will be sought by agreement with applicants in accordance with Policy DM1 - Planning Obligations.

The proposed development does not lie within a Local Search Area as identified by the Powys Local Development Plan. Discussion was undertaken with the policy team where it was confirmed that the site does not form part of a Local Search Area as the application was already submitted and being considered. As such if an application was not submitted the site could have formed part of an LSA allocation for the LDP.

As such it is considered that the principle of development of a solar farm is compliant with LDP policies.

Landscape & Visual

Policy DM4 of the Local Development Plan states the following;

Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

Representations received have tended to concentrate on the landscape & visual impacts in relation to the National Park. However, the site sits within a landscape that includes areas outwith (and within) the National Park and impacts on all areas should be considered when assessing the acceptability of this proposal. These impacts differ from the impacts on the Special Qualities of the National Park which are discussed later.

The applicant provided within the ES a Landscape and Visual Impact Assessment supported by appendices, figures and additional information within other documents (such as the Planning Statement). The LVIA looked in detail at the impacts on the Landscape Character, Settlements, Roads and Rail, Recreational Routes, and Accessible and Recreational Landscapes and ways to mitigate those impacts over varying timescales. In concluding, the applicant states that *'no significant effects would arise as a result of the proposed development. Effects that are judged to constitute additional considerations include:*

- *Effects on the character of the Brecon Beacons National Park and the rights of way crossing it;*
- *Effects on the landscape and roads on the south-eastern side of the Afon Twrch; and*
- *Effects on views south from the footpaths crossing the site.'*

The BBNPA's first response concentrated on the impact of the proposed development on the Park's Special Qualities (discussed later) but these concentrated on landscape and visual impacts and the LVIA assessment, identifying potential issues with it and its findings. Their initial response raised a holding objection. The applicant submitted further information on 29 June 2015 that responded to the BBNPA's concerns, concentrating on the Special Qualities but also mitigation and landscape enhancement, providing a Mitigation and Enhancement Plan that included detailed planting. Following receipt of this, the BBNPA provided a response that concluded that they objected to the application.

Given the importance of the National Park as a designated landscape, and the conflicting views of the applicant and the BBNPA I paid special attention to this during my site visit. At this visit I recognised the positions of both parties but considered that the concerns of the BBNPA were legitimate and sought an independent professional opinion on the likely landscape and visual issues raised by the proposed development, this included a review of the LVIA and commentary on the impact on the National Park's Special Qualities. This review was undertaken by Mr Russell-Vick.

The review identified a *'large number of significant issues [with the LVIA] which undermine its accuracy and reliability'*. It concludes that there are a number of shortcomings with the methodology employed (despite being in accordance with GLVIA3) but these are not fundamental flaws. With regards to the assessment itself however, Mr Russell-Vick considers that there is a lack of narrative and evidence to support many of the assessments and that there are a *'large number of inconsistencies and what appear to be errors in the assessment itself'*. He states that the conclusions of the LVIA are not robust and he does not agree with them.

Mr Russell-Vick considered that the proposed development farm *'would have significant adverse visual effects to up to around 2.5km and significant adverse landscape effects up to around 1.5km including within the designated landscape of the Brecon Beacons National Park, which are also LANDMAP Outstanding landscapes, and other landscapes, including LANDMAP High landscapes, and across a range of Open Access Land and Public Rights of Way within these areas.'*

PPW section 5.3 confirms that whilst the value of all landscapes in Wales is recognised, in accordance with the European Landscape Convention, the most important areas of landscape quality and nature conservation have been statutorily designated and that these statutorily designated sites make a *'vital contribution to protecting landscape and biodiversity and can also be important in providing opportunities for sustainable economic and social development.'*

PPW para 5.3.4 goes on to state that *'the statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities. Where it appears that there is a conflict between those purposes, greater weight shall be given to the*

first. National Park Authorities have been set up to pursue these purposes, and other public bodies and other relevant authorities have a statutory duty to have regard to these purposes.' PPW para 5.3.7 confirms that *'the duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas.'*

With regard to the use of LANDMAP, PPW confirms at para 5.3.13 that it is *'an important information resource upon which local planning authorities can draw in making the landscape assessments needed to inform... decision making in this field.'*

The site sits within LANDMAP Visual and Sensory Aspect Area BRCKNVS365. The assessment gives the area a 'Low' overall evaluation. It is noted that the justification for this assessment states: *'Open cast mining has created a disturbed landscape of tips which are detractors. The current waste tipping is also a detractor. Colonising vegetation on the fringes do not screen the slopes of the tip.'* The LANDMAP survey is dated 28th January 2003.

The applicant has submitted information relating to the restoration and aftercare of the site in response to the representation received from PCC Environmental Health with regard to contamination. This shows that mining activities ceased and a restoration scheme was agreed with PCC in September 2003. In 2013 Powys County Council accepted as a matter of fact and degree that the site was restored subject to some ongoing aftercare on part of it.

The application documents place weight on the fact that the site used to be a coal mining site. The ES at para 6.5.17, when taking about the Visual Sensory areas confirms that the *'Bryn Henllys Open Cast is... described as an area of former opencast coal mine which is 'unsightly' and 'apparently derelict' in places. It is likely that the character of the Site has improved since LANDMAP was updated but it is still that of reclaimed land and contrasts greatly with the surrounding landscape.'* To a degree this is confirmed by Mr Russell-Vick in his assessment of the site.

Given the nature of the surrounding terrain the proposed development will be visible from the north, west and south, and would appear as built form on an area of open green landscape. DM4 states that development should have regard to surrounding landscapes.

Mr Russell-Vick found that there would be significant adverse visual effects to up to around 2.5km and significant adverse landscape effects up to around 1.5km of the application site and that these effects are partly within the National Park.

However, a letter from the Minister for the Natural Environment in March 2016 states the following regarding renewable energy projects;

'I appreciate that visual and amenity impact on surrounding communities and properties is an important issue (and policies are in place to protect against unacceptably adverse impacts) and that discussions of this nature can become quite emotive during the planning process. However planning decisions need to be taken in the wider public interest and in a rational way, informed by evidence, where these issues are balanced against other factors.'

A balance against the potential landscape effect of the development along with the benefits of the scheme in terms of renewable energy production needs to be made. Whilst there would

be a landscape impact of the proposed development however Officers consider that the benefit of renewable energy production outweighs a reason for refusal on this ground.

Hydrology and Geology

The application site lies within an area entirely within Zone A / Flood Zone 1 – the ES confirms that the area is *‘served by an existing extensive on-site drainage network; to have ‘very good’ and ‘good’ downstream water qualities; and, to be underlain by a ‘Secondary A Bedrock Aquifer’.*

The main potential impacts of the development have been identified as occurring through the construction and decommissioning phases and the ES sets out how these impacts, such as increasing flood risk, surface water drainage, surface water quality, have been mitigated so that any effects are not significant. These measures primarily relate to ensuring the scheme is designed appropriately.

It is however noted that PCC Land Drainage have raised some concerns over the proposed development in terms of increased surface run-off and development close to ordinary watercourses which appear to have been missed in the ES.

Whilst these matters are important it is noted that conditions dealing with these points have been put forward by PCC Lane Drainage and I agree that it would be appropriate for these matters to be dealt with in this way as they would be necessary for the scheme to be considered acceptable.

The proposed development can therefore, subject to conditions dealing with these two points, be seen to comply with policy in this regard.

Residential Amenity

Other than the visual impact of the proposed development, which has been discussed previously, once constructed it is considered that the impact on residential amenity will not be significant.

The development will introduce an unnatural form into a number of views from a number of residential properties, the majority of which are located to the south with views looking north. The impact of this is perceptual and will depend on the value each individual attributes to a view of the natural landscape. Once constructed, the development would generate little/no noise having little, if any impact on neighbouring properties.

During construction the proposed development would generate 8 hgv movements a day which it will not impact residential amenity.

Cultural Heritage

CPAT have confirmed that there are no archaeological implication of the proposed development and Cadw have confirmed that there are no scheduled ancient monuments

within 2 km of the proposed development area. They stated that *'the topography of the landscape coupled with the existing vegetation makes it unlikely that any of them will have clear views to the proposed development. It is therefore unlikely that the impact of the proposed development on the setting of any of these designated monuments will be greater than negligible.'*

There are several grade II listed buildings near the application site, these are:

Henllys Vale Colliery Limekilns (large bank of lime kilns associated with the quarries on the Black Mountain) located c.1.3km north of the proposed development

Henllys Vale Colliery Chimney (Colliery chimney built for Henllys Vale Colliery, an anthracite drift mine that operated from 1898 to 1918) located c.1.3km north of the proposed development

Henglyn Isaf (Early C18 thatched farmhouse, one of the older surviving houses around Ystradgynlais) located c.1.3km east of the proposed development

Given the local topography there will little if any indivisibility between these structures and the proposed development. There will however be circumstances, particularly when stood within the National Park where you would see the listed buildings and the proposed development in the landscape.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

I have given this considerable thought and have concluded that whilst there will be instances where both (the proposed development and the listed buildings) are visible the settings of these listed structures will not be harmed. Henglyn Isaf is removed and beyond a ridge and woodland whilst the colliery structures are set in their own small valley adjacent. I do not consider the listed buildings or their settings would be harmed by the proposed development. Should the decision maker form a differing view they are reminded that they should attach considerable importance and weight to that harm in the planning balance.

Highways / Transportation

Policy T1 of the Powys LDP states the following;

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Transport infrastructure improvements will be supported where they promote sustainable growth, maximise the efficiency and safety of the transport systems, improve public and private transport integration and encourage passenger and freight rail operations.

PCC Highways have confirmed that subject to a number of conditions, primarily relating to the access, they do not object to the proposed development. Furthermore I see no reason why the proposed development could be refused on transport grounds.

Public Rights of Way / Open Access Land

Policy DM13 states the proposed developments will only be permitted where;

The public rights of way network or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.

There are a number of public rights of way near to and within the application site, these include footpaths, Byways Open to all Traffic (BOAT's) and open access land.

PCC Countryside Services response dated 9th March 2015 makes it clear that they consider the scheme to have the potential to be to the detriment of users of the PRow's within and adjacent to the site and request conditions to ensure that those routes that will be used by the development are properly maintained, in addition they raise questions over the proposed landscaping and whether equestrian users will be adversely affected. Should the proposed development be permitted then I consider that both of these matters can and should be addressed by conditions to secure the mitigation of these potential negative impacts. It is noted that the proposed development will not result in any right of way being closed, altered or diverted and that any direct impact on these routes would be limited to the construction period.

That said, it is right to take into account the indirect impacts that the proposed development would have, these include impacts on the users of the rights of way. Mr Russell Vick considered the BOAT and two public footpaths running through the site at para 2.18 of his review. He stated *'the effect on their visual amenity would be at certain times considerable and adverse. We would contend that there would be the potential for higher magnitude, albeit short-lived, effects during certain times, for example when construction vehicles were operational in close proximity to people on these routes'*.

Moving further afield, the proposed development would be highly visible from certain areas of publically accessible land. In particular, views from the Open Access Land to the southwest of the site looking up the sweeping valley side towards the National Park would be interrupted by a large expanse of solar panels.

The indirect impacts of the proposed development can be mitigated to a degree by suitable landscaping to a degree when you are within or immediately adjacent to the development.

The proposed development would not result in unacceptable direct impacts on the public rights of way as none will be closed or altered.

Grid Connection

The application does not include a connection to the National Grid as this will be the basis of a separate application. However it is proper to consider whether the principle of a grid connection from this site would in broad terms be acceptable.

The ES assumes that the grid connection will be buried and comply with all the necessary and relevant standards.

I see no reason why the connection could not be provided in an acceptable manor so long as it is given proper thought and will in any event be considered through a separate application.

Socio Economic

The Environmental Statement states that the proposed development will *‘generate a range of economic benefits both in terms of its construction and operation, generating jobs for installation, maintenance and its eventual remediation. A study of direct and indirect employment effects associated with solar PV in Wales estimated that around 20.8 job years are created per MW of solar PV installed (based on a typical 30MW facility)¹⁴. That would equate to around 416 job years provided by the proposed development. The findings of the study concluded that “the energy sector can help regionally transform the Welsh Economy, creating new jobs and new opportunities including in rural and deprived regions.”*

The introduction of the solar PV will help to bring about and demonstrate diversification and commerce in the countryside. The existing land is poor quality agricultural land and is not well suited to arable use. The income from grazing sheep and the fixed lease income from the solar farm would provide a more secure income. Agricultural use of the land can be maintained by grazing sheep.’

It is therefore considered that the propose development will have a positive socio-economic impact.

Conclusions

The proposed development will introduce a large 20MW solar farm onto an area of restored countryside very close to the edge of the National Park. It will be present in views looking towards the National Park and visible in views from the National Park, having an adverse impact on its Special Qualities and the surrounding landscape. The former use of the site as an open cast mine is noted, however it is considered that as the site has been restored

The benefits of the scheme are noted, it will provide much needed clean energy generation helping to meet the Welsh Governments aspirations to increase renewable energy in Wales. In addition, it would bring some economic benefits to the area by way of construction employment and some ongoing employment for maintenance purposes. These factors weigh in favour of granting permission.

Other matters such as drainage, impacts on public rights of way and transportation/highways are considered acceptable, subject to appropriate planning conditions being attached to any permission.

The planning balance therefore must weigh whether much needed renewable energy and economic benefits outweigh the negative impacts on the landscape and National Park in particular.

PPW states that in determining applications for renewable and low carbon energy development local planning authorities should take into account a number of considerations, including *'the contribution a proposal will play in meeting identified... targets'*. PPW also states at paragraph 5.3.6 that *'development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of...'* National Parks and they *'must be afforded the highest status of protection from inappropriate developments'*.

In this case the planning judgement is finely balanced, the need for renewable energy is considerable and the contribution towards targets not small, and as such the proposed development is recommended for approval subject to the conditions below.

All information including the Environmental Statement and Environmental Information has been considered 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 plans (drawing no's: 3798_0101, 3798_ES_0201, 3798_ES_0202, 3798_ES_0203, 3798_ES_0204, 3798_ES_0205, 3798_ES_0206 and 3798_ES_0207 and Documents: Environmental Statement dated February 2015, Planning Statement dated February 2015, Access addendum dated February 2015, Design and Access Statement dated February 2015 and Coal Mining Risk Assessment dated November 2017).
3. Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust emanating from the construction phase of the development, together with details of the potential for noise disturbance from the electrical substation and the inverter/transformer cabins. Suitable sound installation of the substation and cabins should be considered. Such a scheme shall be maintained and shall not be altered without the written approval of the Local Planning Authority.

4. Site development and construction works shall not take place outside 0800 hours to 1800 hours Monday to Friday and 0800 to 1600 hours on Saturday. No works to take place on Sundays and Bank Holidays.
5. Any entrance gates shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. Upon erection of the boundary fencing the access shall be provided with 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, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **33.0 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 the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.
7. Prior to the activation 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 **5.5 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. No storm water drainage from the site shall be allowed to discharge onto the county highway.
9. No buildings, structures, fences or alteration of contours shall take place within 5 metres of the top of the bank of any ordinary watercourse, or 3 metres either side of any culverted watercourse without prior permission from the LPA.
10. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the site comes into operational use.
11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health ,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 ' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012

Item iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

12. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 12 has been received from the Local Planning Authority.

13. It is noted that the proposed development is situated on land that was formerly a **garage and railways (as shown on historic Ordnance Survey Maps)** which are potential contaminative use. In light of this, it will be '-- necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

14. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (iv) a survey of the extent, scale and nature of contamination;
- (v) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

(vi) an appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012.

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

15. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.
16. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.
18. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

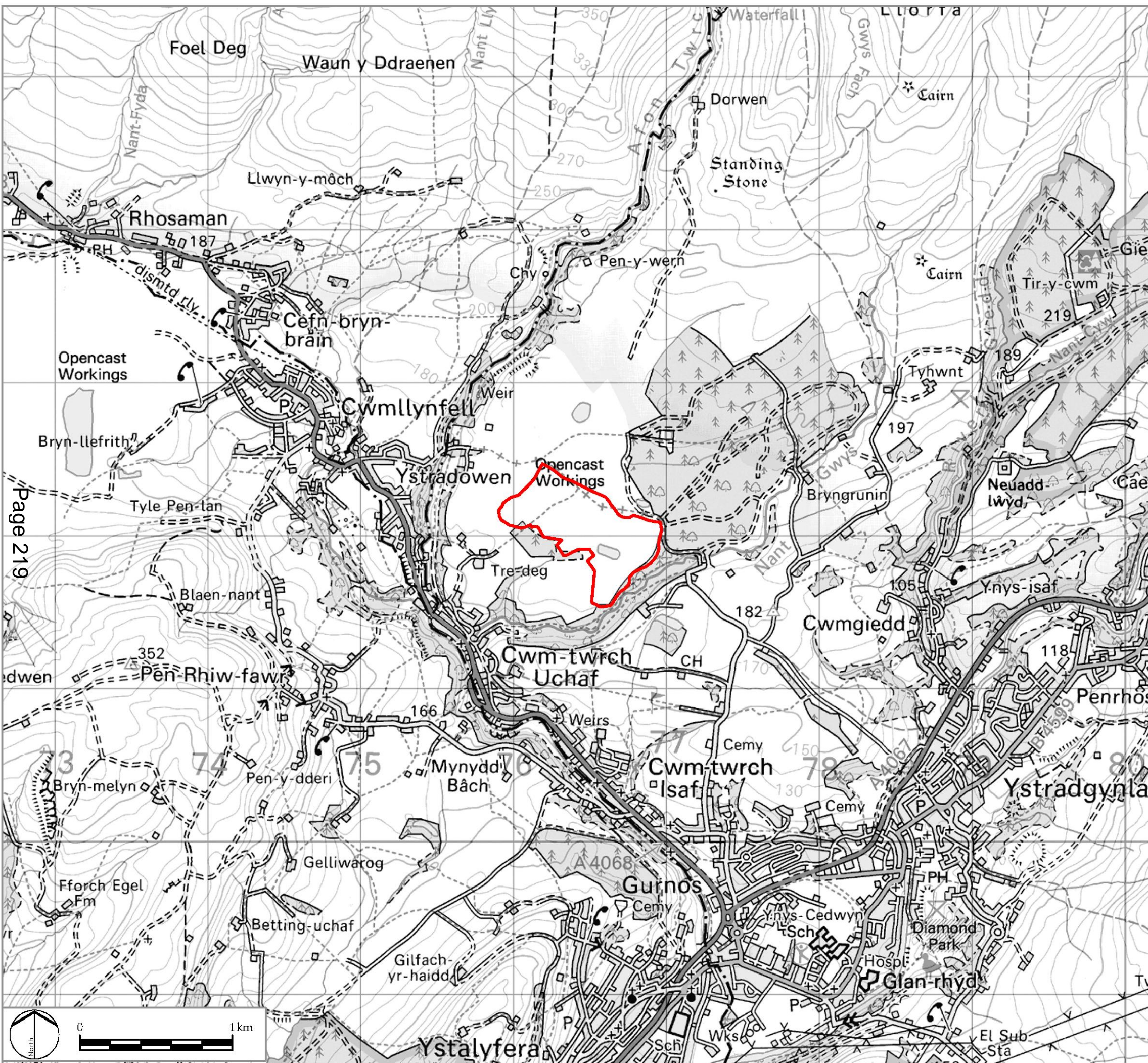
19. Prior to the commencement of development within that part of the site where shaft 276212-005 is present an appropriate scheme of intrusive site investigations for the mine entry shall be submitted to and approved in writing by the Local Planning Authority.
20. Prior to the commencement of development a report of findings arising from the intrusive site investigations including proposed treatment works shall be submitted to and approved in writing by the Local Planning Authority. The proposed treatment works shall be implemented in full.
21. Prior to the commencement of development a scheme to ensure the maintenance for BOAT number 090/7 shall be submitted to and approved in writing by the Local Planning Authority.
22. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 (April 2018) and Planning Policy Wales (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 (April 2018) and Planning Policy Wales (2016).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.

7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
9. In the interests of amenity and in accordance with the provisions of Powys LDP Policy DM6.
10. In the interests of amenity and in accordance with the provisions of Powys LDP Policy DM6.
11. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
12. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
13. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
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18. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
19. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
20. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
21. In order to ensure the right of way is properly maintained in accordance with Policy SP7 and DM13 of the Powys LDP.
22. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
23. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.

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LEGEND



Application Site

Page 219

LDĀDESIGN

PROJECT TITLE
 BRYN HENLLYS SOLAR FARM

DRAWING TITLE
 Site Location Plan

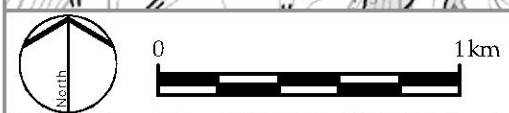
| | | |
|-----------|-------------|------------------|
| ISSUED BY | London | T: 020 7467 1470 |
| DATE | 01 APR 2014 | DRAWN RP |
| SCALE @A3 | 1:25,000 | CHECKED LH |
| STATUS | Final | APPROVED RS |

DWG. NO. 3798_0101

No dimensions are to be scaled from this drawing.
 All dimensions are to be checked on site.
 Area measurements for indicative purposes only.

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Sources: Ordnance Survey...



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4.5

Planning, Taxi Licensing and Rights of Way Committee Report

| | | | |
|---------------------------|--|--------------------|--|
| Application No: | P/2018/0067 | Grid Ref: | 296632.9 267941.51 |
| Community Council: | Newtown | Valid Date: | Officer: 28/09/2015 Robin Wynne Williams |
| Applicant: | Powys County Council | | |
| Location: | Unit 4, Dyffryn Industrial Estate, Pool Road, Newtown, Powys, SY19 3BD | | |
| Proposal: | Demolition of existing building and construction of a Household Waste Recycling Centre (HWRC) and associated infrastructure. | | |
| Application Type: | Application for Full Planning Permission | | |

The reason for Committee determination

The application has been submitted by Powys County Council

Site Location and Description

The site of the proposed HWRC development is located at Unit 4 of the Dyffryn Enterprise Park, off the A483 Trunk Road to the north eastern edge of Newtown.

The site is owned by Powys County Council, and comprises a single storey industrial building measuring approximately 30m x 31m. The building is flanked by car parking and delivery areas which share accesses with Units 3 and 5 from the estate road. The ground within the site boundary slopes down gently in a northerly direction.

Consultee Response (full responses to follow)

| | |
|---|--|
| Newtown & Llan TC | Support |
| Highways Dept | Require amendments to proposed access radius |
| Building Control | No comment |
| PCC Environmental Health PCC Contaminated land Officer | No objection Suggest condition relating to unsuspected contamination and advisory |
| Natural Resources Wales | No objection |
| Trunk Road Agency | No direction |

| | |
|------------------------|--------------------------------|
| CADW | No objection |
| CPAT | No archaeological implications |
| Severn Trent | Advisory comments |
| Wales & West Utilities | Advisory comments |

Representations

3 Objections submitted on the following grounds:

- Highway infrastructure, capacity and safety
- Vermin and nuisance
- The development will result in a greater level of fly tipping locally

Planning History

P/2013/0328 – Installation of a non-illuminated free standing single sign – Approved 17/06/13
9905

Principal Planning Policies

National planning policy and guidance

Planning Policy Wales (2014)
 Technical Advice Note 5 – Nature Conservation and Planning (2009)
 Technical Advice Note 12 – Design (2009)
 Technical Advice Note 15 – Development and Flood Risk (2004)
 Technical Advice Note 21 – Waste (2014)
 Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010
 Collections, Infrastructure and Markets Sector Plan, 2012
 The Waste (England and Wales) Regulations 2011

Local planning policies

E4 – Safeguarded Employment Sites
 W1 – Location of Waste Development
 W2 – Waste Management Proposals

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

Officer Appraisal

National and Local Policies - Waste

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 3.1.2 of Planning Policy Wales, which requires applications to be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.

The main policies to be considered in the determination of this application are the policies of the Powys Unitary Development Plan. The policies and guidance contained within TAN21 are also central to the determination of this application. The materiality of the above policies are discussed in the following planning appraisal.

In exercising its planning functions in dealing with waste management applications; Local Planning Authorities must consider Articles 18 and 20 of The Waste (England and Wales) Regulations 2011, which states that the Waste Framework Directive - EC Council Directive 1999/31/EC (Landfill of Waste) and 2008/98/EC must be given weight.

The EU Landfill Directive specifying European targets for the diversion of biodegradable municipal waste from landfill together with the Waste Framework Directive is driving Local Authorities to manage waste as high up the up the Waste Hierarchy as possible. In order to achieve this, the EU and Welsh Assembly Governments have set stringent recycling targets and have detailed their proposed penalties to Local Authorities who fail to deliver alternative waste management arrangements. As a result, the Welsh Assembly Government has made it clear through the adoption of The National Waste Strategy document Towards Zero Waste that resources will be directed towards local authority policies which are based on very high levels of waste recycling and composting; together with minimal levels of landfilling.

In response, Powys County Council are seeking to develop a fit for purpose household waste recycling centre in Newtown as part of its long term plan to secure compliance with the policies and targets noted above; and allow residents within Newtown and the surrounding area to deposit their household waste for recycling and disposal. The nearest alternative sites are in Llandrindod Wells and Welshpool.

The proposal

Currently there is an industrial building on site that will require demolition prior to the development of a household waste recycling centre.

The Dyffryn Industrial Park is a safeguarded employment site in accordance with policy E4 of the newly adopted Powys Local Development Plan and in accordance with policy W1 – Location of Waste Development such a proposal in principle will be supported on such employment sites.

The proposed facility is to accept segregated materials for re-use, recycling and disposal. Once sufficient loads have been accepted at the facility, waste / materials will be transported from site to licensed re-processing / recycling facilities and/or disposal sites. The wastes will not be processed or treated on site; it will only be bulked prior to onward shipping.

The site will be a secure manned facility with the boundary consisting of 2 metre high palisade fencing and lockable gates.

The site will operate a one-way system with separate accesses for the public to that of service vehicles. Materials/wastes delivered to site will be stored in appropriate containers prior to collection and the site will be subject to an environmental permit regulated by Natural Resources Wales prior to being able to operate.

All wastes brought to site by the public will need to be pre-sorted by users to maximise the recycling performance of the site and staff will be on hand to assist the public to re-use and recycle as much of their waste as possible.

Environment and Amenity

The site is located on the Dyffryn Industrial Estate, and the proposal is in keeping with that of the industrial estate's designation under policy E4 for general industrial developments and associated waste developments. As noted from the Environmental Health Department' consultation response there are no sensitive uses such as residential housing or schools in the immediate vicinity. From an environmental management perspective, the site will be subject to an environmental permit prior to becoming operational. The permitting system is primarily regulatory in nature to protect the environment from pollution and nuisances. As such, should a permit be granted, conditions will be imposed to protect the environment from pollution to air and water. TAN21 – Waste; states that planning authorities should take into account the ability of Environmental Permits to control the operations of waste facilities, and its interactions with the environment; and should not duplicate control more appropriately imposed as part of the permit. As the site is not in close proximity to sensitive receptors and any operation will be subject to an environmental permit it is not considered that the facility will contribute to any nuisances locally.

Although the hours of operation is specified as 09:00 – 17:00 Monday – Wednesday and 10:00 – 16:00 Weekends. As the site is located on an industrial estate and away from residential receptors it is not consider necessary to condition the operating hours for the site as this will offer greater flexibility for the operator and public and can be adequately controlled by the Council's Waste Management Department.

It is acknowledged that the development can potentially contribute to issues associated with dust, litter and vermin as noted within an objection received to the application. However, the authority is confident that this will be addressed through the Environmental Permitting regime. Therefore, it is considered that the development will not have an adverse impact on the environment and local amenity and therefore the proposal accords with criteria 3 of Policy W2.

Highways

Objection letters were received noting that the current industrial estate road is becoming increasingly difficult to navigate due to heavy traffic and that parked lorries within the industrial estate is affecting visibility along the road and junctions. Objectors are worried that the proposed development will further contribute to these problems.

To accommodate an increase in traffic movement to and from the site, both vehicular accesses off the industrial estate road to site is to be widened. However, the highway department in response to the information submitted required further plans demonstrating the proposed radii for the accesses and vehicle turning area. Having re-consulted upon the new drawings this now satisfies the requirements of the highway department subject to planning conditions. The response received from the Trunk Road Agency who are the highway authority for the A483 indicates that no direction will be issued in respect to the development.

The highway access improvement works proposed is deemed acceptable subject to standard highway conditions relating to gates, visibility splays, parking, surface water drainage as recommended by the highway department and the industrial estate road is considered capable of accepting additional vehicular use. Therefore it is considered that the development will not have an adverse impact upon the highway network and accords with LDP policy W2 criteria 2 and that of policy T1 – Travel, Traffic and Transport Infrastructure.

Ecology

As noted, part of the proposal is to demolish the existing industrial building on site. The Ecological Assessment submitted in support of the application concludes that there is no evidence of bats or nesting birds associated with the building and the building because of its modern steel portal framed structure was assessed to be of negligible value to bats and ecological value as a whole.

For completeness and in accordance with good practise; ecological mitigation will strive to undertake the demolition works outside of the bird nesting season. Where this is not possible, netting of hedgerow on site prior to the bird breeding season / search by an Ecological Clerk of Works immediately prior to the works commencing will be carried out. In the event of protected species unexpectedly being discovered during the course of works, in accordance with good practise, work will stop immediately and a suitable Ecologist contacted. At the date of writing the report, no response has been received from the Ecology department. Notwithstanding it is considered that the development will not have an adverse impact on biodiversity or protected species and therefore the proposal accords with LDP policy W2 criteria 5 and DM 2 – Natural Environment.

Contaminated Land

From the Geo-Environmental Desk Study submitted in support of this planning application, it is concluded that the risk levels are heavily dependant on the presence or absence and nature of contaminants in the soil and groundwater beneath the site. It recommends that an intrusive investigation of the site's carried out to better characterise the potential risk levels and establish a land quality baseline for the site.

Subject to the information submitted, the Authority's Contaminated Land Officer has recommended that a condition be applied that works must cease should unsuspected contamination be encountered on site, together with the requirements to undertake risk assessments and remediation works as necessary. The Contaminated Land Officer also recommends that the Council's guidance leaflet for the development of sites with potential contamination be brought to the applicant's attention together with other guidance relating to radon gas protection. Subject to the applicant undertaking the required actions in accordance

with the planning condition recommended it is considered that the development accords with LDP policy DM16 – Contaminated and Unstable Land.

Other observations and representations

There were three letters objecting to this application. It is considered that the objections relating to vermin and highways have been addressed above. Another issue that was raised was the potential for users to fly tip if they arrive outside the operating hours of the site. Although there are instances of fly-tipping associated with HWRC being closed. It is considered that the proposal will help reduce fly tipping as such a facility will allow members of the public to dispose of waste correctly through appropriate and legal avenues. If fly-tipping becomes an issue there are dedicated laws and procedures in force by the Local Authority and NRW to address and punish such issues that fall outside the planning process.

It is noted that a nominal part of the site along its northern boundary is located within the C2 flood zone. However, the proposal does not include any development within the C2 zone and no adverse comments were received by NRW to this effect.

Representation has been submitted by Wales & West Utilities, suggesting that should planning permission be granted an advisory note is attached stating that apparatus may be present in the area and that measures should be put in place for their protection.

Representation has been received from Severn Trent Water, advising correct procedure for a sewer connection from site.

No adverse responses have been received by statutory consultees to the application and it is considered that the objections received are adequately and reasonably addressed within this report.

Recommendation

Based on the above report it is considered that the proposal accords with local and national policies noted within this document. Subject to the inclusion of the planning conditions noted below that are considered to be necessary, fulfil a planning purpose and fairly and reasonably relate to the development it is recommended that planning permission be granted.

The report considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The report and recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conditions

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Acts

2. Unless otherwise required by planning condition or agreed in writing by the local planning authority the development shall be carried out in accordance with the drawings, plans and details validated on the 15/01/2018 and 12/04/2018.

Reason: To secure the proper development of the site and to comply with the requirements of the Town and Country Planning Acts

3. All vehicles and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Vehicles when reversing will not emit warning noise that would have an adverse impact on residential or rural amenity.

Reason: To ensure minimum disturbance from operations and to minimise the adverse impact of noise generated by the operations on the local community.

4. 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 the bunded compound shall be at least 110% of the volume of the tank's capacity. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata

Reason: To prevent pollution of the water environment

5. If during construction and/or operation of the site, contamination not previously identified is found to be present at the site; then no further development shall be carried out in that area of the site until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The site is in an area of potentially contaminative past uses. To protect the water environment and human health and in the interests of wildlife conservation.

6. Any entrance gates 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.

Reason: In the interests of highway safety

7. Prior to 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 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 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 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.

Reason: In the interests of highway safety

8. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 13 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety

9. The width of the access carriageways (both accesses), constructed, shall be not less than 7.3 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence

Reason: In the interests of highway safety

10. 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.

Reason: In the interests of highway safety

11. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Reason: In the interests of highway safety

Notes

Wales & West Utilities

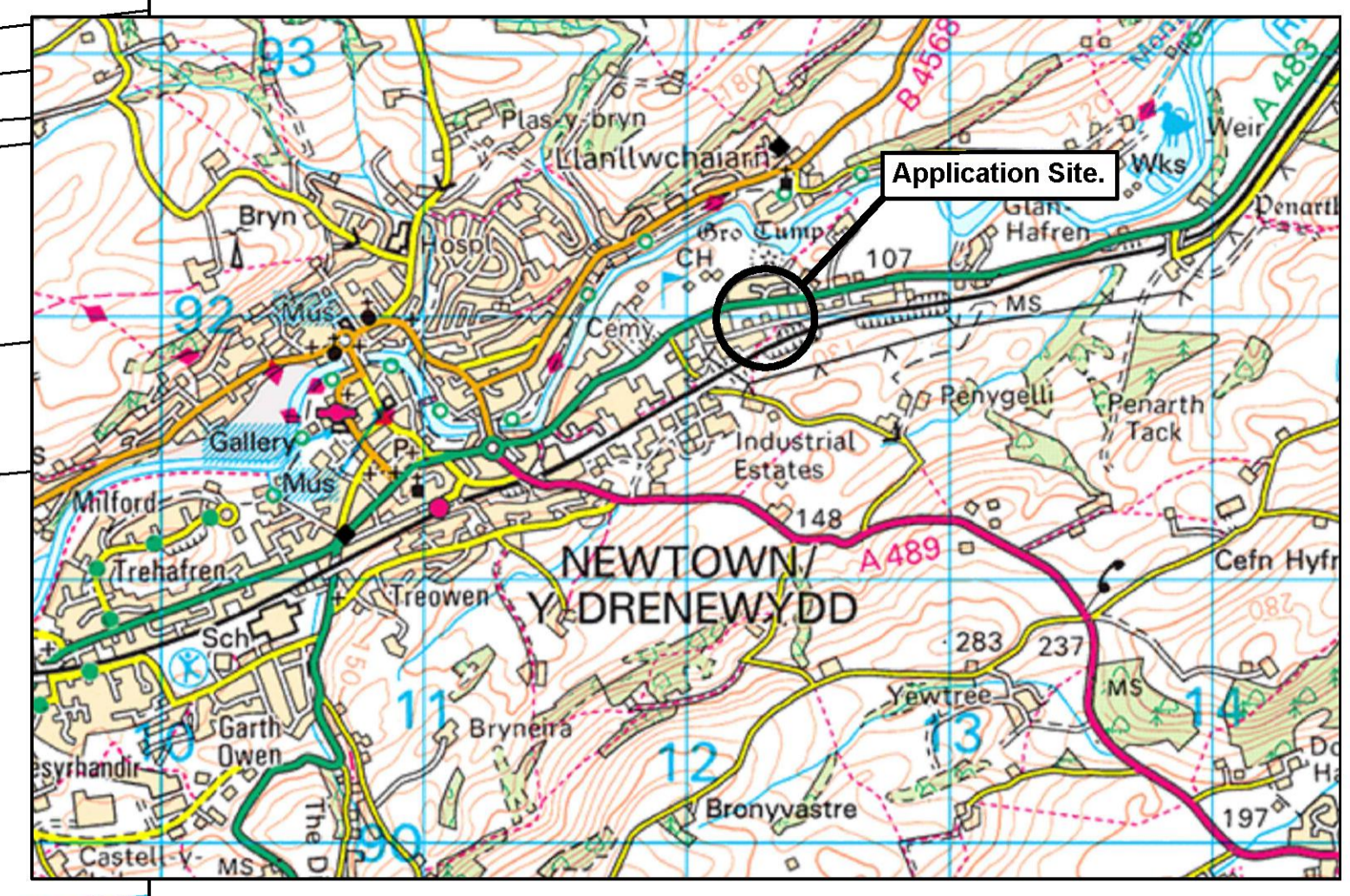
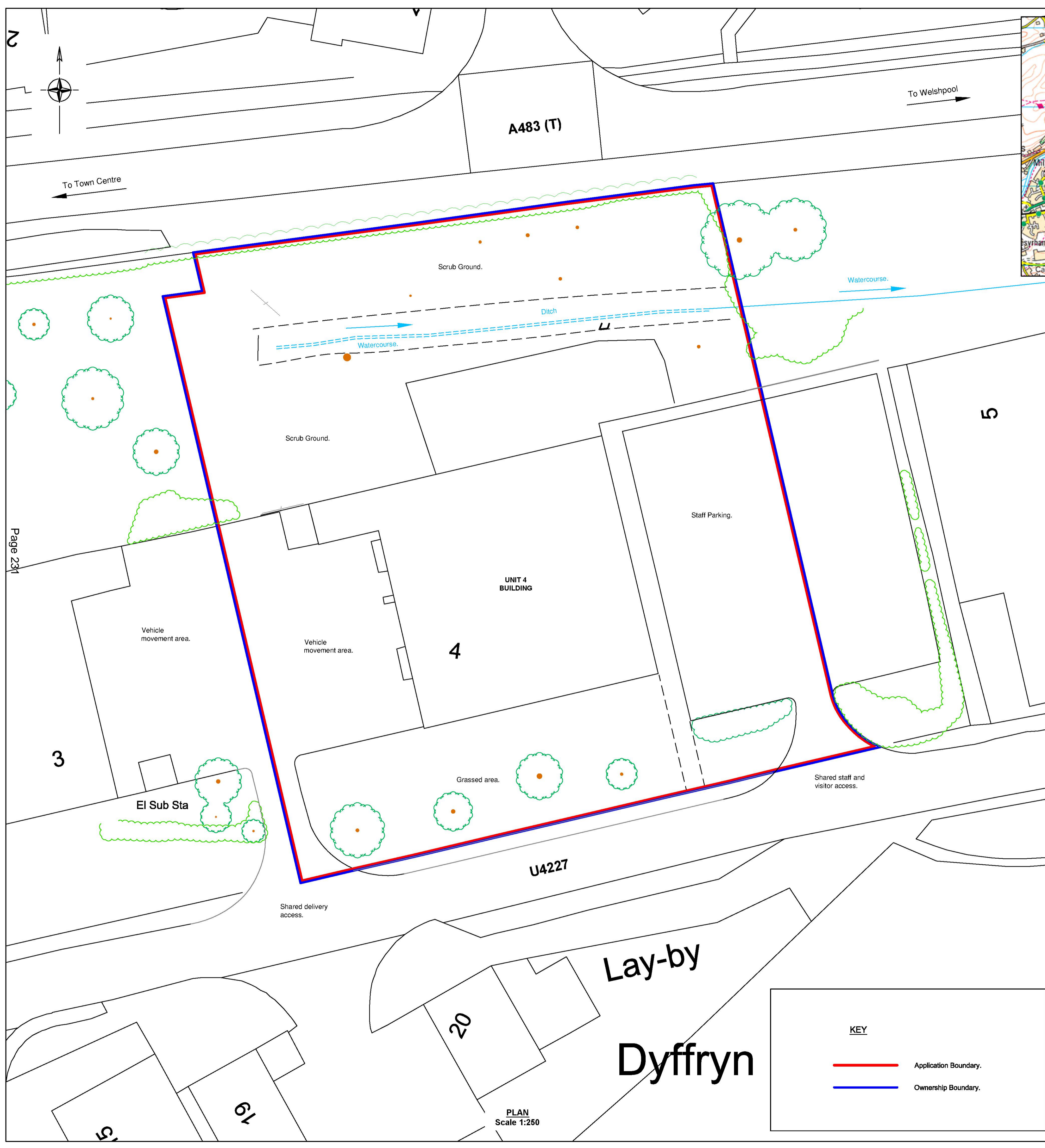
Natural Resources Wales

Powys County Council Contaminated Land, Environmental Health Department

Severn Trent

Case Officer: Robin Wynne Williams- Minerals And Waste Planning Officer
Tel: 01286 679833 E-mail: robinwynnewilliams@gwynedd.gov.uk

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Notes

ISSUED FOR PLANNING

| Amendments | | | | |
|------------|------|-------------|----|------|
| Rev | Date | Description | By | Chkd |
| | | | | |
| | | | | |

Engineering Design Services

EDS West Manager : Steve Hallows (01545 572513) hpw@ceredigion.gov.uk
West : County Hall, Market Street, Aberystwyth, Ceredigion, SY23 3DA

EDS East Manager : Gareth Price (01453 607606) its.helpdesk@powys.gov.uk
East : Powys County Council, County Hall, Spa Road East, Llanidloes, Powys, SY14 2JF
Mail : County Hall, Spa Road East, Llanidloes, Powys, SY14 2JF
State : National Engineering Centre, Powys, Powys, LD1 1TB

CSCC-CWIC **Powys**

Project
Newtown HWRC.
4 Dyffryn Enterprise Park, Newtown.

Drawing Title
Location and Boundary Plan.

By: LMC (Checked: SK) Scale: A1 **1:250**

Date: 14/12/17

Project Number: **H2553** Drawing Number: **2553/P02/001** Revision: **1**

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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

| | | | |
|---------------------------|---|--------------------|---|
| Application No: | P/2018/0201 | Grid Ref: | 310572.81 306654.17 |
| Community Council: | Llanfair Caereinion | Valid Date: | Officer: 12/02/2018 Eddie Hrustanovic |
| Applicant: | Powys County Council | | |
| Location: | The Glen, Glanyafon, Llanfair Caereinion, Welshpool SY21 9EB | | |
| Proposal: | Full - Reconfiguration of turning point to create parking bays and associated works | | |
| Application Type: | Application for Full Planning Permission | | |

The reason for Committee determination

The application has been submitted by Powys County Council Housing Department.

Site Location and Description

The site subject of this application is located immediately opposite the existing bungalows at Glanyafon residential estate which is located on the eastern part of Llanfair Caereinion. The bungalows are managed by Powys County Council Housing Department. Currently there is a limited parking and vehicular turning provision at the site, while the existing footway at the front of the bungalows is in poor state of repair.

The proposal involves construction of 3 additional parking bays by utilising the existing disused grass verge in front of no's 8 & 9 Glanyafon, provision of dropped kerbs and upgrade of existing footways in order to make them safe for the residents. This work is the latest in a number of projects that Housing Department have been undertaking to their older persons accommodation, in order to promote tenant independence and reduce the risk of trips and falls.

The proposed works involve excavation into an existing footway and grassland, then resurfacing the area to create parking bays in order to accommodate tenants' vehicles and emergency vehicles access.

Consultee Response

Llanfair Caereinion CC

At the meeting of Llanfair Town Council on Monday 19th Feb 2018 planning application P/2018/0201 was supported by the members who felt more parking spaces would be of benefit to residents.

PCC Highways

The County Council as Highway Authority for the County Unclassified Highway, U6029, wish the following recommendations/Observations be applied:

Within one month from the commencement of the development, the proposed development shall be constructed in accordance with the details on drawing number D001 Revision C of project number 216602.

Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent Water

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

CADW

Thank you for your letters of 15 February 2018 inviting our comments on the above planning applications.

Advice

Having carefully considered the information provided with this planning application, we have **no objections** to the proposed development. Our advice is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those

remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

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

Assessment

The scheduled monument MM203 Site 300m SW of Tan-Ilan (revealed by aerial photography) is located c 450m to the north. This comprises the remains of a defended enclosure, probably dating to the Iron Age period, (c.800BC – AD74, the Roman Conquest of Wales) and which is set upon a gently sloping plateau above the Afon Banwy. The site consists of a sub-circular, trivallate enclosure c.200m in diameter with narrow spaced outer ramparts of which the innermost enclosure survives as an earthwork, although in a degraded state. The proposed development; the reconfiguration of a turning point located within a small housing estate on the other side of the river may just be visible from the monument between surrounding buildings. The proposed alterations constitute a very slight change in the setting of the monument, one that is not of any significant concern.

CPAT

Having checked the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the proposed development at this location.

Representations

No public representations have been received by Development Management at the time of writing this report.

Planning History

NONE AS PER GIS

Principal Planning Constraints

None

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 12 – Design (2016)
Technical Advice Note 18: Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2017)
Technical Advice Note 24 – The Historic Environment (2017)

Local Planning Policy

Powys Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Principle of Development

Policy DM13 state that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Furthermore the said policy makes a clear reference that development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards. Equally supportive of the scheme is LDP policy T1.

The proposal seeks to alter the existing on-street parking provision within the residential estate with limited parking and turning provision. The parking areas will contain dropped kerbs leading towards the footways to the bungalows and provide additional 3 parking bays. The parking areas will be constructed to the Highways standards and finished with heavy

duty macadam surface course. The existing footways will also be repaired and made safe for pedestrians. The provision of additional parking spaces and turning area will enable the visitors and emergency services ample room to navigate within the residential estate without the risk of access routes being blocked by vehicles.

The local Highway Authority is content with the proposed parking provision subject to suggested condition securing that the development is completed in accordance with the proposed plans.

In the light of the above and subject to the proposed condition it is therefore considered that the proposed development fundamentally complies with relevant planning policies, namely DM13 and T1 of Powys Local Development Plan.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed development will not have an unacceptable impact on any neighbouring properties in terms of loss of daylight or a negative impact upon any loss of privacy of neighbouring dwellings.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties and therefore fundamentally complies with relevant planning policy.

Archaeology and Scheduled Monuments

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

While CADW confirms that scheduled monument MM203 Site 300m SW of Tan-Ilan (revealed by aerial photography) is located c 450m to the north of the site. CADW acknowledges that the proposed development is for the reconfiguration of a turning point located within a small housing estate on the other side of the river may just be visible from the monument between surrounding buildings. The proposed alterations constitute a very slight change in the setting of the monument, one that is not of any significant concern and as such CADW confirm that there is no objections to the proposed development.

RECOMMENDATION

Having carefully considered the proposed development, Officers consider that the proposal complies with planning policy. The recommendation is therefore one of conditional approval subject to conditions as specified below;

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on xxxxxx (drawing no's: D001, Revision C, Project No. 216602).
3. Within one month from the commencement of the development, the proposed development shall be constructed in accordance with the details on drawing number D001 Revision C of project number 216602.

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 the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk



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Delegated List

04/04/2018**26/04/2018**

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

FOR INFORMATION

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

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|------------------------|-------------------|-----------------|---------------------------------|--|---|
| P/2017/1063 LBC | 13/09/2017 | CONSENT | 05/04/2018 | Listed Building Consent for internal and external alterations to include erection of extension to rear garage/workshop to form new studio/guest room, construction of new living room to replace sunroom, demolition works and installation of | Well Cottage Broad Street Canon's Lane Presteigne LD8 2AB |
| P/2017/1064 HOUS | 13/09/2017 | CONSENT | 05/04/2018 | Householder: Alterations to dwelling including installation of new windows together with erection of extension to rear garage/workshop to form new studio/guest room, construction of new living room to replace sunroom and | Well Cottage Broad Street Canon's Lane Presteigne LD8 2AB |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|---|---|
| P/2017/1370 FULL | 22/11/2017 | CONSENT | 05/04/2018 | Full: Erection of 4 holiday log cabins, formation of access road, installation of 2 package treatment plants and all associated works | The Willows Caerwnon Park Builth Wells LD2 3RP |
| P/2018/0186 OUT | 07/02/2018 | REFUSE | 05/04/2018 | Outline: Proposed 1 no. new dwelling (all matters reserved) | Land at Trem Y Mynydd Llechfaen Brecon LD3 7SP |
| P/2018/0192 FULL | 08/02/2018 | CONSENT | 05/04/2018 | Full: Installation of 2 no. rapid electric vehicle charging stations along with associated equipment | Bronllys Service Station Bronllys Brecon LD3 0LG |
| P/2018/0169 HOUS | 02/02/2018 | CONSENT | 09/04/2018 | Householder: Erection of a two storey side extension | 96 Caegwyn Llanidloes SY18 6DU |
| P/2017/1343 CLA1 | 29/11/2017 | APPROVE | 10/04/2018 | Application for certificate of lawfulness for an existing use (section 191) namely use of adjoining barn as additional residential accommodation associated with "Y Gribin" | Y Gribin Llanerfyl Welshpool SY21 0JQ |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|---|--|
| P/2018/0217 ADV | 19/02/2018 | CONSENT | 10/04/2018 | Application for consent to display an advertisement | Land adjacent Upper Barn Llandefalle Brecon LD3 0UP |
| P/2017/0699 LBC | 03/08/2017 | REFCADW | 11/04/2018 | LBC: Internal alterations, replacement of windows, removal of concrete ground floors and replace with slate/quarry tiles, and all associated works | Plasnewydd Carno Caersws SY17 5JR |
| P/2017/1219 FULL | 26/10/2017 | CONSENT | 11/04/2018 | Full - Change of use of existing argricultural building to provide a 5 bedroomed holiday let and ancillary outdoor spaces and the demolition of barn sections | Cwmgwnen Llanrhaeadr ym Mochnant Pochy Gatnedd Oswestry SY10 0AP |
| P/2018/0094 HOUS | 17/01/2018 | CONSENT | 11/04/2018 | Householder: Installation of a horticultural glasshouse | Battle House Battle Brecon LD3 9RW |
| P/2017/1383 FULL | 04/12/2017 | REFUSE | 11/04/2018 | Full: Erection of a rural enterprise dwelling, detached garage, improvements to existing access, installation of a private treatment plant and associated landscaping | Adjacent to Slate House Lodges Llandinam SY17 5AF |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|------------|--------------------------|--|--|
| P/2017/1395 OUT | 27/11/2017 | REFUSE | 11/04/2018 | Outline application (with some matters reserved) for erection of 4 dwellinghouses, formation of vehicular access and all associated works | Land rear of Rose Cottage Llandysilio The Street Four Crosses SY22 6RB |
| P/2018/0243 FULL | 22/02/2018 | CONSENT | 11/04/2018 | Full: Removal of an existing conifer hedgerow and introduction of new metal fencing | Christchurch Court Park Crescent Llanndrindod Wells LD1 6AB |
| P/2018/0085 HOUS | 15/02/2018 | CONSENT | 12/04/2018 | Householder: Erection of an extension | Bron Haul Aberhafesp Newtown SY16 3HU |
| P/2018/0101 FULL | 18/01/2018 | CONSENT | 12/04/2018 | Full: Erection of an agricultural building and all associated works | Upper Llegodig Abermule Montgomery SY15 6JY |
| P/2018/0221 CLA1 | 26/02/2018 | LAWFUL USE | 12/04/2018 | Section 191 application for a lawful development certificate of existing use in relation to the use of 4 static caravans and 1 touring caravan as a residential property | Coed Tylecrwn Llanfilo Brecon |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|-----------------|--------------------------|--|---|
| P/2017/0571 OUT | 18/05/2017 | CONSENT S106 | 13/04/2018 | Outline application for residential development for up to 5 dwellings, formation of access road and all associated works | Land adjoining Brynderw Llanrhaeadr Ym Machynaber SY10 0JJ |
| P/2017/1298 FULL | 21/11/2017 | CONSENT | 13/04/2018 | FULL: Expansion of existing free range egg complex encompassing the construction of an additional 32,000 free range poultry unit, erection of six feed silos, extension to hardstanding yard, alteration to private access road, new | Black Hall Llandyssil Montgomery SY15 6HR |
| P/2018/0135 FULL | 26/01/2018 | CONSENT | 13/04/2018 | Full - General purpose agricultural building | Upper House Kinnerton Presteigne LD8 2PE |
| P/2018/0136 FULL | 25/01/2018 | CONSENT | 13/04/2018 | Change of use of part of existing barn for insertion of additional bedroom pod | Upper Noyadd Clyro Hereford HR3 5JS |
| P/2018/0198 HOUS | 12/02/2018 | CONSENT | 13/04/2018 | Householder: Proposal to construct a garage linked to the house at the rear of the application site & demolition of existing outbuilding | Upper Cwmtwrch 25 Heol Tredeg Swansea SA9 2XD |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|--|---|
| P/2017/1069 FULL | 05/10/2017 | CONSENT | 16/04/2018 | Full: Erection of a poultry rearing unit including silos and associated works | Penllwyn Farm Llanfyllin SY22 5EW |
| P/2018/0144 HOUS | 12/02/2018 | CONSENT | 17/04/2018 | Householder: Installation of a 1200L oil tank | 1 Castell Madoc Cottages Lower Chapel Brecon LD3 9RF |
| P/2017/1027 FULL | 05/09/2017 | REFUSE | 18/04/2018 | Full: Erection of a dwellinghouse, detached garage, formation of vehicular access and associated works | Land adjoining Lynwood Aberhafesp Newtown SY16 3HN |
| P/2017/1400 FULL | 28/12/2017 | CONSENT | 18/04/2018 | Full: Replacement basement window to property within an Article 4 Conservation Area | Troedyrallt 25 Short Bridge Street Llanidloes SY18 6AD |
| P/2018/0239 HOUS | 22/02/2018 | CONSENT | 18/04/2018 | Householder: Demolition of porch, erection of an extension and associated works | Ty Hwnt I'r Llyn Llanfyllin SY22 5HU |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|--|---|
| P/2018/0209 RES | 21/02/2018 | CONSENT | 19/04/2018 | Application for reserve matters following the approval of P/2015/0197 for the erection of a dwelling | Plot 1 Llanllwchairn Development adjacent to Graig W Newtown SY16 3BH |
| P/2018/0203 FULL | 16/02/2018 | CONSENT | 20/04/2018 | Full - Erection of a covered manure store/slurry pit on farm together with all associated works | Glangwden Trefeglwys Caersws SY17 5PX |
| P/2017/1285 FULL | 03/11/2017 | CONSENT | 23/04/2018 | Major - Erection of a pullet rearing unit, associated feed bins and associated works | Gelli Llanbrybmair SY19 7DN |
| P/2017/1380 FULL | 04/12/2017 | CONSENT | 23/04/2018 | Full: Temporary siting of a rural enterprise chalet and all associated works | Cil y Winllan Tal y wern Machynlleth SY20 8NZ |
| P/2017/0661 FULL | 20/06/2017 | REFUSE | 24/04/2018 | Full: two storey extension with all associated works. Ground floor to comprise of a coffee shop, and first floor as offices. | 74-76 Commercial Street Ystradgynlais Swansea SA9 1LA |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|---|---|
| P/2018/0104 HOUS | 22/01/2018 | CONSENT | 24/04/2018 | Householder: Replacement of front windows and all associated works | 22 Market Street Knighton LD7 1EY |
| P/2018/0050 FULL | 17/01/2018 | CONSENT | 24/04/2018 | Full: Conversion of outbuilding into a dwelling and improvements to existing access and installation of a treatment plant | Outbuilding at Glanhanog Isaf Carno Caersws SY17 5JU |
| P/2018/0152 FULL | 02/02/2018 | CONSENT | 24/04/2018 | Full: Siting of a temporary modular unit for use as an auxillary educational building | Land near Summergil House Walton Watery Lane Presteigne LD8 2PT |
| P/2018/0162 HOUS | 05/02/2018 | CONSENT | 24/04/2018 | Hous: Erection of extensions, conversion of garage and erection of a detached garage | Trevonnen Llyswen 1 Riverside Brecon LD3 0LJ |
| P/2018/0214 HOUS | 15/02/2018 | CONSENT | 24/04/2018 | Hous: Erection of an extension and conversion of garage | Glasbury 8 Dan-Y-Bryn HR3 5NH |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|---------------------|------------|----------|--------------------------|---|--|
| P/2018/0230 FULL | 20/02/2018 | CONSENT | 24/04/2018 | Full: Erection of a covered manure store / slurry pit and all associated works | Gorn The Gorn Llanidloes SY18 6LA |
| P/2018/0236 FULL | 21/02/2018 | CONSENT | 24/04/2018 | Full: Erection of an agricultural building, extension to an agricultural building and with formation of hard standing | Tyn Y Llan Cefn Coch Welshpool SY21 0AG |
| P/2018/0273 HOUS | 05/03/2018 | CONSENT | 24/04/2018 | Householder: Demolition of existing lobby and store and erection of a single storey extention. | Evenjobb 5 Orchard View Presteigne LD8 2SB |
| P/2018/0281 HOUS | 01/03/2018 | CONSENT | 24/04/2018 | Householder: Construction of garage | Trwstllewelyn Garthmyl Montgomery SY15 6SE |
| P/2017/0566 FULL | 19/06/2017 | CONSENT | 25/04/2018 | Full: Change of use of land from agricultural use to equestrian use together with erection of a new stable building | land adjoining Plas Newydd Llanrhaeadr Y M Cefn Coch Oswestry SY10 0BN |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|------------------------|-------------------|-----------------|---------------------------------|---|---|
| P/2017/0853 FULL | 17/08/2017 | APPROVE | 25/04/2018 | Full: Construction of a silage clamp. | The Gaer Forden Welshpool SY21 8NR |
| P/2017/0978 FULL | 23/08/2017 | CONSENT | 25/04/2018 | Full: Erection of a free range egg production unit including silos and all associated works | Middletown Farm Middletown Bacheldre Lane SY21 8DD |
| P/2018/0199 HOUS | 08/02/2018 | CONSENT | 25/04/2018 | Householder: Proposed two storey rear extension and replacement detached garage | 4 Victoria Road Knighton LD7 1BD |
| P/2018/0233 FULL | 28/02/2018 | CONSENT | 25/04/2018 | Full: Change of use of land for the retention of the existing workshop and store for plant hire and vehicle repairs and maintenance following the closure of the quarry | Cribarth Quarry Llanafanfawr Buith Wells LD2 3LN |
| P/2018/0278 FULL | 28/02/2018 | CONSENT | 25/04/2018 | Full: Alterations to the car wash area including new height restriction barrier and screening | Co-operative Garage Llanelwedd Station Road Buith wells LD2 3SS |

| Application No. | Valid Date | Decision | Decision notice sentdate | Proposal | Location |
|------------------------|-------------------|-----------------|---------------------------------|--|--|
| P/2018/0286 FULL | 06/03/2018 | CONSENT | 25/04/2018 | Full: Erection of an agricultural shed and demolition of 2 buildings | Farchwell Forden Welshpool SY21 8NL |
| P/2018/0320 HOUS | 12/03/2018 | CONSENT | 25/04/2018 | Hous: Erection of an extension and demolition of a conservatory | 31 Bryn Meadows Newtown SY16 2DS |

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/03/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.04.2018

Appeal Decision

Site visit made on 13/03/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.04.2018

Appeal Ref: APP/T6850/A/17/3191433

Site address: Land adjoining Penyfoel Farm, Middletown, Near Welshpool SY21 8DQ

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by JMG Holloway and SJ Beddoes against the decision of Powys County Council.
- The application Ref P/2017/0548, dated 15/05/2017, was refused by notice dated 13/11/2017.
- The development proposed is outline planning application for a residential development of up to 9 dwellings, formation of a vehicular access, and associated works.

Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application is submitted in outline with access only considered at this stage. All other reserved matters, scale, layout, landscaping and appearance are reserved for later determination. Revised plans were submitted during the course of the planning application and I have considered this appeal on that basis.
3. On 17/04/2018 the Powys Local Development Plan (LDP) 2011-2016 was adopted. The LDP supersedes all former adopted development plans which were considered in the Council's reasons for refusal. Planning Policy Wales (PPW) Edition 9 (paragraph 2.1.2) indicates that 'Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)'. This appeal must therefore be determined in accordance with the adopted LDP unless material considerations indicate otherwise.
4. The main parties were given an opportunity to comment on the relevant policies/settlement plan, housing requirements, housing land supply and housing distribution/trajectory of the LDP. I have considered the parties comments that have also had an opportunity to respond on each other comments in this appeal.

Main Issue

5. This is whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies.

Reasons

6. The outline application relates to a site between Fairfield and Penyfoel Farm. The LDP includes a linear site of approximately half of the appeal site as within the settlement boundary of Middletown. The remainder of the appeal site lies outside the settlement boundary. This settlement boundary line severs the appeal site in half which means that the indicative layout with a central access point could not be implemented should the provisions of the LDP be applied. No lesser development scheme has been shown and I have considered the appeal site as a whole and I have treated the submitted indicative layout as the most probable outcome of the appellants' intentions to develop the site. I would regard a development that would infill this LDP windfall site as an entirely different development to the one which is considered in this appeal.
7. Middletown is classified as a large village in the LDP. The Council say that there is now upon the adoption of the LDP a total housing land supply of 5,588 units set against a housing requirement of 4,500 over the plan period. The Council say that the housing land supply taken from the housing trajectory in 2018 is 7.4 years. This information forms the examination papers and evidence base which was examined in the development plan inquiry and found to be sound. The evidence now provided indicates that the Local Planning Authority has sufficient land which is genuinely available or will become available to provide a 5-year supply of land for housing as required by PPW (paragraph 9.2.3) and TAN 1¹. The appellants' evidence relates to the housing land supply which existed prior to the adoption of the LDP and is now out of date. The considerable weight attributed to the need to increase housing land supply to meet an identified shortfall as set out in TAN 1 does not therefore apply in this case.
8. LDP Strategic Policy SP1 Housing Growth sets out the housing requirement and supply figures over the plan period. The Llangynog housing allocation was taken out of the LDP resulting in a supply of figure of 5,588 units. Land has been identified in Policy H2 for the provision of dwellings on housing sites capable of providing 5 or more dwellings, and further land on small sites and windfall sites. The settlement hierarchy in Strategic Policy SP5 comprises towns, large villages, small villages, rural settlements and open countryside, and establishes development limits for towns and large villages by designating development boundaries.
9. Strategic Policy SP6 establishes the distribution of housing in accord with the settlement strategy the level of service provision and size, and subject to its capacity to accommodate sustainable growth. Policy SP6 sets out that at least 25% of the Plan's housing growth would be located in large villages. It indicates that this will be delivered through housing commitments and new allocations and on suitable sites within the development boundary. The explanation for the policy also indicates that the LDP apportions more land to higher tier settlements, towns and large villages on a pro-rata basis. This is based on household numbers and an assessment of the role and function of settlements as set out in the Strategy Topic Paper. The percentage distribution of the total housing provision is set out in Table H2. Table H2 identifies 1,566 units or 28% of the housing provision is distributed to large villages across the County. Nevertheless, the policy explains that it is not possible for all settlements to accommodate their pro-rata level due to a lack of suitable sites and the shortfall will be provided and re-allocated to nearby towns and large villages.

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

10. Policy SP6 does not expressly set a threshold level of housing that would be appropriate for specific large villages. The Council's concern about the amount of development exceeding a sustainable growth level for Middletown is not expressed in policy, and therefore there is no measure of when that tipping point has been reached. The pro-rata threshold is set out in a Strategic Topic Paper, and Policy SP6 refers to the distribution of housing growth for large villages across the County as a percentage and not as a target.
11. The LDP settlement boundaries provide a sustainable growth threshold for new development in large villages. Policy H1 would permit housing development in large villages on allocated sites or on other suitable sites within the development boundary, or on sites forming logical extensions outside development boundaries for affordable housing.
12. As indicated the appeal site extends significantly beyond the relevant LDP boundary at this location. There is no case put forward that the proposed housing development outside but adjoining the settlement boundary would be for affordable housing or that it would be a logical extension. In my view, the appeal site would expand the built influence of the settlement far into the countryside. I consider that the proposal conflicts with LDP Policy H1 and Policy SP6 (category 5).
13. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in PPW (paragraphs 4.2.2 and 4.2.4). The countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.
14. I conclude that the development conflicts with local and national planning policies.
15. The appellants justify the development on the basis that Middletown is a sustainable large village and that a number of recent planning permissions have been granted outside development boundaries. The appellants indicate that the limit on sustainable housing growth cannot be used as a reason to refuse permission when other sites have been granted outside settlement boundaries. The appellants also refer to other large villages that have fewer facilities than Middletown that have had planning permissions granted for housing and these are listed in their submissions. The appellants also refer to the shortfall in the 5-year housing land supply.

Planning Balance and Overall Conclusions

16. I have considered the appeal proposal as a whole and the development would fail to accord with important policies of the LDP which seeks to control residential development outside settlement boundaries. A significant proportion of the site is located outside the settlement boundary for this large village where no justification has been made for it.
17. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development, that the available evidence indicates that there is sufficient land which is genuinely available or will become available to provide a 5-year supply of land, and that the countryside should be protected for its intrinsic sake in order to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take. The proposal would also fail to meet the exception site policy for affordable housing adjacent to the development boundary.
18. The considerable weight attached to the need to increase housing land supply would not apply in this case as the development would not comply with the development

plan and national planning policies. To this end the appeal can be differentiated from the examples of other housing developments granted permission outside settlement boundaries.

19. I agree with the appellants that the large village of Middletown is sustainable and that housing growth is planned for it in a sustainable way. However, this planned growth is controlled through the LDP settlement boundaries. This appeal development extends significantly beyond the settlement boundary and is in conflict with the LDP. The proposal would provide 20% affordable housing as part of the whole development. I attach moderate weight in favour of this point, but overall this does not outweigh the conflict I have identified with the LDP.
20. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.
21. I have also considered the representations from interested parties on this appeal concerned about the cumulative growth of the settlement. This matter has been addressed above.
22. My conclusion is that other material considerations are insufficient to outweigh the conflict with important local and national planning policies.
23. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/03/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24/04/2018

Appeal Decision

Site visit made on 13/03/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24/04/2018

Appeal Ref: APP/T6850/A/17/3191962

Site address: Land adjacent to Peartree Lane, Llanfair Caereinion SY21 0BH

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr J Edwards against the decision of Powys County Council.
 - The application Ref P/2017/0170 is dated 6/02/2017.
 - The development proposed is outline – residential development including formation of a new vehicular access, and all associated works.
-

Decision

1. The appeal is dismissed and planning permission for outline – residential development including formation of a new vehicular access, and all associated works is refused.

Procedural matters

2. The appeal was lodged on 20/12/2017, before the Council's decision was issued on 27/12/2017. On the 15/12/2017 the Council's Planning Committee resolved to refuse permission. The reason given was that: "*The proposed development due to its location is considered to have an unacceptable impact on the landscape and is considered to be unsustainable development in the open countryside contrary to Planning Policy Wales (9th Edition, 2016) and policies SP5, GP1, ENV2, HP4, HP5, HP6 and HP8 of the Powys Unitary Development Plan 2010*".
3. The planning application is submitted in outline with access only considered at this stage. All other reserved matters, scale, layout, landscaping and appearance are reserved for later determination. The description on the appeal form refers to a development of 5 dwellings, although the form had not been ticked to indicate a change of description. I have considered the appeal on the basis of the planning application description, and the submitted indicative plans showing a layout of 5 dwellings.
4. On 17/04/2018 the Powys Local Development Plan (LDP) 2011-2016 was adopted. The LDP supersedes all former adopted development plans which were considered by the Council. Planning Policy Wales (PPW) Edition 9 (paragraph 2.1.2) indicates that 'Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and

Compulsory Purchase Act 2004)'. This appeal must therefore be determined in accordance with the adopted LDP unless material considerations indicate otherwise.

5. The main parties were given an opportunity to comment on the relevant policies/settlement plan, housing requirements, housing land supply and housing distribution/trajectory of the LDP. I have considered the parties comments and they have also had an opportunity to respond on each other's comments in this appeal.

Main Issue

6. This is whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies.

Reasons

7. The outline application relates to a site opposite Heulfryn, adjacent to Peartree Lane. The appeal land is a field rising in land levels from the roadside. The proposal shows a linear layout of 5 dwellings served by a central access with the roadside hedge removed and a new hedge planted behind a new footpath/road widening proposal. New hedgerows are shown on the eastern and southern boundaries linking into an existing hedge on the western boundary.
8. The appeal site lies outside and opposite the settlement boundary for Llanfair Caereinion in the LDP. Llanfair Caereinion is classified as a town in the LDP, and has all the necessary facilities and services to sustain new residential development.
9. The Council indicate that there is now upon the adoption of the LDP a total housing land supply of 5,588 units set against a housing requirement of 4,500 over the plan period. The Council indicate that the housing land supply taken from the housing trajectory in 2018 is 7.4 years. This information formed the evidence to the development plan inquiry and was found to be sound. The evidence now provided indicates that the Local Planning Authority has sufficient land which is genuinely available or will become available to provide a 5-year supply of land for housing as required by PPW (paragraph 9.2.3) and TAN 1¹.
10. The appellants' evidence relates to the housing land supply which existed prior to the adoption of the LDP and is now out of date. The considerable weight attributed to the need to increase housing land supply to meet an identified shortfall as set out in TAN 1 does not therefore apply in this case.
11. LDP Strategic Policy SP1 Housing Growth sets out the housing requirement and supply figures over the plan period. The Llangynog housing allocation was taken out of the LDP resulting in a supply figure of 5,588 units. Land has been identified in Policy H2 for the provision of dwellings on housing sites capable of providing 5 or more dwellings, and further land on small sites and windfall sites. The settlement hierarchy in Strategic Policy SP5 comprises towns, large villages, small villages, rural settlements and open countryside, and establishes development limits for towns and large villages by designating development boundaries.
12. Strategic Policy SP6 establishes the distribution of housing in accord with the settlement strategy the level of service provision and size, and subject to its capacity to accommodate sustainable growth. Policy SP6 sets out that a higher proportion of new development required will be directed to towns. At least 50% of the Plan's

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

housing growth would be located in towns, and that this will be delivered through housing commitments and new allocations and on suitable sites within the development boundary. The policy also indicates that additional affordable housing will be permitted on exception sites forming logical extensions to the settlement.

13. The LDP has set out settlement boundaries for towns through Policy H1. Policy H1 would permit housing development in towns on allocated sites or on other suitable sites within the development boundary, or on sites forming logical extensions outside development boundaries for affordable housing.
14. The appeal site is located outside the settlement boundary of the town, on agricultural land that rises up a slope to a wooded hill. Llanfair Caereinion has developed around the valley floor and central core of the town centre and along main arterial routes that rise in a series of hills. This undulating landscape of hills and slopes has pockets of built development on sloping land and areas of undeveloped agricultural land. One such pocket of built residential development on a slope adjacent to a road is Heulfryn housing estate. The appeal development is situated above this pocket of built development and is seen as an undeveloped area of agricultural hillside from the other side of the valley on Neuadd Lane. I consider the development would be an encroachment into a hillside landscape which does not follow a logical or defensible natural boundary. The road comprises the current LDP boundary which is logical and defensible.
15. The appeal site extends significantly beyond the relevant LDP boundary at this location. There is no case put forward that the proposed housing development outside but adjoining the settlement boundary would be for affordable housing or that it would be a logical extension. In my view, the appeal site would expand the built influence of the settlement far into the countryside and up a highly visible steep slope. I consider that the proposal conflicts with LDP Policy H1 and Policy SP6 and Policy DM4, which seeks to protect valued characteristics and qualities of the Powys landscape.
16. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in PPW (paragraphs 4.2.2 and 4.2.4). The countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.
17. I conclude that the development conflicts with local and national planning policies.
18. The appellant justifies the development on the basis that a number of recent planning permissions have been granted outside development boundaries in the town and in other large villages. The appellant indicates that the location of the development is sustainable and no harm would arise to the character and appearance of the area. The appellant also refers to the shortfall in the 5-year housing land supply.

Planning Balance and Overall Conclusions

19. I consider that the development would fail to accord with important policies of the LDP which seeks to control residential development outside settlement boundaries. I consider that the proposal would harm the character and appearance of the area by expanding the built influence of the settlement up a hillside landscape, resulting in encroachment of the countryside. The whole appeal site is located outside the settlement boundary of the town where no justification has been made for it.
20. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development, that the available evidence indicates that there

is sufficient land which is genuinely available or will become available to provide a 5-year supply of land, and that the countryside should be protected for its intrinsic sake in order to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take. The proposal would also fail to meet the exception site policy for affordable housing adjacent to the development boundary.

21. The considerable weight attached to the need to increase housing land supply would not apply in this case as the development would not comply with the development plan and national planning policies. This appeal can be differentiated from the examples of other housing developments granted permission outside settlement boundaries because they were considered in the light of a recognised shortfall in housing land supply, whereas the situation has now changed following the adoption of the LDP.
22. I agree with the appellant that Llanfair Caereinion is a sustainable location for residential development and that most of the Plan's housing growth is directed to such towns throughout the County. The proposal would provide 1 affordable house, and this point in favour does not outweigh the conflict I have identified with the LDP.
23. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
24. My conclusion is that other material considerations are insufficient to outweigh the conflict with important local and national planning policies.
25. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR