

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0697	Grid Ref:	320763.62, 296322.46
Community Council:	Montgomery	Valid Date:	Officer: 20/06/2017 Bryn Pryce
Applicant:	Mr. Will Jones GW & WW Jones, Hill Farm, Montgomery, Powys SY15 6HL		
Location:	Land west of Hill Farm, Llandyssil, Montgomery Powys SY15 6HL		
Proposal:	FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

This application is to be determined by committee as the application has been called in by the local member.

Site Location and Description

This site is located off the C2143 classified highway approximately 1.4 miles west of Montgomery. The proposed site occupies an area of agricultural land currently used for grazing purposes. The proposed site is detached from the main farm complex and building being located approximately 700 metres to the north west of the farm house. The site is bound by agricultural land with mature field boundaries.

Consent is sought in full for the erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access. The proposed pig unit is to accommodate 1980 pigs in total, each building is to accommodate 990 pigs operating on a 20 weeks cycle.

The proposed 2 no.livestock buildings are to measure 61 metres in length, 15.5 metres in width, 4.26 metres in height to the eaves and 6.3 metres in height to the ridge. The proposed manure store building is to measure 41 metres in length, 9.1 metres in width, 4.2 metres in height to the eaves and 5.4 metres in height to the ridge. The site is also to accommodate two feed hoppers to measure approximately 7.6 metres in height. The proposed buildings are to be constructed with walls of concrete panels and gale breaker curtains above. The roof is to be of fibre cement sheeting natural grey in colour.

Access to the application site will be facilitated via a new access onto the C2143 classified highway with the access road being laid to tarmac and crushed stone. The site around the buildings is to have an area of hardstanding of crushed stone for parking and turning of vehicles.

Consultee Response

Montgomery CC

Correspondence received 30th July 2017

Application Ref P2017/0697 – Erection of 2 no. Livestock buildings and a covered manure store, together with 2 no feed bins, hardstanding and access at Land west of Hill Farm, Hyssington, Montgomery.

Consultation Response

Although Montgomery Town Council support diversification for businesses, at the meeting of the Town Council held on 27th July 2017 concerns re the above application were expressed as below.

1. Concerns around the Infrastructure of the narrow roads which would carry heavy traffic and lack of passing places for other road users.
2. Concerns re Water requirements for such a considerable amount of stock.
3. Local knowledge concerning Drainage and contamination of land and water supplies.
4. Concerns where manure will be spread as land indicated is close to housing and on the boundary of the River Severn. A parcel of land is due for development under LDP in the near future will not be in use where will the manure go?
5. There appears to be a number of discrepancies on the plans provided and misleading information.
6. Concerns re Ammonia which could be above the levels allowed.
7. This area has designated footpaths for walkers and cycle paths and is a registered historic landscape.

I trust consideration will be given to these concerns.

Llandyssil Community Council

Correspondence received 4th August 2017

I refer to the above application.

The council considered this application and wished to have their views recorded.

There would be a vast increase in HGV along this lane consideration should be given as to the most appropriate route to this development and the route chosen should have the appropriate number of passing places constructed to assist with the increase the number of HGV

PCC - Highways

Correspondence received 21st September 2017

The County Council as Highway Authority for the County Class III Highway, C2143

Wish the following recommendations/Observations be applied

Recommendations/Observations

Prior to the commencement of any development within the site the applicant shall submit and have approved in writing by the local planning authority full details of the HGV transport route to and from the site together with a schedule of delivery times. The approved routing agreement shall thereafter be fully complied with for the duration of the development.

- HC1 Prior to the beneficial use of the development any entrance gates shall be set back at least 20 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.
- HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining. 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 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 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 3 cars and 3 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 Prior to 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 0.4 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 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the first beneficial use of the development a radius of 15 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
- HC21 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
- HC22 Upon construction of the access as condition HC7 above any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
- HC26 When constructed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the soakaway installation.
- HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained 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.
- HC37 Prior to any works being commenced on the development site the applicant shall construct 5 passing bays, the specification and locations of which are to be submitted and agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

In the interests of highway safety.

Wales & West Utilities

Correspondence received 30th June 2017

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.

Severn Trent

Correspondence received 7th July 2017

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC - Environmental Health

Correspondence received 12th July 2017

Re: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access.

Odour impact

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

Noise impact

Fixed plant: The plans show that the agricultural buildings do not include any fixed mechanical ventilation plant, therefore there is no requirement for a noise impact assessment.

Collections/deliveries: For the protection of amenity Environmental Protection would recommend the following condition:

“Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 – 1900 Monday to Saturday, and at no time on Sundays or Bank Holidays.”

Dust

There are no sensitive receptors located within 250m of the proposed development, therefore there is no requirement for a dust impact assessment.

PCC - Rights of Way (adj to site)

Correspondence received 20th September 2017

I can confirm that the proposed development will not affect any public right of way.

PCC - Ecologist

Correspondence received 11th July 2017

Planning Application Reference	P/2017/0697
Project Name / Description	for FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access at Land west of Hill Farm, Hyssington, Montgomery, Powys.
Consultation Deadline	18/07/2017

Ecological Topic		Observations
EIA Screening Opinion needed?	Yes	During pre-application consultation PCC confirmed that the proposed scheme is an intensive livestock installation which falls below the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016, Schedule 1 threshold for this type of development of 3,000 places for production pigs (over 30kg), but exceeds the Schedule 2 threshold of having a floor space area higher than 500m ² (2266m ²). PCC therefore explained that the applicant may wish to seek a formal EIA Screening Opinion prior to submitting a planning application. Since this does not appear to have been requested to date I recommend that PCC provide a formal EIA Screening Opinion for this proposal prior to determination of the application.
Ecological Information included with application?	Yes	<p>A preliminary ecological appraisal of the site has been completed and the accompanying report submitted with the application (Emms and Barnet, April 2017). The report generally accords with Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009) but refers to the NERC Act 2006. The Environment (Wales) Act 2016 has now replaced the duty in section 40 of the NERC Act in relation to Wales, with a duty on public authorities to seek to maintain and enhance biodiversity. The Environment (Wales) Act has therefore been referred to when making these observations.</p> <p>Historical biodiversity records provided by the Powys and Brecon Beacons National Park</p>

		<p>Biodiversity Information Service have also been reviewed to inform these observations.</p> <p>The PEA report confirms that habitats at the site comprise improved grassland throughout, intact native species-rich hedgerows bordering the north and west (of which the northern hedge would need to be breached to create a new access and visibility splay), a mature oak tree within the western hedgerow and one to the east of the site and a shallow drainage channel which would be crossed by the new access track.</p> <p>The PEA report identifies that the site and adjacent habitats provide potentially suitable habitat for bats, nesting birds, amphibians including Great Crested Newt and reptiles.</p>
Protected Species & Habitats¹	European Species <input checked="" type="checkbox"/>	<p>Within 2km of the site there are historical records of Common and Soprano Pipistrelle bats (within 560m at the closest).</p> <p>The ecology report confirms that no potential bat roosting features would be lost to the development. The hedgerows could provide foraging opportunities but, with the exception of a small length being removed for access, would remain in situ. However, recommendations for sensitive lighting are made to avoid adverse impacts on bats. Enhancement measures for bats in the form of two tree roosting boxes are also recommended and would be welcomed.</p> <p>The ecology report concludes that no impacts on otters or dormice are likely. There are no ponds on or within 500m of the site. However, since the ecology report concludes that great crested newt could be present at the base of the hedgerows (which are mostly to be retained) mitigation activities (involving site management and a pre-clearance fingertip search by an ecologist to reduce the chances of harm to any amphibians during the construction phase) are provided.</p>
	UK Species <input checked="" type="checkbox"/>	<p>Within 2km of the site there are historical records of nesting bird species including House Sparrow, Dunnock and Song Thrush (within 499m at the closest).</p>

¹ Species records within 1km (minimum).

		<p>The ecology report concludes that amphibians, common lizard and slow worm may be present in the bases of the hedgerows (which are mostly to be retained) and grass snake and adder may be present in the wider area. Mitigation activities involving site management and a pre-clearance fingertip search by an ecologist to reduce the chances of harm to any reptiles and amphibians during the construction phase are therefore provided.</p> <p>The ecology report also confirms that the hedgerows provide bird nesting opportunities and old blackbird nests were found in both hedgerows. The report therefore recommends that any operations that could disturb bird nesting habitat are conducted outside of the bird nesting season (March – August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the works and, depending on the presence and location of nesting birds, site clearance may need to cease until the young have fledged.</p> <p>The ecology report recommends two bird nest boxes to be installed on adjacent trees as a biodiversity enhancement measure, and these would be welcomed.</p>
	<p>Section 7 Species & Habitats <input checked="" type="checkbox"/></p>	<p>In addition to those species listed above, there is a historical record of hare within 867m of the site.</p> <p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are present to the north and west of the site, although the majority of these would be retained within the development except for a section of the northern hedgerow to be breached for access; replacement hedgerow planting along the new visibility splay is proposed to mitigate for the loss of this section. The ecology report states that the existing and retained boundary hedgerows and trees shall be protected during the works in accordance with BS5837:2012.</p> <p>The ecology report also proposes that native species (preferably of local origin) are used in the</p>

		<p>landscaping design. Landscape proposals plans (Allan Moss Associates Ltd., May 2017) have been submitted with the application and show locations of and specifications for additional hedgerow planting, native woodland planting and rough grassland seeding, which comprise native species.</p> <p>Rivers are included on the list of habitats of principal importance for conservation of biological diversity of Wales. A Manure Management Plan (Farming Connect, May 2017) has been submitted with the application. Numerous watercourses run through the proposed manure spreading areas shown in the Manure Management Risk Maps; part of the Management Plan provided with the application. Recommendations within the plan and the risk maps provided in the Appendix appear to show sufficient buffer areas where watercourses or springs exist within the proposed areas of manure spreading.</p> <p>A Method Statement and Pollution Prevention Plan have also been submitted with this application and includes measures to prevent water pollution during the construction phase.</p>
	LBAP Species & Habitats <input checked="" type="checkbox"/>	Please refer to the observations above.
Protected Sites	International Sites ² <input checked="" type="checkbox"/>	<p>None within 2km, but component parts of the Montgomery Canal SAC are within 5km. A Report on the Modelling of the Dispersion and Distribution of Ammonia has been completed by AS Modelling (April 2017) using Natural Resources Wales' Operational Guidance Note 41: <i>Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission</i>, March 2017.</p> <p>The Ammonia Report predicts that the process contributions to the annual mean ammonia level and the annual nitrogen deposition rate would be below the NRW lower threshold percentage of Critical Level or Load (1%) for internationally designated sites at the Montgomery Canal SAC. No significant effects on this site are therefore envisaged.</p>

² 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.

	National Sites ³ <input checked="" type="checkbox"/>	None within 2km. The ecology report confirms that the Montgomery Canal SSSI is located approximately 2.74km south-west of the development. The Ammonia Report predicts that the process contributions to annual mean ammonia level and the annual nitrogen deposition rate would be below the NRW lower threshold percentage of Critical Level or Load (1%) for SSSI's at the Montgomery Canal SSSI. No significant effects on this site are therefore envisaged.
	Local Sites (within 500m) <input checked="" type="checkbox"/>	The Ammonia Modelling report identifies several Ancient Woodlands within 2km of the site, the closest being 210m to the north-west. The Ammonia Modelling report predicts that the process contribution to the annual mean ammonia concentration would exceed 100% of the Critical Level and Load over the Ancient Woodlands 230m east of the site. Native woodland and hedgerow/tree planting as well as rough grassland seeding are therefore proposed at the site, which would appear to be intended as a compensation measure/buffer for potential adverse impacts on the Ancient Woodlands.
Invasive Non-Native Species	No	The PEA report confirms that no invasive, non-native plant species were observed at the site, but Rabbits are present and Grey Squirrels probably use the habitats on the site.
Recommendations		<p>I consider that sufficient information has been provided to determine the ecological impact of this application.</p> <p>Since great crested newts, other amphibians and reptiles could be present at the base of the hedgerows (which are mostly to be retained) mitigation activities involving site management and a pre-clearance fingertip search by an ecologist to reduce the chances of harm to any amphibians or reptiles during the construction phase are provided in the ecology report.</p> <p>The ecology report recommends that any operations that could disturb bird nesting habitat are conducted outside of the bird nesting season (March – August inclusive). If this is not possible a pre-construction nesting bird check should be made immediately in advance of the works and, depending on the presence and location of nesting birds, site clearance may need to cease until</p>

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

	<p>the young have fledged.</p> <p>The ecology report recommends that two bird nest boxes and two bat roosting boxes are installed on adjacent trees as a biodiversity enhancement measure.</p> <p>The ecology report states that the existing and retained boundary hedgerows and trees shall be protected during the works in accordance with BS5837:2012.</p> <p>The ecology report also proposes that native species (preferably of local origin) are used in the landscaping design and acceptable specifications for this are provided on drawing number 1489.01 by Allan Moss Associates Ltd (May 2017). This would appear to compensate for the process contribution to the annual mean ammonia concentration exceeding 100% of the Critical Level and Load over the Ancient Woodlands 230m east of the site, and possibly contribute to buffering this impact.</p> <p>I recommend that all of the measures above as well as those within the Manure Management Plan and Method Statement and Pollution Prevention Plan are implemented as proposed.</p>
<p>Further information required prior to determination of application</p>	<p>Since a formal EIA Screening Opinion does not appear to have been requested to date PCC should provide this prior to determination of the application.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding hedgerows, trees, great crested newts, amphibians, reptiles, nesting birds, bats and other wildlife identified in pages 18-20 of the Ecological Report by Emms and Barnett dated April 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> 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,</p>

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

The Landscaping Scheme specifications and aftercare measures identified on drawing number 1489.01 (Landscape Proposals) by Allan Moss Associates Ltd. (May 2017) shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including the enhancements recommended for wildlife habitats, native planting, nesting birds and roosting bats in the Ecology Report by Emms and Barnet dated April 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

The Method Statement and Pollution Prevention Plan submitted with the application shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

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

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

No manure from the pig production unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 200m of any watercourse, protected dwelling or SSSI.

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

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

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

TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

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

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

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

The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
Comments on Additional Information	N/A

Document Author	Chris Jones	Approved by	Rhydian Roberts
Version	1	Approved Date	11/07/2017

NRW

Correspondence received 25th July 2017

FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access Land west of Hill Farm Hyssington Montgomery Powys SY15 6HL

Thank you for consulting us on the above proposal for the housing of 1980 pigs received on 27th June 2017. We have previously given pre-app advice on 10th February 2017 CAS-28497-G3J2 in which we advised that the planning submissions should include a drainage plan, manure management plan and pollution prevention plan.

We recommend that you should only grant planning permission if you attach the following condition. This condition 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 - Bats light spillage scheme.

Care should be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

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

We have reviewed the Preliminary Ecological Appraisal dated April 2017 by Emms and Barnett and we consider that the trees and hedgerows surrounding the proposed development site are likely to be used by bats for roosting and foraging and as flight paths. Should your authority be minded to grant planning permission, we advise that a suitable condition is attached to the permission to avoid disturbance to bats.

Security lighting must be installed in a way that minimises light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site). Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps.

Air Quality: Protected Sites

- **Montgomery Canal SAC (2.8km)**

When we commented on the proposal at pre-app stage the submitted SCAIL report had shown that farm ammonia process contribution would be $0.35\mu\text{g}/\text{m}^3$, which is 11.67% of the $3\mu\text{g}/\text{m}^3$ ammonia critical level. We recommended that a detailed air quality modelling report should be submitted with the planning application.

We have reviewed the Air Quality report dated 7th April 2017 which shows in tables 5 and 6 that the highest contributions are at receptor 21 on the Montgomery Canal SAC.

The background ammonia is $2.11\mu\text{g}/\text{m}^3$. The ammonia critical level is $3\mu\text{g}/\text{m}^3$

The farm ammonia process contribution is $0.017\mu\text{g}/\text{m}^3$, which is 0.6 % of the $3\mu\text{g}/\text{m}^3$ ammonia critical level and to nitrogen is $0.02\text{ kgN}/\text{ha}/\text{yr}$ (which is 0.7% of the critical load)

In conclusion, we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are below the thresholds that we apply in our assessment of potential impacts on SACs.

Drainage, Water Quality and Pollution Prevention Design

The submitted plan dwg. Number IP/WJ/02 shows the position of the SSAFO dirty water tank and concrete apron, and the soakaways for clean water. The pathways for foul and clean water are further explained in the method statement and pollution prevention plan and report L0069/1 by Hydrologic Services dated May 2017.

A drawing has been submitted which shows the access across the small watercourse that requires culverting. The applicant will require Land Drainage Consent from the Lead Local Flood Authority.

Pollution Prevention

The method statement pollution prevention plan includes consideration of potential pollution during construction including an explanation of the culvert and section 6 addresses the foul water drainage during the operation of the proposal.

Manure Management Plan

The map submitted with the manure management plan shows the risk areas and suitable buffers around sensitive receptors. We note that a roofed manure store is included in the proposal and no slurry will be produced which shows that there is suitable contingency.

The spreadable area is 80.68ha. The manure management plan considers the manure produced by the pigs housed in the proposed unit and it does not consider the 600 breeding ewes and 150 lambs housed outside.

The pigs will produce 17827 kilograms of nitrogen, so this would result in a spreading rate of $220\text{ kgN}/\text{ha}$, although with the additional manure from the sheep housed outside the nutrient load on the land could be much higher. The applicant will need to ensure that they apply manure in accordance with the nutrient requirement of the land and do not exceed the Code of Good Agricultural Practice (CoGAP) recommended upper limit of $250\text{kg Nitrogen}/\text{ha}$.

Environmental Permitting

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

- **Intensive Farming**

The current planning application is for two livestock buildings to hold 1980 pigs and a covered manure store. For pigs the threshold for permitting is 2,000 places for production pigs (over 30kg), or 750 places for sows.

If the future number of pigs is increased or the type of pigs are changed then the operator of the unit may require a permit to comply with The Environmental Permitting (England and Wales) Regulations 2016.

- **Abstractions**

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

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

- **Discharges**

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

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

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

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

Scope of NRW Comments

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

PCC – Land Drainage

Correspondence received 21st September 2017

Thank you for consulting the LLFA. Having reviewed the submitted documentation the LLFA would make the following observations/comments/recommendations:-

Local Flood Risk/Land Drainage

Observation: The findings of the 'FCA and Surface Water Management Plan' prepared by Hydro-Logic Services dated May 2017, is generally acceptable. However, and for clarity, the 'ditch' mentioned in the document, over which the access track is being placed, is classified as an 'Ordinary' watercourse, as defined in the Land Drainage Act 1991.

Comment: In order to safeguard the watercourse channel, the minimum requirement would be to allow for a 5 metre buffer strip adjacent to top of bank of the watercourse, which would also allow for any overland flows. No buildings, structures or alteration of contours shall take place within this 5 metre strip without prior permission from the Planning Authority.

The LLFA would point out that the Developer will need to secure an Ordinary Watercourse Consent for the proposed culverting beneath the proposed access track. The detailed design submitted on drawing ref IP/WJ/05 –'culvert detail' dated May 2017, is not deemed acceptable. Best practise design should be followed as set out in CIRIA C689 – 'Culvert design and operation guide'.

Recommendation: No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Planning Authority.

Recommendation: Prior to commencement on site, a detailed design for the access track culvert structure shall be submitted to and approved in writing by the LPA. The design of the culvert shall follow CIRIA C689 – Culvert design and operation guide. The approved culvert scheme shall be completed before the site becomes operational.

Reason: To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.

Informative: The LLFA is, in general, opposed to culverting of 'Ordinary' watercourses but culverting for development access purposes is acceptable if this is kept to a minimum. Any proposed culverting (or alteration of an existing culvert structure) which effects an Ordinary watercourse, will require the prior consent from the LLFA (Powys County Council) under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010) before work commences. Relevant application forms and guidance should be sought from the County Council's Land Drainage team (land.drainage@powys.gov.uk). Formal application would need to be accompanied by hydraulic calculations to determine the sizing

of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

Surface Water Run-off

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to soakaway. Further reference to the use of soakaways is made within the ‘FCA and Surface Water Management Plan’ prepared by Hydro-Logic Services dated May 2017. Calculations and an indicative layout drawing(s) have been provided within the FCA and Surface Water Management Plan to demonstrate the use and suitability of soakaways on this site. The report findings are deemed acceptable. However, the amended drawing ref IP/WJ/02A dated Sept 2017, does not show the recommended Access Track Infiltration Trenches which are shown in the report, Figure B-4 ‘Outline surface water management plan’.

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

The use of soakaways is commended for surface water disposal. Porosity tests and the sizing of the soakaways have been designed in accordance with BRE Digest 365 and, cater for a 1 in 100 year return storm event plus an allowance for climate change.

Full drainage details/drawings should be submitted and approved in writing by the LPA.

No surface water run-off shall flow onto the existing public highway.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The design of the surface water scheme shall follow the principles set out in the FCA and Surface Water Management Plan report prepared by Hydro-Logic Services dated May 2017. The approved drainage scheme shall be completed before the site becomes operational.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

CADW

Correspondence received 17th July 2017

Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access at Land west of Hill Farm, Hyssington, Montgomery, Powys.

Thank you for your letter inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG015 Ffridd Faldwyn Camp. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

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

National Policy

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

Technical Advice Notes and circular guidance.

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

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

Assessment

The proposed development is located some 810m west-south-west of scheduled monument MG015 Ffridd Faldwyn Camp. The hillfort is located in strong commanding position, with views in all directions: however, the most significant views are to the northwest, north and northeast across the valleys of the Severn and its' tributary the Camlad. The view of the important ford crossing the Severn known as Rhydwhyman to the northwest is noted as being of particular significance.

The proposed development consists of two parallel pitched roofed agricultural buildings with a pitch roofed manure store. New areas of native woodland will be planted to the north and south with the existing hedgerows to the east and west reinforced by additional planting.

The proposed development will be located in a steep sided valley. It is not located in one of the identified significant views from the scheduled monument and it appears that the view will be blocked or extensively screened by topography and the existing and proposed vegetation. As such, in our opinion, the proposed development is unlikely to have an impact on the setting of scheduled monument MG015

CPAT

Correspondence received 13th July 2017

Thank you for the consultation on this application.

I write to confirm that there are no archaeological implications for the proposed development at this location.

Representations

A public site notice was displayed at the site for a period of 21 days. The application has been advertised in the local press.

A number of third party representations have been received by Development Management at the time of writing this report. The comments received are summarised below:

- Access and Egress to and from the site.
- Ammonia Drift
- Effect on local economy and community
- Effect on local wildlife
- Effect on local Watercourses
- Pests and Vermin
- Inadequate access and highway route that is not suitable for HGV's
- Increased volume of traffic

- Impact upon Ancient Woodland and compensatory measures not justified or acceptable
- Effect on rural setting of the area
- Effect of effluent on rivers and fishing
- Smell/Odour impact on neighbouring dwellings
- Size of proposed development
- Construction traffic as a result of proposal
- Danger of HGV traffic posed to pedestrians/cyclists/horse riders
- Contamination of watercourses with the existing culvert on site
- Traffic routed through Abermule
- Ecological Impact
- High scenic qualities of the area
- Impact upon tourism
- Impact on water table

In addition to the comments received above we have received a petition signed by 105 local resident of Llandyssil and a separate petition signed by 49 residents of Abermule both in objection to the proposed development on the ground of the increase in HGV traffic and the proposed routing of the vehicles.

Montgomeryshire Wildlife Trust

Correspondence received 13th July 2017

Planning Application P/2017/0697: FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access at Land west of Hill Farm Hyssington, Montgomery, Powys, SY15 6HL.

With reference to the above planning application, Montgomeryshire Wildlife Trust wishes to bring the following to your attention.

Preliminary Ecological Appraisal

The Preliminary Ecological Appraisal supporting this application does not consider the full impacts of the proposed development:

1. The area assessed totalled 0.6ha, i.e. the direct development footprint. This therefore does not include the approximately 80ha of land which would be affected by manure applications.
2. The appraisal does not include a full desk-based study, as no data search was obtained from the Local Environmental Record Centre (LERC), which for this area is the Biodiversity Information Service for Powys & Brecon Beacons National Park (BIS). Also MAGIC does not cover Wales. This is justified as follows: "*A public records search was not commissioned as a part of this survey due to the restricted scale of the development proposals and limited potential for impacts to arise outside the site.*" However, bearing mind point 1. above, this approach is inappropriate.

3. Dormice are dismissed due to the poor quality of the hedgerows surrounding the 0.6ha area assessed. However, hedgerows provide important habitat connectivity for dormice. There are areas of woodland and trees, potentially supporting dormouse populations, nearby, including an ancient woodland along the southern boundary of the proposed manure treatment area.

4. Bearing in mind the narrow lane access to this development and the resulting increase in large vehicles accessing the site, both during development and once in production, consideration should be given to the impacts of these vehicles on the flora and fauna along the route.

Manure Management Plan

The Manure Management Plan does not appear to consider topography or hydrology of the site. This information is essential in understanding the impacts of manure applications. The applicant may also wish to consider the potential impacts of this proposal on those areas of the farm within Glastir.

The potential impacts on air quality of these completely new, large manure inputs should also be fully assessed.

More information needed for determination

With the above in mind, we believe that the Local Authority would be unable to determine this application without additional information. Specifically:

- Ecological assessment of the entire area affected, including full desk study
- Amended Manure Management Plan which fully considers the topography and hydrology of the site, as well as the resulting effects on air quality.

Let us remind you that the Local Authority has a duty, under Section 6 of the Environment (Wales) Act, to seek to maintain and enhance biodiversity and to promote the resilience of ecosystems.

If there is any other information the Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

CPRW

Correspondence received 27th July 2017

1. Consultation

Pre-application consultations for larger developments are relatively new in the planning system. Having observed a number of these in practice it is evident that procedures are currently far from rigorous and implementation remains to be standardised to ensure robustness and efficacy.

There are a number of general issues:

- siting of pre-application consultation notices;
- availability of plans and other documentation which need to be available at a 'neutral,' and easily accessible venue.
- awareness of the local community. In some cases all proximate properties have been contacted in others, including 0697, no nearby residents were made aware of the pending application and only statutory consultees received notification
- accuracy of description of the application. In the case of 0697 this was posted as an application for two livestock barns; not technically inaccurate but at best misleading when it is an Intensive Livestock Unit. We note that this nomenclature is commonly being adopted by agents but fails the test of transparency.

2. Manure Management

No environmental assessment includes the fields on which manure is to be spread so fails to acknowledge the full impact of the development; this is a serious omission

There is insufficient adjacent land on which to spread the manure so road transport to distant sites will be required thus increasing the impact on highways infrastructure and safety. One of these sites is very proximate to dwellings in the town of Montgomery and the other to a large tourism business, the River Severn and the Montgomery Canal SAC.

3. Landscape impact

The site is prominent in a landscape rated as of high scenic value (Landmap) and adjacent to the Outstanding Registered Historic Landscape of Montgomery. Being on the Montgomery Hill road will industrialise a quiet and scenic area much enjoyed by walkers and cyclists in an area promoting sustainable tourism and experiencing a considerable growth in visitors that support the local economy.

The units are described as 'functional' and no attempt has been made to use materials that will blend with the surroundings or site it within the natural topography. Whilst we welcome the additional screening planting now proposed, it is unclear from the plan as to whether these will be native species and semi-mature trees that will provide appropriate habitats and screening within a reasonable timeframe.

The current proposal for three large buildings (two with feed hoppers); concrete lorry parking and turning areas and open manure store are inappropriately industrial in scale and nature for this location.

4. Highways

The only access is via very narrow, winding, steep lanes with no suitable route to the development. The area already has lanes that are now unusable by motorised vehicles due to the increasing weight and width of farm vehicles. The infrastructure of these roads was not intended for use by HGVs and with ever decreasing maintenance budgets the situation in

many communities will become untenable if use by such large vehicles is permitted through misplaced development. Here we note that the width of the proposed access route is at points less than that of an HGV with high banks on either side. There are also properties right on the roadside of the proposed route.

We find no mention in the application of vehicle movements required for construction phase, despite the significant area of hard standing; straw deliveries or manure spreading. Including other ancillary journeys associated with the business there will be a much greater impact than is currently being assessed.

We would request that a proper site based highways survey is seen as essential for all ILU applications in such rural areas.

5. Environment/ecology

As noted above the impact assessment is unacceptably limited to the actual site of the pig units. The data in the nitrates and ammonia reports appears to be standardised rather than site specific and the levels of ammonia in the area of ancient woodland exceeds recognised recommendations. The planting of other trees and hedgerow species does not mitigate for loss of such an important resource.

NRW and the Wye and Usk Foundation are increasingly concerned at the problem of excessive nitrates caused by the plethora of ILUs in the Brecon and Radnorshire areas and with the increase of applications for these units in Montgomeryshire, a similar issue will arise. It is noted that NRW have now issued far more stringent guidelines for these developments and rigorous application must ensue to ensure that risk of environmental consequences is minimised.

There is no analysis of the water consumption of the unit which given the number of animals will be considerable. The application provides no detail of how this water requirement will be fulfilled. Water is a resource requiring careful consideration as does the potential impact of local abstraction.

In conclusion: CPRW Montgomeryshire is fully supportive of the rural economy but this development will provide little benefit. Neither lead company, stock breeding or feed supply are local and there is no potential for significant local employment.

The development is disproportionate to the site and with no suitable access. A smaller proposal, properly screened and sited proximate to existing farm buildings producing only as much manure as may be accommodated on adjacent fields may well prove acceptable. The current proposal does not meet the criteria of the right development in the right place given the high number of potentially negative impacts.

We would respectfully request that these impacts on the local environment and community are carefully and rigorously assessed.

Should the application be consented then we request that consideration be given to setting planning conditions regarding:

- the size of vehicles accessing the site and a requirement for fixed base vehicles only;
- transportation of manure being only via field gates and not the public highway;
- regular monitoring of noise and odour emissions with restrictions imposed should these exceed permitted levels, and
- a requirement for green cladding on walls and roof of all buildings

Principal Planning Constraints

Public Right of Way
Class 3 Road C2143

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

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

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local Policies

Powys Unitary Development Plan 2010

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

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

ENV9 – Woodland Planting

ENV14 – Listed Buildings

ENV17 – Ancient Monuments and 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
T1 – Highways Improvement Schemes
RL6 - Rights of Way and Access to the Countryside
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC9 – Protection of Water Resources
DC13 – Surface Water Drainage
TR2 – Tourist Attractions

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

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

Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists those developments where EIA is mandatory and Schedule 2 where the development must be screened to determine if it is EIA development.

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of pigs is 3,000 places for production pigs (over 30kg) or 900 places for sows”. Whilst an Environmental Impact Assessment is not a mandatory requirement for the proposed development, the floor area of the proposed building exceeds the applicable threshold of 500 square metres and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued by the Local Planning Authority.

The proposed pig development was assessed against the selection criteria contained within schedule 3 of the Regulations, with the opinion being that the development was not EIA development.

Principle of Development

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

Farm Diversification

Hill Farm is an established farming business that extends to 200 acres and is currently operated as a sheep farm lambing 960 ewes. The business has seen significant reductions in the returns for the traditional business and now seek to diversify into pig production for the future profitability of the agricultural enterprise. The applicant have chosen to follow the route of a pig production/fattening unit as the most profitable farm diversification option. This option has also been chosen as it is likely to generate the least traffic of the possible options open to them. The applicants have secured a contract for the rearing and finishing of pigs within the proposed unit.

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

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

Landscape and Visual Impact

Guidance within the Powys Unitary Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

This application site is located within the Llandyssil Hill and Scarp Grazing which is characterised as an area of rolling upland grazing centre on an intricate patchwork of small field parcels bounded by treed hedgerows. The majority of the area is of a more open nature with larger grazed and cultivated fields and dispersed settlements / farmsteads overlooking the flat open farmland of the Severn Vale. Whilst LANDMAP recognises its scenic quality as high, there is a moderate degree of rarity. It's overall visual and sensory assessment is moderate.

The proposed buildings are to be located approximately 700 metres to the north west of the main farm complex. This land is within the main land holding of the farm and currently is used for agricultural grazing purposes. The site is relatively flat being in a low point in the valley with the topography of the surrounding land rising in an easterly and westerly direction. The

existing field boundaries consist of existing mature hedgerows and trees with the classified highway adjacent to the north of the site. The site although detached from the main farm complex is located in a sympathetic location and is not highly visible in the wider landscape. The site is not directly visible from the nearest neighbouring property to the south west and is to be screened further to the north and south by proposed woodland planting. It is considered that the proposed additional landscaping measures will further reduce any potential visual impact from the development over and above that of the existing landscape features and topography of the site.

The Powys Unitary Development Plan through policy EC9 seeks to ensure that the harm from new agricultural buildings is minimised through sensitive design and siting. Guidance within EC9 suggests that wherever possible, new buildings should be grouped with existing buildings and utilise materials which are sympathetic to the site's surroundings.

The proposed building although not located on the main farm complex is within a short driving distance of the farm and on a site that is less visible than the main farm complex itself. The applicant has chosen this site as it is not possible to locate the proposed development on the main farm complex due to the complex being inaccessible to HGV vehicles which are required to service a development of this nature. The applicant considered that the development was not feasible adjacent to the main farm complex.

Whilst the siting of the building is somewhat detached from the existing farm complex, the siting is considered on balance to be acceptable in this case for the above reasons. Given the existing landscape features and topography of the land together with potential additional landscaping measures, it is considered by Officers that the proposal is capable of being accommodated without causing unacceptable harm to existing character and appearance of the surrounding area and landscape.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that on balance with the further landscaping measures proposed the development is broadly in accordance with planning policy. Officers consider that the visual and landscape impact associated with the proposed pig unit development can be appropriately managed thereby safeguard the Powys landscape in accordance with policies SP3, ENV2, EC1, EC9 and EC10 of the Powys Unitary Development Plan.

Scheduled Ancient Monument

As part of this application process CADW have been consulted as the proposed development site is located approximately 810 metres west-south-west of the scheduled monument known as Ffridd Faldwyn Camp (MG015). CADW have assessed the potential impact the proposed development would have upon the setting of the scheduled ancient monument and have concluded that due to the existing screening and topography of the land between the proposed development site and the scheduled ancient monument, the proposed development is unlikely to have an impact on the setting of the monument.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV17 of the Powys Unitary Development Plan 2010.

Listed Buildings

The proposed development site is located approximately 450 metres from the nearest listed building known as Cwminkin which is grade II listed. Policy ENV14 states that developments that unacceptably adversely affect a listed building or its setting will be refused.

In considering the development the proposed site is not visible from the nearest listed building due to the topography of the adjoining land to the site and officers consider that there would be no impact upon the setting of this listed building as the site is not visible from the building.

In light of the above, it is considered that the proposed development fundamentally complies with policy ENV14 of the Powys Unitary Development Plan 2010.

Public Rights of Way

Public footpath no. 252/17 runs directly adjacent to the site on the other side of the field boundary hedgerow to the west of the site. As part of this application process the countryside services officers have been consulted and they have confirmed that the development would not affect any public right of way.

The proposed development is therefore considered to fundamentally comply with policy RL6 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

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.

Access to the site is to be provided via a new access created onto the classified highway adjacent to the north of the site. The proposed access road will run a short length from the road onto an area of hardstanding and turning area directly associated and outside the proposed livestock buildings. Woodland planting is proposed either side of the proposed access road to screen the development from the highway.

As part of this application process the highways authority have been consulted and have raised no objections to the proposal subject to a number of conditions to secure further details regarding the proposal and to secure 5 passing places on the highway verge along the proposed HGV route into and out of the site.

Officers have recommended that the wording of some of the highways conditions be amended as per the recommended conditions below to ensure details of passing places are

provided prior to any works commencing on site. In respect of passing places a grampian condition is recommended to secure the details.

In light of the highways officer's comments and suggested conditions, officers consider that subject to the changes to wording of a condition suggested, the proposed development is in accordance with planning policy, particularly policies GP4 of the Powys UDP, Technical Advice Note 18 and Planning Policy Wales.

Biodiversity and Ecology

SAC's and SSSI's

Policies ENV4, ENV5 and ENV6 indicate that development proposals should preserve and enhance biodiversity and features of ecological interest. Specific guidance within UDP policy ENV4 confirms that development proposals should not significantly affect the achievement of the conservation objectives for which a SAC is designated either individually or in combination with other proposals. In addition to the above, policy ENV5 confirms that there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest.

It is considered that the key impacts associated with the proposed development include impacts to water quality through surface water run-off and manure spreading. According to the findings of the modelling of the dispersion and deposition of ammonia report submitted with the application the deposition rate would fall below the lower threshold percentage of critical level or load as set out by the Natural Resources Wales at all the sites considered.

The ammonia modelling report identifies several Ancient Woodlands within 2km of the site. The report predicts that the process contribution to the annual mean concentration would exceed 100% of the critical load over the ancient woodland 230 meters to the east of the site. The proposed development has included the planting of native woodland, hedgerow and tree planting as a compensatory measure for the potential adverse effects on the Ancient Woodland.

Following consultation with the Powys Ecologist parts of the Montgomery Canal SAC were identified as being within 5 km of the proposed development. The Ecologist stated that the ammonia and nitrogen levels identified within supporting reports were below the threshold set by NRW and concluded that no significant effects on this site are therefore envisaged.

In light of the above and subject to the imposition of conditions suggested by both NRW and the County Ecologist, it is considered that the proposed development is in accordance with policies ENV4, ENV 5 and ENV 6 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

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

As part of the supporting information for this application a preliminary ecological appraisal has been submitted. The report found that the site was considered to be of low intrinsic biodiversity value and that the site was not of sufficient ecological value to warrant wholesale protection from the proposed development. The report recommends a number of ecological enhancement measures to include the erection of bird boxes in trees adjacent to the site.

The county ecologist and Natural Resources Wales have been consulted as part of this application process. No objections have been raised to the proposed development and the ecologist has recommended a number of conditions to be attached to any grant of consent.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour. As part of this application process a number of letters of objection have been received by Development Management at the time of writing this report. Objections have been raised by the occupants of the nearby property known as Cwminkin. The points raised by objectors are listed in the section above.

This property is located approximately 450 metres in a south westerly direction from the application site. Officers have considered the proximity of the proposed development to the existing dwelling and consider that there would be no significant adverse impact upon the residential amenity enjoyed by the occupants of the property as a result of the proposal. In addition to this any potential noise and odour generated from the proposed building has been considered in the sections below.

Noise

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

As part of this application process Environmental Health officers have been consulted. The Environmental Health officer is satisfied with the information submitted with the application. No further information has been requested.

On the basis of the submitted information and comments received, officers consider that sufficient information has been submitted in support of the application to demonstrate that the proposed pig development will not have an unacceptable adverse impact on the amenities enjoyed by the occupants of the neighbouring property by reasons of noise. As such, the proposed development is considered to fundamentally comply with UDP policies GP1, EC1 and EC10, Technical Advice Note 11 and Planning Policy Wales.

Odour

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

An Odour Dispersion Modelling Study was submitted in support of the application. The report concluded that at all the residential receptors considered, the predicted odour concentration are below the Environment Agency (and NRW) benchmark for moderately offensive odours.

As part of this application process Environmental Health have been consulted, no objections have been raised by the officer and they are satisfied that the information provided in respect of ammonia dispersal for the proposed development is satisfactory.

In light of the above, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Following consultation, it is noted that no concerns have been raised by the Environmental Health Department in this respect. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular UDP Policy GP1.

Land Drainage

As part of this application process the authorities land drainage officer has been consulted. Comments have been received in respect of local flood risk and surface run off from the site. A flood consequence assessment and surface water management plan has been submitted in support of the application which provides detailed calculations and specifications for the soakaway systems proposed as shown on the submitted plans.

The officer has raised no objections to the scheme, however has recommended a number of conditions be attached to any grant of consent to secure further details in respect of the proposed culvert structure below the proposed access track and a detailed scheme for surface water drainage.

In light of the officer's comments and recommended conditions, it is considered that subject to the conditions the proposed development fundamentally complies with policy DC13 of the Powys Unitary Development Plan 2010.

Archaeology

As part of this application process Clwyd Powys Archaeological Trust have been consult in respect of potential archaeological implications for the site. Comments have been received in response confirming that there are no concerns in respect of archaeology on the proposed site.

In light of the above, it is considered that the proposed development fundamentally complies with ENV17 of the Powys Unitary Development Plan 2010.

Other Legislative Considerations

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

The proposed development is considered to be fundamentally in accordance with relevant policy subject to the inclusion of recommended conditions upon any grant of consent. The recommendation is one of conditional consent.

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 received on 19th June 2017 (drawing no's: IP/WJ/03, IP/WJ/04, IP/WJ/05, 1489.01 and documents: Design and Access Statement - received 19th June 2017, Manure Plan - received 19th June 2017, Flood Consequence Assessment and Surface Water Management Plan – received 19th June 2017, Method Statement and Pollution prevention Plan - received 19th June 2017) and amended plans received 13th September 2017 (drawing no's: IP/WJ/02A, IP/WJ/01A).
3. The recommendations regarding hedgerows, trees, great crested newts, amphibians, reptiles, nesting birds, bats and other wildlife identified in pages 18-20 of the Ecological Report by Emms and Barnet dated April 2017 shall be adhered to and implemented in full.
4. The Landscaping Scheme specifications and aftercare measures identified on drawing number 1489.01 (Landscape Proposals) by Allan Moss Associates Ltd. (May 2017) shall be adhered to and implemented in full.

5. The Method Statement and Pollution Prevention Plan submitted with the application shall be implemented as approved and maintained thereafter.
6. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
7. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
9. 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.
10. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.
11. Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 - 1900 Monday to Saturday, and at no time on Sundays or Bank Holidays.
12. 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.
13. 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.
14. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
15. No development shall commence until details of existing ground levels and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
16. No development shall commence until full details of the HGV transport route to and from the site together with a schedule of delivery times has been submitted to and approved in writing by the Local Planning Authority. The approved routing agreement shall thereafter be fully complied with for the duration of the development.
17. Prior to the beneficial use of the development any entrance gates shall be set back at least 20 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.

18. No other development shall commence until the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining. 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.
19. Before any other development commences the access to be used by vehicles shall be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 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.
20. 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 3 cars and 3 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.
21. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 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.
22. The width of the access carriageway, constructed as condition 19 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
23. Prior to the first beneficial use of the development a radius of 15 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
24. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

25. Upon completion of the access as condition 19 above any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
26. A minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the soakaway installation shall be maintained.
27. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be completed and fully operational prior to the beneficial use of the development hereby permitted. The system shall be retained and maintained for as long as the development remains in existence.
28. Upon formation of the visibility splays as detailed in condition 18 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.
29. No storm water drainage from the site shall be allowed to discharge onto the county highway.
30. No development shall commence until a scheme for the provision of 5 passing bays, the specification and locations of which shall be submitted and agreed in writing by the Local Planning Authority. The passing bays shall be constructed to an adoptable standard prior to any works being commenced on the development site.
31. No buildings, structures or alteration of contours shall take place within 5 metres of the top of the bank of any Ordinary watercourse, without prior permission from the Local Planning Authority.
32. Prior to commencement on site, a detailed design for the access track culvert structure shall be submitted to and approved in writing by the Local Planning Authority. The design of the culvert shall follow CIRIA C689 – Culvert design and operation guide. The approved culvert scheme shall be completed before the site becomes operational.
33. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The design of the surface water scheme shall follow the principles set out in the Flood Consequences Assessment and Surface Water Management Plan report prepared by Hydro-Logic Services dated May 2017. The approved drainage scheme shall be completed before the site becomes operational.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

3. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
4. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
5. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
9. To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
11. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
12. 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).
13. 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).
14. To safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).

15. In order that the Local Planning Authority can be satisfied that impact on the landscape and gradients are acceptable in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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29. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
30. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

31. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
32. To ensure that the proposed development does not compromise the function of the waterbody and that any proposed alterations are fully compliant with regulations and are of robust design.
33. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

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

The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

PCC - Land Drainage

The LLFA is, in general, opposed to culverting of 'Ordinary' watercourses but culverting for development access purposes is acceptable if this is kept to a minimum. Any proposed culverting (or alteration of an existing culvert structure) which effects an Ordinary watercourse, will require the prior consent from the LLFA (Powys County Council) under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010) before work commences. Relevant application forms and guidance should be sought from the County Council's Land Drainage team (land.drainage@powys.gov.uk). Formal application would need to be accompanied by hydraulic calculations to determine the sizing of any new culvert in order to demonstrate that there will be no adverse effect on any third party.

Riparian rights and responsibilities exist in respect to this watercourse.

