

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0700	Grid Ref:	324073.7 256083.39
Community Council:	Gladestry	Valid Date:	Officer: 15/07/2016 Eddie Hrustanovic
Applicant:	Mr Stephen & Robert Watson, Gladestry, Kington, Herefordshire, HR5 3NS		
Location:	Land at Wern Farm, Gladestry, Kington, Herefordshire, HR5 3PP		
Proposal:	Construction of a 16,000 bird free range egg production unit, feed bins, formation of vehicular access, hardstanding areas and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

County Cllr. E. M. Jones has called-in this application due to public interest.

Site Location and Description

The application site is at land opposite Wern Farm, located approximately 1km north east of Gladestry and it lies in an area of open countryside adjacent to B4594 county highway which travels parallel to the site. The farm holding is located across the road to the site in southern direction being approximately 160 metres away.

The existing farm business is considering diversification with the aim to introduce free range egg production unit. The proposed unit will house up to 16,000 free range birds and it will be located to the north of the existing farm holding with intervening county road between (B4594). The building is to be sited parallel to the B4594 along the existing mature hedgerow and trees. Currently the site does not contain any agricultural buildings and it is solely used as a grazing land. The main farm holding which is located to the south of the proposed site is a densely developed unit with a number of existing agricultural buildings, together with a farmhouse, which is a Grade II listed building.

The proposed building will be approximately 86 metres long, 20 metres wide, eaves height will measure 2.74 metres while the height to the ridge will be 5.68 metres, and the building will be capable to house up to 16,000 free range birds, egg packing and storage area. The total footprint of the building will be 1,720m², and it will be constructed with a timber frame and external tongue and groove weatherboard stained in Dark Teak colour. The roof will be constructed of steel profile sheeting in slate blue colour (BS18B29) and it will contain 5 roof fans. The proposal also involves installation of two 19 tonne feed bins to the side of the building with a maximum height of 7.5 metres and constructed of galvanised steel, together with hard standings for access, parking and turning of vehicles.

The size of the proposed building is in line with the land availability surrounding the development, at a ratio of 2000 birds for every hectare of land. The maximum ranging

distance shown associated with the building is approximately 350 metres laying to the west and north of the proposed building to the external perimeter of associated land.

All the vehicles attending the unit would access the site via the existing access point off B4594 county highway which will be improved to serve the proposed development.

Consultee Response

Gladestry C C

- *1st response (04/08/2016)*

Following the Gladestry Community Council Special Planning Meeting held on 2nd August, Councillors have instructed me to write to you with the following observation relating to the above planning application.

- There is a degree of inconsistency in the submitted document relating to the ecology of the area. In section 13 – safeguarding biodiversity and natural habitats – the document claims that the survey results reveal no Sites of Special Scientific Interest (SSSIs), important bird areas or national nature reserves within a 5km search area but then goes on to three of these areas on a map. One wonders which other areas of the report may also contain inaccuracies, which may require technical expertise to challenge. Two such Sites of Special Scientific Interest which lie within a 5 km radius of the proposed plan are Glascwm and Gladestry Hills and Stanner Rocks. The former is designated in order to protect red grouse and the heather on which they depend; heather is particularly vulnerable to ammonia in the atmosphere. The latter is noted for being the last remaining location where the Radnorshire Lily survives in the wild, and also for its breeding Peregrine falcons. The Council is concerned that there may be detrimental effects to these sites from air borne pollution in the form of ammonia.

- The Council is concerned about the possibility of water borne pollutants, especially phosphates, entering local water courses, and eventually the river Arrow; and also into drinking water through local bore holes. The Council seeks assurance that all necessary precautionary measures will be incorporated into planning and building work.

- In a similar vein, the Council has concerns about air borne pollution, particularly ammonia, and unpleasant odour associated with this sort of farming, and again seeks reassurance that measure will be put in place to mitigate against noxious side effects.

- The Council seeks assurance that any negative visual impact from the site will be minimised by appropriate landscaping.

In summary, the Council does **not object** to changes to the agriculture of the area, recognising that many farmers need to diversify to maintain and improve livelihoods, and to encourage younger family members to remain in the profession. It also bears in mind that this area is currently very attractive to tourists, particularly walkers. The preceding comments are made with the desire to maintain this environment free from pollution and visually stunning.

- *2nd response (06/08/2016)*

Regarding the response I sent on behalf of Gladestry CC, I would be grateful if you could add a file note to the effect that when tourism is mentioned the term particularly, but not exclusively, includes Hergest Ridge and the Offa's Dyke Path.

Highways Dept. south

The County Council as Highway Authority for the County Class II Highway, B4594 wish the following recommendations/Observations be applied:

The Highway access improvements detailed within the application is in line with pre-application advice provided by the Highway Authority. I therefore have no objection to the proposal but would recommend that the following conditions be attached to any consent granted.

HC1 Prior to the occupation of the development any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 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 15 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 120 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.

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

HC8 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 three cars excluding any garage space provided and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 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 metres for a minimum distance of 15 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.

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.

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

Reasons:

In the interests of highway safety.

Wales & West Utilities

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

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Environmental Health

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 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.

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.
Rights of Way

Built Heritage Officer

Thank you for consulting me on the above application. I note the landscape that the poultry unit and access are to be located which is very attractive and contains the following designated heritage asset close to the site;

Wern Farmhouse (Cadw ID 15344)

The village of Gladestry some 1km to the south west contains a number of listed buildings including a grade I listed church.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states "Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability

as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th edition 2016 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

I would also draw your attention to the Cadw document “Conservation Principles”.

Paragraph .5.4 states when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

The document continues with the following advice on page 15.

“Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment”.

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

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

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

Evidential Value:

Wern Farmhouse is listed grade II and was included on the statutory list on 31 January 1995.

Historical Value:

Wern Farmhouse was listed as a well preserved example of an early C19 farmhouse of regional character.

Aesthetic Value:

The aesthetic value of the site is that of farmland that contributes towards the setting of the listed building.

Communal Value:

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity.

It is noted that the Wern Farmhouse is included on the statutory list of buildings of historic and architectural interest, and the value placed on the setting of listed buildings in terms of national legislation and guidance.

Paragraph 5.4 of Conservation Principles states when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Analysis of the site:

The building is on the opposite side of the road from Wern Farmhouse, which is set back some distance from the road. Wern Farmhouse has its gable facing the road and sites clustered within its existing farm ranges and is only readily discernible as a dwelling from the roadside by its chimneys.

There are no other buildings on the opposite side of the road in this location and the building will be a new siting and not grouped with other buildings which may not be appropriate in terms of Powys Unitary Development Plan policy EC9, however, I would not consider that this proposal in its current form would affect the setting of the listed building as a building between the listed farmhouse and the road could.

I note the proposed landscaping and slate colour of roof and given its location would have no objections to the proposal in terms of the setting of the listed building.

Cadw

Thank you for your email of 19th August 2016 inviting our comments on the planning application for the proposed development as described above.

Our statutory role in planning process is to provide the local planning authority with an assessment considered 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. It is matter for the local planning authority to then weight our assessment against all other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Having carefully considered the information provided with the planning application, we consider that the proposed development will have no impact on any designated historic assets. We therefore have no comments to make on the proposed development.

PCC Ecologist

Ecological Topic		Observations
EIA Screening Requirement	Yes	The proposed scheme is an intensive livestock installation which falls below the Schedule 1 (17a) threshold for this type of development of 60,000 places for hens, but exceeds the Schedule 2 threshold of having a floor space area higher than 500m ² (1709.4m ²). A formal EIA Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 is therefore required from the local planning authority
Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	<p>An ecology survey report has been prepared to accompany the application (Ramm Sanderson, April 2016). The footprint of the proposal is comprised of short grazed improved pasture and surrounding hedgerows are to be retained and extended or reinforced in areas to enhance the level of visual screening provided. As a result the report concludes that the proposed site is generally considered to be of limited ecological value and the proposals are considered likely to have negligible impacts upon local flora or fauna.</p> <p>The report does make recommendations to minimise the risks of impacting GCNs and breeding birds during clearance and construction works, and also makes recommendations regarding the lighting of the proposed unit to limit impacts upon foraging bats. Enhancement recommendations are also made with respect to the planting of hedgerows which is proposed to provide visual screening of the constructed unit.</p>
	UK Species <input checked="" type="checkbox"/>	Please refer to comments provided above regarding habitat type directly affected and retention of existing vegetation.
	Sect. 42 Species & Habitat <input checked="" type="checkbox"/>	<p>Please refer to comments provided above regarding habitat type directly affected and retention of existing vegetation.</p> <p>Rivers and streams are included on the list of habitats of principal importance for conservation of biological diversity of Wales. Numerous watercourses run through the proposed manure spreading areas shown in the Manure Management Risk Maps, part of the Management Plan provided with the</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		application. Little narrative has been provided with the Management Plan however the risk maps appear to show 10m buffer areas where watercourses or springs exist within the proposed areas of manure spreading. Confirmation is required from the applicant that the high risk areas will not be treated with manure obtained from the proposed unit.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	Please refer to comments provided above regarding habitat type directly affected, retention of existing vegetation and protection of surrounding watercourses.
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	Rhos Goch and River Wye SACs are located within the 10km Ammonia screening distance for European sites referenced within EA / DEFRA Feb 2016 ' <i>Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits</i> '. The SCAIL assessment included within the application concludes that the impacts upon these sites as a result of ammonia emissions from the proposals are likely to be insignificant. Pre-planning correspondence from NRW concurs with the findings of the SCAIL analysis.
	National Sites (within 500m) ³ <input type="checkbox"/>	Dolyhir Quarry, Dolyhir Meadows and Glascwm and Gladestry Hills SSSIs are located within the 5km Ammonia screening distance for National sites referenced within EA / DEFRA Feb 2016 ' <i>Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits</i> '. The SCAIL assessment included within the application concludes that the impacts upon these sites as a result of ammonia emissions from the proposals are likely to be insignificant. Pre-planning correspondence from NRW concurs with the findings of the SCAIL analysis.
	Local Sites (within 500m) <input checked="" type="checkbox"/>	Various blocks of ancient semi-natural woodland surround the site of the proposal (>250m). Potential impacts upon these sites must be considered within an Ammonia assessment. It is recommended that simple modelling is carried out for all areas of ancient semi-natural woodland located within the 2km screening distance provided in the EA / DEFRA Feb 2016 ' <i>Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits</i> '.

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

Invasive Non-Native Species	No	The ecology survey report (RammSanderson, April 2016) does not identify the presence of non-native invasive species.
Cumulative Effect	No	
Summary of recommendations / further assessment or work		<p>The information provided is insufficient to determine this application. Therefore I suggest that the following information needs to be provided:</p> <ol style="list-style-type: none"> 1) Modelling of ammonia emissions and nitrogen deposition must be undertaken in order to assess the potential impact on surrounding blocks of Ancient Woodland. Guidance regarding methodology and screening distances can be found in EA / DEFRA Feb 2016 <i>'Environmental Management guidance, Intensive Farming Risk Assessment for Environmental Permits'</i>.
Recommended Conditions		<p>Subject to receipt of the further information mentioned above and the outcome of consultation with NRW, should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <ol style="list-style-type: none"> 1) No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. <p>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 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <ol style="list-style-type: none"> 2) 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. <p>Reason: To comply with Powys County Council's UDP Policies ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <ol style="list-style-type: none"> 3) Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

	<p>Reason: To comply with Powys County Council’s UDP Policies ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>4) Prior to commencement of development a pollution management/mitigation scheme has been submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p>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 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>6) 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.</p> <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 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p> <p>7) The mitigation regarding bats, great crested newts and breeding birds in section 6 of the ecological report by RammSanderson April 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.</p> <p>Reason: To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the NERC Act 2006.</p>
<p>Relevant UDP Policies</p>	<p>UDP SP 3 - Natural, Historic And Built Heritage Policy Env 2 - Safeguarding the Landscape Policy Env 3 - Safeguarding Biodiversity and Natural Habitats Policy Env 4 - Internationally Important Sites</p>

	Policy Env 5 - Nationally Important Sites Policy Env 6 - Sites of Regional and Local Importance Policy Env 7 – Protected Species
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Natural England

- *1st response (30/08/2016)*

Thank you for your consultation on the above dated 29 July 2016 which was received by Natural England on 29 July 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Please note that Natural England’s comments relate specifically to features within England and we refer the authority to Natural Resources Wales for specific comments relating to features within Wales.

Objection – further information required.

Summary

Natural England object to the proposed development on the grounds of the need for further Information, specifically:

- No manure management plan has been provided.
- This information is required to ensure no adverse effects on the River Wye Special Area of Conservation (SAC)

Internationally and nationally designated sites

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’).

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each

European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

- Specific details of a manure management plan, detailing how manure will be disposed of and buffer areas to prevent runoff into watercourses.

Further information required – SSSIs within England.

This application has the potential to have an indirect impact on the River Wye Site of Special Scientific Interest (SSSI). In this case we have no additional advice over the advice given in relation to the River Wye SAC. Please see section on European Sites above for details of the need for a manure management plan.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

- *2nd response (05/06/2017)*

Thank you for your consultation on the above dated 05 June 2017 which was received by Natural England on 05 June 2017. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and

managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Natural England's advice: No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites – River Wye Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- That a manure management plan has been provided and that good practice will be followed in order to prevent runoff to European sites.

Should the proposal change, please consult us again.

Natural Resources Wales (NRW)

- *1st response (11/08/2016)*

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.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Requirements

Requirement 1 – Applicant to clarify how manure will be collected and where it will be stored.

Requirement 2 – Submission of a detailed plan showing how the applicant intends to dispose of both foul and surface water from the shed and ranging area.

Requirement 3 - Recommendations and RAMs identified in the Ecological Report in relation to bats and great crested newts should be secured via a planning condition.

Air Quality

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

NRW have reviewed the submitted SCAIL results and wish to make the following comments:

Natura 2000 Sites within 10km

River Wye SAC (including River Wye (Lower Wye) SSSI)

NRW are only commenting in relation to the part of the site in Wales, Natural England will have to be consulted on the sections that are within England.

Background ammonia is 1.93µg/m³ and background nitrogen deposition is 16.94kgN/ha/yr.

The ammonia critical level is 1µg/m³ and the nitrogen critical load is 10kgN/ha/yr for the site. The farm contribution to ammonia is 0.01µg/m³ (1% of critical level) and to nitrogen is 0.05kgN/ha/yr (0.5% of the critical load).

Rhos Goch SAC (including Rhos Goch Common SSSI)

Background ammonia is 1.71µg/m³ and background nitrogen deposition is 18.48kgN/ha/yr.

The ammonia critical level is 1µg/m³ and the nitrogen critical load is 5kgN/ha/yr for the site.

The farm contribution to ammonia is 0.01µg/m³ (1% of critical level) and to nitrogen is 0.05kgN/ha/yr (0.5% of the critical load).

SSSIs within 5km

Dolyhir Meadows SSSI

Background ammonia is 1.71µg/m³ and background nitrogen deposition is 21.84kgN/ha/yr.

The ammonia critical level is 3µg/m³ and the nitrogen critical load is 20kgN/ha/yr for the site.

The farm contribution to ammonia is 0.04µg/m³ (1.3% of critical level) and to nitrogen is 0.21kgN/ha/yr (1.05% of the critical load).

Glascwm & Gladestry Hills SSSI

Background ammonia is 1.71µg/m³ and background nitrogen deposition is 21.84kgN/ha/yr.

The ammonia critical level is 1µg/m³ and the nitrogen critical load is 20kgN/ha/yr for the site.

The farm contribution to ammonia is 0.03µg/m³ (3% of critical level) and to nitrogen is 0.16kgN/ha/yr (1.6% of the critical load).

Burfa Boglands SSSI, Radnor Forest SSSI, River Lugg SSSI, Cwm-Illa Brook Marsh SSSI

Are located within Wales but are further than 5km and therefore not relevant for the assessment of this proposal.

Having reviewed the SCAIL report, NRW are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are **below** the thresholds that we apply in our assessment of potential impacts on SSSI all the relevant SSSIs and SACs in Wales.

Bradnor Hill Quarry SSSI, Bushy Hazels & Cwmma Moors SSSI, Upper Welson Marsh SSSI, Quebb Meadow SSSI, Queestmoor Meadow SSSI, Flintsham & Titley Pools SSSI

Are located in England and Natural England will need to be consulted in relation to the potential impact of the scheme may have on them.

Manure management plan

The application is supported by a Manure Management Plan that confirms that the applicant has sufficient land to spread the manures produced by the proposed development at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen /ha.

Consideration must also be given to the phosphate contained within the manures and residual amounts in the soils to ensure that crop requirement is not exceeded. It is recommended that routine soil sampling is undertaken for pH, phosphate and magnesium, and that manure and fertiliser application rates be adjusted as required to meet the requirement of the crop. The manure management plan suggests that a lot of the area is used for pastureland which does not need high levels of Phosphate.

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

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

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

It is recommended that the applicant provided information about where they intend on storing manure during periods of unsuitable weather for spreading and how the manure will be collected from the shed (i.e. by conveyor belt, to a sheeted truck, twice a week).

Requirement 1 – Applicant to clarify how manure will be collected and where it will be stored.

Drainage

It is recommended that the applicant submit a detailed plan showing how the applicant intends to dispose of both foul and surface water from the shed and ranging area.

Requirement 2 – Submission of a detailed plan showing how the applicant intends to dispose of both foul and surface water from the shed and ranging area.

Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaways should be directed away from existing surface waters. The development must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Runoff water from the ranging area especially should not be allowed to flow directly into surface water drains or watercourses as this can contain polluting nutrients and sediments. If the applicant intends on installing a dirty water tank then we would advise the applicant of the need to ensure that any effluent tank must be constructed to meet SSAFO Regulations (Wales) 2010.

All work should also be compliant with all appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted. The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-and-buy/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Environmental Permitting Regulations

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2010 would be required from Natural Resources Wales.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicants' responsibility to ensure that all relevant authorisations are obtained before any work commences on site.

Protected Species

NRW hold records of dormice 360m north of the proposal, there are records of bats and newts in the vicinity and there are several ponds located approximately 280m away from the proposed shed. Given this it was recommended that an ecological assessment of the potential impact on hedgerows and protected species (with focus on great crested newts and dormice) would be required at planning stage. An ecological report has been submitted in support of this application.

NRW have reviewed the report and wish to make the following comments, the report does not acknowledge the presence of, or address any likely impact on dormice, despite its appearance in table 3 (desk study). The potential to directly impact dormice and the severance of habitat connectivity should have been assessed. NRW have assessed the hedge line on the western side of the B4594 and the stretch immediately south east of the proposal and it is **not considered** to be optimal and therefore habitat connectivity for dormice is therefore **not a significant issue** in this location. NRW consider that provided the reasonable avoidance measures (RAMs) identified for bats and great crested newts in section 6 of the report are implemented they will address any concerns of direct impact on dormice should they be present within the existing hedgerows.

The submitted documents do not specify the size or extent of the free range area; this information would have been helpful to assess the potential impact on great crested newts. NRW agree that the likelihood of this species being present on site is low due to the habitat unsuitability of the ponds to the west and the intensively grazed pasture therefore provided

chickens are not allowed direct access to any of the hedge lines, and then any impact on great crested newts is likely to be insignificant.

NRW agree that the proposal is unlikely to have a detrimental effect on the favourable conservation status of protected species likely to be present on site provided that the RAMs identified in section 6 of the report in relation to bats and great crested newts are secured via a planning condition.

Requirement 3- Recommendations and RAMs identified in the Ecological Report in relation to bats and great crested newts should be secured via a planning condition.

To conclude, we recommend that you should only grant planning permission for the scheme if it can meet the requirements outlined above, to address significant concerns that we have identified. Provided these requirements are met, we would **not object** to the scheme.

- 2nd response (06/10/2016)

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Requirements:

Requirement 3- Recommendations and RAMs identified in the Ecological Report in relation to bats and great crested newts should be secured via a planning condition.

Requirement 4 - The applicant needs to clarify that if they intend on collecting water from channels in the ground along the side of the shed open to the range that this will be directed to the dirty water tank and also that any dirty water from the yard generated during clean out will also be directed to the dirty water tank.

Requirement 5 - The applicant needs to confirm that there is no waterbodies/watercourse within or adjacent to the range (within 10m) which the range is likely to drain to or if there will be fenced out with at least a 10m buffer.

Thank you for consulting Natural Resources Wales (NRW) about the above case. In our letter dated the 11/8/16 NRW recommend that you should only grant planning permission for the scheme if it can meet 3 requirements. The applicant has submitted further information and this has fulfilled requirement 1 and partially fulfilled requirement 2. Requirement 3 is still outstanding but it is believed can be resolved by placing a condition on the planning permission to address the concerns raised. The applicant still needs to clarify some points relating to drainage and therefore requirement 4 and 5 above supersede requirement 3 outlined in our previous correspondence sent on the 11/8/16.

Manure Management

The applicant has explained that all manure will be removed from the site using tractor and trailer and stored in field heaps which are CoGAP complain and that that in addition to this the heaps will be sheeted. Provided that this is the case then NRW would consider this to be adequate and that requirement 1 has been fulfilled.

Drainage

It was recommended that the applicant submit a detailed plan showing how the applicant intends to dispose of both foul and surface water from the shed and ranging area. The applicant state in their letter that they have submitted details of how they intend on manage water from the unit and the hard standing area however there is limited information about how the surface water will be managed. The applicant has included information about the construction and location of a swale which the applicant has stated on the plan will be used to dispose of surface water from the unit and hardstanding. The Plan also shows where the tank for the foul water will be located.

On the drainage plan there is a line running along the sides of the sheds which appears to denote that water will be collected from these areas. It is not clear from the plans how surface water from the long sides of the sheds will be collected i.e. whether it will involve the collection of surface water from the roof by gutters or whether water from the roof and water from the veranda areas will be collected by channels on the ground. Water collected form along the side of the shed open to the range (i.e. adjacent to the verandas) is likely to be high in nutrients and silt and would be considered to be dirty water and should be directed to the dirty water tank.

Also water from areas of the yard affected during clean out would also be considered to be dirty and should be directed towards the dirty water tank rather than the swale. The applicant needs to clarify that if they intend on collecting water from channels in the ground along the side of the shed open to the range that this will be directed to the dirty water tank and also that any dirty water from the yard generated during clean out will also be directed to the dirty water tank.

Requirement 4 - The applicant needs to clarify that if they intend on collecting water from channels in the ground along the side of the shed open to the range that this will be directed to the dirty water tank and also that any dirty water from the yard generated during clean out will also be directed to the dirty water tank.

The effluent tank must be constructed to meet SSAFO Regulations (Wales) 2010.

The applicant does not include any information about how they intend on managing the surface water runoff from the range or a map of the range. It is advised that the applicant fence out any waterbodies/watercourses from the range with at least a 10m buffer this (includes streams, ditches and ponds). The applicant needs to confirm that there is no waterbodies/watercourse within or adjacent to the range (within 10m) which the range is likely to drain to or if there are that they will be fenced out with at least a 10m buffer.

Requirement 5 - The applicant needs to confirm that there are no waterbodies/watercourse within or adjacent to the range (within 10m) which the range is likely to drain to or if there are that they will be fenced out with at least a 10m buffer.

Protected Species

NRW consider that the recommendations and RAMs identified in the Ecological Report in relation to bats and great crested newts should be secured via a planning condition, provided

that an appropriate condition is placed on the planning permission to address protected species then this role should be fulfilled.

To conclude, we recommend that you should only grant planning permission for the scheme if it can meet the requirements outlined above, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

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

- 3rd response (14/11/2016)

We previously responded to this case on 11th August 2016 CAS-21462-V6Q4 and 6th October CAS-23519-J4H5 when we recommended that planning permission should only be granted if requirements could be met to address significant concerns that we had identified.

Following a representation from Radnorshire Wildlife Trust that raised concerns regarding dormice, a European protected species, we have re-examined the case and we have an additional requirement.

Additional Requirement

Requirement 6: The hedgerows must be fenced from the ranging area with a buffer of 2m from the centre line of the hedges

In our letter of 11th August 2016 CAS-21462-V6Q4 we said that the '*submitted documents do not specify the size or extent of the free range area*'. Our letter of 6th October CAS-23519-J4H5 again refers to the need for a ranging plan under requirement 5 '*to confirm that there are no waterbodies/watercourse within or adjacent to the range (within 10m) which the range is likely to drain to or if there are that they will be fenced out with at least a 10m buffer*'.

The applicant should submit a ranging plan that shows;

1. The size and extent of the free range area
2. A fenced out 10m buffer alongside any watercourses
3. A fenced out 2m buffer from the centreline of the hedges

The 2m buffer from the centreline of hedgerows will mitigate impacts on dormice arising from the development proposal.

- 4th response (31/01/2017)

Thank you for your consultation received on 12th December 2017. We previously responded to this case as follows;

17th March 2016 – email response to pre-application enquiry
11th August 2016 - CAS-21462-V6Q4
6th October 2016 - CAS-23519-J4H5
14th November 2016 - CAS-25723-Z1V5

The plan received on 12th December 2017 Ref: 02/12/16 Range Area-Fence/Watercourse Buffer/CH shows that the ranging areas can be fenced with appropriate buffers from the hedgerows (2m) and watercourses (10m). This satisfies CAS-23519-J4H5 Requirement 5 and CAS-25723-Z1V5 Requirement 6.

Requirement 1 CAS-21462-V6Q4 *Applicant to clarify how manure will be collected and where it will be stored* has been satisfied

Requirement 2 CAS-21462-V6Q4 *Submission of a detailed plan to show how the applicant intends to dispose of both foul and surface water from the shed and ranging area* – has been partially satisfied and is now superseded by

Requirement 4 CAS-23519-J4H5 *The applicant needs to clarify that if they intend on collecting water from channels in the ground along the side of the shed open to the range that this will be directed to the dirty water tank and also that any dirty water from the yard generated during clean out will also be directed to the dirty water tank.* **Requirement 4 CAS-23519-J4H5 has not yet been satisfied and the applicant should submit the required information.** Whilst one may assume this is the applicant's intent, it needs to be confirmed as part of the plans before planning permission is given.

Scope of NRW Comments

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

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

- 5th response (27/04/2017)

Following recent communications from the applicant and agent I write to confirm that the remaining requirement 4 has now been fulfilled by the receipt of the drawing 27/04/17 Foul and Surface Water Run-off REV1/CH this morning.

Requirement 4 CAS-23519-J4H5 *The applicant needs to clarify that if they intend on collecting water from channels in the ground along the side of the shed open to the range that this will be directed to the dirty water tank and also that any dirty water from the yard generated during clean out will also be directed to the dirty water tank.*

To conclude, all our requirements **have now been met**.

- 6th response (06/06/2017)

Thank you for consulting us and requesting clarification of NRW's requirements and conditions for this case. We have previously responded to this case as listed below;

1. 17th March 2016 email response to pre-application enquiry
2. 11th August 2016 CAS-21462-V6Q4
3. 6th October 2016 CAS-23519-J4H5
4. 14th November 2016 CAS-25723-Z1V5
5. 31st January 2017 CAS-28128-G9D0
6. 27th April 2017 CAS-28128-G9D0

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

Condition 1: European Protected Species - all avoidance measures described in the ecological report must be set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

This table summarises how the previous requirements have been met.

	Original Requirement	Summary of submissions / actions	Final Requirements and Conditions
1	Applicant to clarify how manure will be collected and where it will be stored CAS-21462-V6Q4	Requirement met the applicant explained that all manure would be removed from the site using a tractor and trailer and stored in CoGAP compliant field heaps that would be sheeted	Requirement met
2	Submission of a detailed plan showing how the applicant intends to dispose of both foul and surface water from the shed and ranging area CAS-21462-V6Q4	Requirement partially met and requirement 4 and 5 cover the additional information required.	Requirement superseded
3	Recommendations and RAMs identified in the Ecological Report in relation to bats and great crested newts should be secured via a planning condition CAS-21462-V6Q4	Can be re-worded as a condition	Condition 1: European Protected Species - all avoidance measures described in the ecological report must be set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.
4	The applicant needs to clarify that if they intend on collecting water from channels in the ground along the side of the shed	Requirement met 27 th April 2017 in drawing 27/04/17 Foul and Surface Water Run-Off REV1/CH	Requirement met

	open to the range that this will be directed to the dirty water tank and also that any dirty water from the yard generated during clean out will also be directed to the dirty water tank. CAS-23519-J4H5		
5	The applicant needs to confirm that there are no waterbodies/watercourse within or adjacent to the range (within 10m) which the range is likely to drain to or if there are that they will be fenced out with at least a 10m buffer CAS-23519-J4H5	Requirement met 12 th December 2016 in Ref: 02/12/16 Range Area-Fence/Watercourse Buffer/CH shows that the ranging areas can be fenced with appropriate buffers from the hedgerows (2m) and watercourses (10m).	Requirement met
6	The hedgerows must be fenced from the ranging area with a buffer of 2m from the centre line of the hedges CAS-25723-Z1V5	Requirement met 12 th December 2016 in Ref: 02/12/16 Range Area-Fence/Watercourse Buffer/CH shows that the ranging areas can be fenced with appropriate buffers from the hedgerows (2m) and watercourses (10m).	Requirement met

Powys Ramblers

Thank you for the opportunity to comment on this application. After careful study of the maps and documents and knowledge of the area we can comment as follows. The OS map shows a footpath which leaves the B4594 at SO241 561 close to the new vehicular access to the site shown on "Highway details document 3933668" proceeding close to the hedge line in a generally NW direction (green line on plan). We would wish to be sure that the footpath has its own access, preferably by pedestrian gate, separate from the vehicular entrance and that the route of the path is clearly waymarked to keep the path separate from the route taken by vehicles. This path is an important link to the rights of way across Weythel Common and to points beyond.

There is also concern that the very large building proposed will have a detrimental effect on the views from the Hergest Ridge and the Offa's Dyke Path. The applicants could put something back into the community by taking the opportunity to correct the anomaly such that the bridleway coming down to Wern Farm from the Offa's Dyke Path could continue down the track to join the B4594, rather than technically being a dead end as at present.

In the event of permission being granted can the applicant please be made aware of the necessity of making sure that the nearby rights of way are not obstructed during any works and that they remain fully available for public use during and after any works. Can this be included as an informative in any decision letter please?

Countryside Services

- *1st response (18/08/2016)*

Could you let me know the details of the proposed verandas and paddocks that the birds will have access to? I want to know whether any of the birds will have access to the footpath.

- *2nd response (12/04/2017)*

The Ramblers have recently been in contact with countryside services over this planning application. This application originally came in before I started with Powys County Council and as a result Countryside Services never formally commented on the application.

Looking at the plan's the footpath (RB1413 in Old Radnor community) is referenced in the application a number of times; and the comments by the Ramblers about having a separate pedestrian gate adjacent to the proposed new vehicle access is a sensible suggestion.

In the more recent additional plan (Range Area Fence / Watercourse Buffer) there is reference to a 10m buffer zone to the watercourses, and I would be interested to know the construction and future management of this buffer area; as this is where the footpath is located. Also what is the nature of the fence around the range boundary as this may well effect the type of gates that are proposed on the footpath.

- *3rd response (19/05/2017)*

Thank you for the information on the type of fencing; any barbed wire which is used should be on the field side of the fence posts, not the footpath side. Standard pedestrian gates to the current British Standard (BS5709/2006) should be installed at all points where the footpath crosses any boundary. It should be noted that new fences and gates within these will require authorisation by Powys County Council, via this office.

The future maintenance of the 10m buffer strip still has not been mentioned; once a strip of land is fenced off from the main field there will always be issues with vegetation encroaching upon the footpath and reducing its ease of use. Does the applicant have any further information on the management of this 10m buffer strip, as the future maintenance can have a large bearing on the paths future use?

- *4th response (22/05/2017)*

Thank you for the additional information regarding the future maintenance of the buffer strip, which also encompasses part of footpath RB1413. If the landowner/applicant is proposing to control the vegetation within this strip by means of either topping or grazing then this would be appropriate maintenance for the footpath.

Other non-statutory representations

Radnorshire Wildlife Trust

On behalf of Radnorshire Wildlife Trust I wish to **object** to the development of a poultry unit at the Wern Farm, Gladestry.

The Trust is concerned that Powys County Council does not appear to have consulted with Radnorshire Wildlife Trust as a non-statutory consultee, even though we are the repository of considerable local ecological knowledge that may be of material concern to this planning application. In addition, the Trust objects because the ecology report supporting this development proposal does not seem to have addressed the presence of a breeding colony of the legally protected hazel dormouse just north of the development proposal. This seems peculiar as the ecological consultants referred to the record of dormice about 0.5km north of the site hut then I cannot see any further reference to a potential impact. They have addressed great crested newt and bat issues and this has been alluded to by Natural Resources Wales (NRW) as conditions of any planning approval, but not the dormouse.

Why has the presence of dormouse not been considered?

The dormice breeding at Common Wood may well be ecologically connected to the development site through intact hedgerows. Whether or not dormice are present in and around the development site as a breeding population is debatable, but there is a very real possibility that dormice could be foraging at the perimeter of the development site itself. As a matter of urgency this should be considered by Powys County Council in determining this application. I would urge you to speak to your own ecologist and NRW. It is my opinion that a further, more rigorous survey — probably using nesting tubes placed in the hedgerows in question needs to be carried out by the developers before this application can go to a determination stage. Dormice are protected under UK and EU legislation and this cannot be taken lightly.

Regarding concerns over watercourses and issues raised about manure management by both NRW and also within the statutory objection submitted by Natural England, I would suggest that determination cannot be given on the basis of conditions when it comes to the integrity of statutorily protected nature conservation sites. Please can you confirm whether Natural England have maintained their objection and, if so how Powys County Council is responding to this? I would ask you and PCC colleagues to look at similar instances where poultry units have been approved by your authority and yet the conditions of the manure management plan have not been monitored so that conditions have been flouted by the applicants and statutorily protected nature conservations sites have been damaged as a consequence. If you are to proceed to approving this application on the basis outlined in the latest correspondence from the NRW then you should clearly state exactly how the conditions will be monitored including the frequency of visits to the development by local authority or statutory agency staff.

A further reason for objection is that within the ecological consultant report, they state that there are no non-statutory nature conservation sites within the search area, however there is a Roadside Verge Nature Reserve (RVNR) just to the north of the application site. The RVNR is alongside Common Wood and is designated by PCC and partner organisations due to the presence of breeding dormice at that point. In addition, Radnorshire Wildlife Trust is concerned that the ecological assessment was carried out 4th April this year. The consultants themselves hint that this is not an ideal time of year and they show the application site in a

heavily poached state. This is not surprising. Many grazed pastures in Radnorshire look like this at the start of April. The growing season in Radnorshire is such that it is little changed from winter — and it is not until May that spring really begins. This is of material concern because it is a far from suitable time in many cases to carry out a Phase I Habitat survey. For these reasons I would ask that you postpone any determination of this application until these issues have been addressed.

Representations

34 letters of objections have been received and one collective objection from the local residents. In summary the objections relate to;

- Economic impact and impact on tourism assets in the area as the proposal will lead to the reduction of tourist to the area. While the economic benefit will be outside Wales. The proposal could set a precedent for more and larger units in the area.
- Visual and Landscape Impact in the area due to the proximity to Offa's Dyke Path on Hergest Ridge. The unit will be visible from this vantage point despite proposed additional landscaping which will take some time to establish. Possible impact on farmhouse which is listed building.
- Impact on Living Conditions and Health of local residents. Concerns mainly relate to the spreading of manure in the area and possible side effects on the environment and nearby watercourses and biodiversity. The objectors also state that the proposal will create unacceptable odour emissions and cause water pollution which is their biggest concern. Air-born pollution has also been raised by the objectors, as well as unacceptable treat to wildlife and biodiversity.
- Transport and Infrastructure have also been raised by the objectors as they believe that the access and the road is not capable to accommodate HGV movements to the detriment of highway safety.
- Impact on the adjacent Right of Way that the proposed development will cause.
- Development should be subject to Environmental Impact Assessment.

4 letters have been received from the local residents making general observations/concerns on the application and contesting issues raised by the objectors.

12 letters have been received from the local residents offering their support for the proposed development, and in summary they state:

- The need for local farmer to diversify, and the need for a free range eggs has increased in the UK.
- The proposal will offer financial support to the existing farm business and make it more sustainable in the long term due to the financial difficulties. It will provide continuing employment in the area.

- The proposal will not have negative visual and landscape impact as the area is living and working landscape. The location of the site is far from the village to have any negative impact.
- There are no issues with HGV movements on this road.

Planning History

No relevant history to report.

Principal Planning Constraints

Class 2 Road
 Nearby Footpaths and Public Rights of Way
 Listed Building (Wern Farmhouse)
 River Wye SAC

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
 Technical Advice Note 5 – Nature Conservation and Planning (2009)
 Technical Advice Note 11 – Noise (1997)
 Technical Advice Note 13 – Tourism (1997)
 Technical Advice Note 15 – Development and Flood Risk (2004)
 Technical Advice Note 18 – Transport (2007)
 Technical Advice Note 23 – Economic Development (2014)
 Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment
 Welsh Office Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas

Local Planning Policy

Powys Unitary Development Plan (2010)
 SP3 – Natural, Historic and Built Heritage
 SP4 – Economic and Employment Developments
 SP14 - Development in Flood Risk Areas
 GP1 – Development Control
 GP3 – Design and Energy Conservation
 GP4 – Highway and Parking Requirements
 ENV1 – Agricultural Land
 ENV2 – Safeguarding the Landscape
 ENV3 – Safeguarding Biodiversity and Natural Habitats
 ENV4 – Internationally Important Sites
 ENV5 – Nationally Important Sites
 ENV6 – Sites of Regional and Local Importance
 ENV7 – Protected Species

ENV14 – Listed Buildings
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
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC13 – Surface Water Drainage
T1 - Highway Improvement Schemes
T2 - Traffic Management
TR2 – Tourist Attractions and Development Areas

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

Officer Appraisal

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

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

Town and Country Planning (Environmental Impact Assessment) Regulations 1999

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

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 500m² and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued.

The development was assessed against the selection criteria contained within Schedule 3 of the Regulations, by virtue of its scale and location, the Local Planning Authority concluded that the proposed development would not constitute an EIA development.

Environmental Permitting Regulations (EPR 2010)

A permit is not required for this application as it is for under 40,000 chickens. The total amount poultry at the site will be 16,000.

Habitats Regulations Assessment (Natura 2000 Site)

HRA has been completed by the County Ecologist which confirms that the proposed development would not be likely to result in a significant negative impact to the River Wye SAC.

Principle of Development

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. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

The agent has provided a statement giving details of the agricultural enterprise that the applicants' are currently engaged in and also details of the proposed unit. The proposal will allow for the diversification of agricultural activity at the farm into a new area, which may be seen as further aiding the sustainability of the farming enterprise as a whole.

Poultry unit developments raise a number of planning issues such as visual and landscape impact, smell, noise, dust, pollution and traffic. Whilst the County Council wishes to sustain an efficient, viable and diverse farming community, a balance must be struck against maintaining the well-being of the wider community and the high quality of the Powys landscape as detailed within policies EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010).

Development Management is satisfied that the principle of the proposed development complies with the referenced policies.

Landscape and Visual 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.

There are no existing buildings at Wern Farm which would be sufficient to house the number of birds proposed. It is understood from the submission that the landownership next to Wern Farm could not accommodate the ranging area required. The field directly opposite Wern Farm was also considered, however access and layout of the land for the ranging area was not considered suitable. The adjacent field to the south east is also more elevated than the application site with less existing natural screening. Therefore, the application site was

chosen as the land of most suitable configuration for the proposed use, whilst making use of substantial natural screening already in existence. The proposed Unit is sited approximately 180m north of Wern Farm.

The application site is located within Rolling Hills south-east aspect area as defined by LANDMAP and is characterised by single large convoluted area comprising most of the landscape, other than distinct hills and valleys, in south-east of county. Area extends from southernmost part of the Wye valley, north-eastwards to New Radnor Basin. Generally peaceful, settled farmland with pleasant views, including to Brecon Beacons. Gently rolling hills & valleys with strong pastoral field patterns, wooded small valleys and watercourses and scattered trees & small woodlands. Numerous small villages and scattered farms.

Whilst acknowledging the attractiveness of the area and scenic value, the visual and sensory landscape value is recorded as moderate.

Public representations are acknowledged that the proposed building is not grouped within the context of the existing buildings, however a full justification has been provided by the applicant detailing that this is due to the constraints of the land ownership at the holding and requirements for the ranging area, as already noted above. However it is important to note that with the finished floor levels proposed, the unit would sit lower than the existing ground levels, therefore further reducing the already low height of the building. Consideration is also given to the fact that tree and hedgerow removal is not proposed and that the existing hedgerows and trees are in close proximity to the building, which will help to effectively screen the unit. It is also important to note that additional landscaping measures are proposed, with native tree planting to the east of the unit and woodland planting to the ranging area, which would further help screen and soften views of the unit from public viewpoints. Mitigation proposed would consist of increasing the height of the existing hedgerow to the east of the site, tree planting of extra heavy standards at 3-4m in height between the public highway and the unit, and planting 20% (1.6ha) of the range to the west of the site, with native woodland planting.

It is further acknowledged that the proposed building would be visible from the adjacent road network and nearby public footpath which passes to the edge of the site, Hergest Ridge and the Offa's Dyke Path as noted by the representations. Hergest Ridge and the Offa's Dyke Path are elevated over the site and are approximately 650 metres and 750 metres south east of the proposed site respectively towards English border.

Development Management acknowledges that the proposed development will introduce a man-made, feature within the landscape, which in some locations will be visible. Nevertheless, the views of the proposed building from the public highway are likely to be brief along short stretches of the road. It is acknowledged that the proposal will be visible from elevated views including Hergest Ridge and the Offa's Dyke Path (Scheduled ancient monument) however the development is not considered to be unduly out of character with the open countryside setting which does have a number of dispersed clusters of agricultural buildings in the locality. Mitigation through the use of appropriately coloured cladding and additional landscaping of the proposal will reduce the impact to an acceptable level. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be minor.

Whilst the proposed development will be visible from sensitive receptors including highways (drivers and passengers), public rights of way (walkers) and residential properties in the locality, given the existing and proposed landscaping together with observed distances, it is not considered that the proposed poultry development will have an unacceptable adverse visual impact. Therefore, taking into account the justification in the light of UDP Policy EC9 with regards to the siting of the proposed building, the character of the development and that additional substantive planting is proposed, it is concluded that the proposed development can be accommodated without unacceptable adverse landscape and visual impact in accordance with the relevant UDP policies ENV2, GP1 and EC9. Conditions relating to landscaping implementation would ensure that the visual impact is mitigated.

Impact on Living Conditions and Health of Local Residents

Poultry units have the potential to impact on the living conditions of residents living nearby. The submission considers noise, odour and dust impact. Other elements of the submission also address the ammonia, manure management plan, transport, and sustainability of the proposal which is considered relevant to assessing its impact on those who will have to live nearest to the development.

The nearest non associated properties known as Llanhowell and the The Watchbox are located in excess of 700 metres west of the site while the property at Common Wood is located approximately 530 metres to the north of the site.

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.

Wern Farm is situated in a rural location and the main sources of the noise in this area originate from agricultural operations, and road traffic. Peak agricultural traffic is generated between May and the end of August when the annual harvest is undertaken.

The key noise issue within the application relates to the use of mechanical ventilator extractor fans. The proposed building will contain 5 of such ventilators. These are thermostatically controlled and will be primarily used during hot weather. The nearest non-associated properties are located between 530-740 metres from the site, given the intervening landscape between the proposed unit and non-associated dwellings, it is considered that there will be no direct noise impact. No objection has been made by Environmental Health but they have recommended a condition which will safeguard noise amenity relating to the ventilator units.

Lorry movements to and from the site have the potential to impact on residential amenity. The vehicle movements to and from the site will be restricted to daytime operational hours and 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. No movements

will be attributable to the development after 18:00 hours therefore there shall be no impact on the surrounding residential properties.

Given that the Environmental Health Department has not raised any objection to the proposal, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of noise. Therefore, Development Management considers the proposal to be in accordance with relevant planning policy.

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.

Odour is potentially an issue affecting nearby residential receptors although mitigation measures can be used to reduce the impact of odour to a negligible nuisance.

The application is supported by a Manure Management Plan that confirms that the applicant has sufficient land to spread the manure produced by the proposed development at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP). Natural Resources Wales (NRW) confirm that consideration must also be given to the phosphate contained with the manure and residual amounts in the soils to ensure that crop requirement is not exceeded. It is recommended that routine soil sampling is undertaken for pH, phosphate and magnesium, and that manure and fertiliser application rates be adjusted as required to meet the requirement of the crop. The manure management plan suggests that a lot of the area is used for pastureland which does not need high levels of Phosphate.

The plan identifies areas where manure spreading should not take place including around ditches and watercourses to help minimise the risk of pollution. As identified a 10m buffer should be maintained around watercourses and any other sensitive areas. NRW advises that no spreading should take place within 50m of springs, wells and boreholes (CoGAP), and that spreading of manure should be carried out in accordance with the CoGAP (i.e. not on wet, waterlogged, frozen, snow covered or steeply sloping ground). The applicant has stated that all manure will be removed from the site using tractor and trailer and stored in field heaps which is CoGAP compliant and that in addition to this, the heaps will be sheeted. In this respect NRW considered that this method is adequate.

The design of the unit incorporates a multi-tier unit which has a system of conveyor belts below the perching areas within the unit. The manure is then collected on the belts and removed from the building every 3-4 days. There is a natural dry composting process taking place, and ammonia in quantity will not be produced unless the waste is made wet. The birds will be housed in the building for a 14 month period and removed when they are 72 weeks old. Once the birds have been removed, the building is cleaned out in preparation for delivery of the next flock.

Odour will be kept to a minimum within the poultry unit itself, as during the day the pop holes incorporated into the building to allow the birds to enter onto the ranging area will be open, thus meaning the building has a natural source of ventilation and reducing the odour

associated with the development. Water from the nipple drinkers is also controlled and is prevented from being spilt onto the manure increasing the associated odour issues.

With regards to the manure storage and spreading, the applicant has confirmed that it will be regularly removed from the poultry building (every 3-4 days); therefore there will not be a prolonged increase in the odour emissions attributable to the poultry manure, as it will be regularly removed rather than allowing a crust to form on the top of the manure which can increase the odour emissions. The manure will be spread directly onto applicants land, however if the weather conditions do not permit, manure shall be stored in manure field heaps on farm. Furthermore, NRW note that a Manure Management Plan has been submitted in support of this application and the plan confirms that the applicant has sufficient land to spread the manures produced by the proposed development at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP). Furthermore, Plan (Ref: 02/12/16 Range Area-Fence/Watercourse Buffer/CH) clearly shows that the ranging areas can be fenced with appropriate buffers from the hedgerows (2m) and watercourses (10m), which was requested by NRW.

Following consultation, no objections have been received from consultees in respect of odour. 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 odour. Therefore, notwithstanding the concerns expressed, Development Management considers the proposal to be in accordance with relevant planning policy.

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 tanks 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. The design of a free range unit as proposed will limit the emission of any significant dust particles into the atmosphere. Automated feeding using the internal conveyor with augers direct from the sealed external feed bins will minimise dust creation. It is therefore considered that the proposal will be sufficiently distant from sensitive residential properties which will prevent unacceptable impact upon them.

On the basis of the above and no adverse comments being received from consultees, Officers are satisfied that the proposed development is in accordance with planning policy, particularly policies GP1, EC1 and EC10 of the Powys Unitary Development and therefore unlikely to compromise the amenities enjoyed by occupants of properties within the surrounding area.

Vermin

Pest control will be agreed with Powys Environmental Health under an annual maintenance contract, while inside the egg collection area, any problem with flies is dealt with by fly screens and controls replaced periodically. The distance to the nearest properties means the smell is limited and the prevailing westerly winds will reduce the impact on adjoining property.

Listed Buildings

Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 details the statutory duty of Local Planning Authorities in determining planning applications to have special regard to the desirability of preserving a listed building, its setting or any features of architectural or historic interest which it possesses.

The nearest listed property is Wern Farmhouse which is in ownership of the applicant which is approximately 160 metres south of the proposed site. The village of Gladestry some 1km to the south west and contains a number of listed buildings including a grade I listed church.

The Officers are mindful of the advice contained in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states:

“Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, it is also important to refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 2016 which states, *“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”*

The building is on the opposite side of the road from Wern Farmhouse, which is set back some distance from the road. Wern Farmhouse has its gable facing the road and the farmyard is clustered within its existing farm ranges and is only readily apparent as a dwelling from the roadside by its chimneys.

It is acknowledged that there are no other buildings on the opposite side of the road in this location and the building will be a new siting, however the Officers would not consider that this proposal in its current form would unacceptably affect the setting of the listed building. The Heritage Officer further notes that the proposed landscaping, slate colour of roof and given its location would have no objections to the proposal in terms of the setting of the listed building.

The setting has already been compromised by the provision of existing agricultural buildings and therefore, it is not considered that the proposed development would further harm the setting of the said listed building. The proposed development is therefore considered to be in accordance with relevant planning policy.

Scheduled Ancient Monuments (SAMs)

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings.

- Worsell Wood cairn cemetery (RD151)

The above identified SAM is approximately 2.5km north east of the proposed site. Therefore in consideration of the existing natural vegetation and distances involved between the proposed building and identified SAM, it is considered that the proposed development would not unacceptably affect the site or setting of this Scheduled Ancient Monument in accordance with UDP Policy ENV17 and ENV18.

In light of the above, Development Management considers the proposed development to be in accordance with policies ENV14 and ENV17 of the Powys Unitary Development Plan, Welsh Office Circular 61/96 and Planning Policy Wales.

Transport and Infrastructure

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 construction of the proposed building will warrant an upgrade to the existing agricultural access that already serves the field of B4594. The submission states that pre-application discussions did take place with the Highways Officers and advice on access improvements has been incorporated into the submission. The submission states that there will be a base course and concrete wearing course for the first 15 metres away from the highway edge, with a proposed gradient of 1m over the 15m away from the highway edge.

The proposed poultry unit would require the following vehicular activity;

- Bird delivery/collection: 2 lorries once every 14 months;
- Egg collection: 2 collections once a week;
- Feed delivery: 3 deliveries once a month;
- Manure movement: 2 movements once a week

Public representations are noted in this respect, however in light of the above and given the comments received from the Highway Authority and suggested conditions in order to improve the visibility at the existing access point, it is not considered that the proposed development will have an unacceptable adverse impact on the highway safety and movement. Development Management is thereby satisfied that the proposed development is in accordance with policies GP4 and EC1 of the Powys Unitary Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

Flooding

No part of the site is within designated flood zone and NRW has not raised any flooding issues potentially associated within the site.

Environmental Considerations

Guidance contained within UDP policies ENV3, ENV4, ENV5 and ENV6 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest.

Protected Species

An ecology survey report has been prepared to accompany the application (Ramm Sanderson, April 2016). The footprint of the proposal is comprised of short grazed improved pasture and surrounding hedgerows are to be retained and extended or reinforced in areas to enhance the level of visual screening provided. As a result the report concludes that the proposed site is generally considered to be of limited ecological value and the proposals are considered likely to have negligible impacts upon local flora or fauna.

The report does make recommendations to minimise the risks of impacting GCNs and breeding birds during clearance and construction works, and also makes recommendations regarding the lighting of the proposed unit to limit impacts upon foraging bats. Enhancement recommendations are also made with respect to the planting of hedgerows which is proposed to provide visual screening of the constructed unit.

NRW confirms that they hold records of dormice 360m north of the proposal, there are records of bats and newts in the vicinity and there are several ponds located approximately 280m away from the proposed shed. Given this it was recommended that an ecological assessment of the potential impact on hedgerows and protected species (with focus on great crested newts and dormice) would be required at planning stage. NRW acknowledges that ecological report has been submitted in support of this application which has been reviewed, however they note that the report does not acknowledge the presence of, or address any likely impact on dormice, despite its appearance in table 3 (desk study). The potential to directly impact dormice and the severance of habitat connectivity should have assessed. NRW have assessed the hedge line on the western side of the B4594 and the stretch immediately south east of the proposal and it is not considered to be optimal and therefore habitat connectivity for dormice is therefore not a significant issue in this location. NRW considered that if the reasonable avoidance measures (RAMs) identified for bats and great crested newts in section 6 of the report are implemented they will address any concerns of direct impact on dormice should they be present within the existing hedgerows and have recommended inclusion of a condition in the decision notice to that respect.

Following a representation from Radnorshire Wildlife Trust that raised concerns regarding dormice, a European protected species, NRW have re-examined the case and in that respect they have requested additional ranging plan to be provided by the applicant that clearly shows the size and extent of the free range area, a fenced out 10m buffer alongside any watercourse, and a fenced out 2m buffer from the centreline of the hedges which will mitigate impacts on dormice arising from the development proposal.

Following the submission of a requested plan (Ref: 02/12/16 Range Area-Fence/Watercourse Buffer/CH) which shows that the ranging areas fenced with appropriate buffers from the hedgerows (2m) and watercourses (10m), NRW confirms its acceptance. It is also important

to note that the County Ecologist has also requested a number of safeguarding conditions which could be placed on the decision notice.

Air Quality

With regard to the ammonia emissions, the submitted SCAIL modelling report considers the potential impacts upon nearby SSSIs and SAC. It is important to note that NRW's current air quality screening criteria consider the impact that a unit may have on any SSSI within 5km of the unit and any SAC within 10km of a poultry unit. NRW notes that they are only commenting in relation to the part of the site in Wales, while Natural England has also been consulted in respect of the application and their comments will be provided further in this report.

NRW have reviewed the submitted SCAIL results and have made the following comments:

Natura 2000 Sites within 10km

River Wye SAC (including River Wye (Lower Wye) SSSI)

Background ammonia is 1.93µg/m³ and background nitrogen deposition is 16.94kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 10kgN/ha/yr for the site. The farm contribution to ammonia is 0.0µg/m³ (1% of critical level) and to nitrogen is 0.05kgN/ha/yr (0.5% of the critical load).

- *Rhos Goch SAC (including Rhos Goch Common SSSI)*

Background ammonia is 1.71µg/m³ and background nitrogen deposition is 18.48kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 5kgN/ha/yr for the site. The farm contribution to ammonia is 0.01µg/m³ (1% of critical level) and to nitrogen is 0.05kgN/ha/yr (0.5% of the critical load).

SSSIs within 5km

- *Dolyhir Meadows SSSI*

Background ammonia is 1.71µg/m³ and background nitrogen deposition is 21.84kgN/ha/yr. The ammonia critical level is 3µg/m³ and the nitrogen critical load is 20kgN/ha/yr for the site. The farm contribution to ammonia is 0.04µg/m³ (1.3% of critical level) and to nitrogen is 0.21kgN/ha/yr (1.05% of the critical load).

- *Glascwm & Gladestry Hills SSSI*

Background ammonia is 1.71µg/m³ and background nitrogen deposition is 21.84kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 20kgN/ha/yr for the site. The farm contribution to ammonia is 0.03µg/m³ (3% of critical level) and to nitrogen is 0.16kgN/ha/yr (1.6% of the critical load).

- *Burfa Boglands SSSI, Radnor Forest SSSI, River Lugg SSSI, Cwm-Illa Brook Marsh SSSI*

Are located within Wales but are further than 5km and therefore not relevant for the assessment of this proposal.

Having reviewed the SCAIL report, NRW are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are **below** the thresholds that they

apply in their assessment of potential impacts on SSSI all the relevant SSSIs and SACs in Wales.

- *Bradnor Hill Quarry SSSI, Bushy Hazels & Cwmma Moors SSSI, Upper Welson Marsh SSSI, Quebb Meadow SSSI, Queestmoor Meadow SSSI, Flintsham & Titley Pools SSSI*

NRW advises that the above are located in England and Natural England will need to be consulted in relation to the potential impact of that the proposal may have on them.

Drainage and Pollution Prevention

With regards to the drainage of the site and in the light of public representations, NRW has requested additional detailed plan clearly showing how the applicant intends to dispose both foul and surface water from the building and ranging area applicant. Following the submission of the requested plan, the applicant has provided plan (plan no. 27/04/17 Foul and Surface Water Run-Off REV1/CH). NRW has confirmed that this requirement has been satisfied and that they are content with the proposed provisions for foul and surface water drainage. These proposed methods of drainage are considered appropriate ensuring that the water environment is not polluted in accordance with UDP Policies DC9, DC11 and DC13.

Manure Management

The application is supported by a Manure Management Plan that confirms that the applicant has sufficient land to spread the manure produced by the proposed development at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP). The plan identifies areas where manure spreading should not take place including around ditches and watercourses to help minimise the risk of pollution. As identified a 10m buffer should be maintained around watercourses and any other sensitive areas. Public representations have noted that the proposal presents a risk to water pollution due to the manure run-off into local watercourses, however NRW advises that no spreading should take place within 50m of springs, wells and boreholes (CoGAP), and that spreading of manure should be carried out in accordance with the CoGAP (i.e. not on wet, waterlogged, frozen, snow covered or steeply sloping ground). The applicant has stated that all manure will be removed from the site using tractor and trailer and stored in field heaps which is CoGAP compliant and that in addition to this, the heaps will be sheeted. Furthermore, the applicant has provided a plan (Ref: 02/12/16 Range Area-Fence/Watercourse Buffer/CH) which clearly shows that the ranging areas will be fenced with appropriate buffers from the hedgerows (2m) and watercourses (10m). In this respect NRW considered that this method is adequate and that this requirement has been therefore met.

Initially Natural England objected to the proposed development as no manure management plan have been provided to them which would indicate how manure will be disposed of, and indication of buffer areas to prevent runoff into watercourse which could have indirect impact on River Wye SAC. Following the provision of additional information as provided to NRW (as noted above), Natural England withdrew their initial objection and has now confirmed that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation (SAC), and as such there is no objection to the proposed development.

Impact on River Wye (SAC) and Natura 2000 Sites

The County Ecologist has carried out a Habitats Regulations Assessment Screening Report (HRA) in respect of this application.

The Officers note that the proposed works are located approximately 8.5km from the River Wye SAC, and that there are a number of small watercourses surrounding the ranging area and manure application areas which could form part of the River Wye Catchment area.

In introduction to the assessment the Officers note that any improper management of manure (including that associated with the ranging areas) and waste water produced by similar developments could result in nutrients entering the River Wye SAC catchment which could impact water quality and negatively impact sensitive vegetation communities and associated features of the River Wye SAC. Ammonia and nitrogen emissions generated by the proposed development have potential to impact habitats and their associated flora.

The following information has been provided with the application:

- Preliminary Ecological Appraisal Report by Ramm Sanderson dated April 2016.
- Manure Management Report and Plan produced by Cross Compliance Solutions Ltd. dated 10th June 2016.
- Simple Calculation of Atmospheric Impact Limits (SCAIL) assessment dated 1st March 2016.
- Range Layout Plan on drawing reference 02/12/16 Range Area-Fence/Watercourse Buffer/CH dated 02/12/16.
- Drainage Layout Plan 27/04/17 Foul and Surface Water Run-off Rev1/CH dated 27/04/17.

The Drainage Layout Plan identifies that foul and surface water will be managed to ensure that the development is undertaken in a manner that will ensure prevention of pollution of groundwater and nearby watercourses which in turn will prevent pollution of the River Wye and provide protection of the key indicator of Water Quality of the River Wye SAC. Dirty water will be diverted to a SSAFO certified dirty water storage tank, clean surface water will be directed to a soakaway to the north of the proposed building.

The Manure Management Plan identifies that there is sufficient land to dispose of the manure arising from the proposal and other existing units at the site at a rate that is consistent with the CoGAP recommended upper limit. The MMP shows 'no spread margins' where watercourses (10m) or springs (50m) exist within the proposed areas of manure application.

A fenced 10m buffer zone will be maintained between the boundary watercourses and the ranging area.

The ammonia and nitrogen SCAIL assessment identified that the farm contribution to ammonia would be 0.011g/m³ (which is 1% of the critical level) and to nitrogen 0.05kg kgN/ha/yr (0.5% of the critical load). NRW have confirmed in their response dated 11/08/16 that they are satisfied that the process contributions of ammonia and nitrogen deposition from

the proposed poultry unit are below the thresholds that are applied in the assessment of potential impacts on SACs.

Following the Assessment, the County Ecologist confirms that the development will not result in significant negative impacts to key indicators of conservation value i.e. water quality of the River Wye SAC, nor it will result in significant negative impacts through reduction in species density for the River Wye SAC. Furthermore, the assessment also confirms that the proposal would not result in significant negative impacts through disturbance to key species for the River Wye SAC (e.g. Otters).

Subject to the use of a condition to ensure the implementation of the mitigation and enhancement measures set out within the ecological assessment, Natural England and NRW have not objected to the proposal in respect of the impact upon protected sites and species and it is considered that the additional information received, combined with the use of planning conditions will allow for an appropriate development to proceed in accordance with the provisions of policies ENV3, ENV4, ENV5, ENV6 and ENV7 of the Powys Unitary Development Plan, Technical Advice Note 5 and Planning Policy Wales (Edition 9, November 2016).

Public Rights of Way

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

PRoW Officer confirms that a public footpath RB1413 encompasses part of the proposed development area however the footpath will not be directly affected by the main development. The applicant was advised to make necessary provisions in conjunction with Powys County Council Countryside Services for the provision of appropriate maintenance and provision of pedestrian gates. The applicant has confirmed that a 10m buffer strip will be maintained appropriately. The Officers also note that any associated development such as pedestrian gates at the footpath entrance will need a separate consent from the Authority.

The comments from the Countryside Services will be attached to any consent as an informative.

Development Management acknowledges that the proposed development will introduce a man-made, feature within the landscape, which in some locations will be visible through intrusion and obstruction. Nevertheless, the views of the proposed building from the from elevated views of Hergest Ridge and the Offa's Dyke Path, the development is not considered to be unduly out of character with the open countryside setting which does have a number of dispersed clusters of agricultural buildings in the locality. Mitigation through the use of appropriately coloured cladding and additional landscaping of the proposal will reduce the impact to an acceptable level. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be of minor significance.

As discussed already, the visual and landscape impacts are considered acceptable subject to landscaping measures and as such it is considered that the environmental setting of

established tourist attractions would not be unacceptably adversely affected by the proposal in accordance with UDP Policy TR2.

Matters raised within objections

The report above addresses the majority of the matters raised within the representations received and provides justification for Development Management's judgements. There were also comments made regarding the devaluation of property in the area but this is not a material planning matter that can be given weight in the determination of this planning application.

Public representations note that the proposal will have health impacts on a local school albeit being 1.3km away from the site. Although fear of health risks has been established as a valid planning concern, it must be limited in accordance with the actual possibility of the risk being well founded. In this instance, no such evidence has been forthcoming. Planning Policy Wales clearly states that:

“The planning system should determine whether a development is an acceptable use of land and should control other development in proximity to potential sources of pollution rather than seeking to control the processes or substances used in any particular development. Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies. They should not seek to control through planning measures, matters that are the proper concern of the pollution control authority.

These regimes are set out in the Environment Act 1995, the Environmental Protection Act 1990, the Water Resources Act 1991 and the regulatory regimes introduced by the Pollution Prevention and Control Act 1999. Each of these may have a bearing on the environmental controls imposed on the development in respect of environmental and health concerns and planning authorities will need to ensure that planning conditions do not duplicate or contradict measures more appropriately controlled under these regimes”.

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

Other legislative requirements

Crime and Disorder Act 1998

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

Planning (Wales) Act 2015 (Welsh language)

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

Wellbeing of Future Generations (Wales) Act 2015

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

Recommendation

Having carefully considered the proposed development, Officers are satisfied that the proposed development is in accordance with the listed planning policies. It is considered that the proposed development will contribute to the diversification of the existing farm enterprise whilst avoiding any unacceptable adverse harm to the environment, landscape or amenities enjoyed by residents of the surrounding area.

In light of the above, the recommendation is one of approval subject to the conditions detailed below

Conditions:

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

2. The development shall be carried out strictly in accordance with the plans stamped as approved on xxxxx and submitted material samples (drawing no's: 05/07/16- Location Plan/CH, 16012-Elevation Plan, 27/04/17/Foul and Surface Water run-off REV1/CH, 27/04/17, 02/12/16/Range Area-Fence/Watercourse Buffer/CH, 26/01/17/ Profile View Existing/Proposed Ground Levels/CH, 28/01/17/Proposed Planting Plan/CH, 30/08/16/Paddocks and Verandas/CH, together with associated documents; namely: Design and Access Statement, Ecology Report by RammSanderson Ecology Consultancy _ report ref.no. RSE_552_01_V1 dated April 2016, SCAIL report/data, Manure Plan dated 10th June 2016, Dispersion and Deposition of Ammonia Report dated 24th August 2016).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.

5. The landscaping scheme as shown on the approved plan shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

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

7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 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.

8. The centre line of the first 15 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.

9. 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 120 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.

10. No further development shall commence until the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

11. Prior to the operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than three cars excluding any garage space provided and two heavy goods vehicles 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.

12. No further development shall commence until provision has been 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.

13. The width of the access carriageway, constructed as Condition 10 above, shall be not less than 6 metres for a minimum distance of 15 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.

14. Upon formation of the visibility splays as detailed in Condition 9 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.

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

16. 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.

17. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

18. 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.

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. All stored manure shall be stored on level ground, and no manure shall be stored over field drains or within 10 metres of a watercourse.

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

21. 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.

22. 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.

23. No light source shall be directly visible to the public highway users on the adjacent B4594 County Highway.

24. Prior to commencement of development a pollution management/mitigation scheme 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.

25. 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 Local Planning Authority.

26. The mitigation regarding bats, great crested newts and breeding birds in section 6 of the ecological report by RammSanderson April 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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 GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
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 policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

5. 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 policies GP1 and ENV2 of the Powys Unitary Development Plan.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
16. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
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23. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
24. 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, 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.
25. 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, 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.
26. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.

Informative Notes

- *Rights of Way - The applicant/developer should be aware of the necessity of making sure that the nearby rights of way is not obstructed during any works and that they remain fully available for public use during and after any works.*

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