

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No: P/2015/0131 **Grid Ref:** 310991.43 254053.58

Community Council: Glascwm **Valid Date:** 09/02/2015 **Officer:** Tamsin Law

Applicant: Mr V Powell, Hundred House, Garnwen, Llandrindod Wells, Powys, LD1 5RP

Location: Land at Penarth Farm, Cregrina, Llandrindod Wells, Powys, LD1 5SF

Proposal: Full: Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works

Application Type: Application for Full Planning Permission

The reason for the update

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

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

Consultee Response

PCC Ecologist

Representations 28th November 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations received 23/10/2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations received 20/04/2018

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

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

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

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

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

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

River Wye SAC and White Clawed Crayfish

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

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

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

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

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

Penarth Stream Crossing

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

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

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

Site Drainage

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

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

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

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

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

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

Pollution Prevention Measures

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

Manure Management

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

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

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

Aerial Emissions

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

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

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

Great Crested Newts

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

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

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

Hedgerows and Dormice

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

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

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

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

Invasive Non-Native Species Management

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

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

Woodland Planting

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

Lighting

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

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

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

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

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

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

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

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

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

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

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

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

It is therefore an offence to:

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

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

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

It is an offence for any person to:

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

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

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

Habitats Regulations Assessment Screening Report

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

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

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

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

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

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

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

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


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

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

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

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

Natural Resources Wales

Response Received 23/05/2017

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

9580-G3B0	2015	ection subject to condition
8007-B7K8	2016	ection subject to condition
8007-B7K8	2016	ection but requested revised ranging plan
9229-N0G6	2016	ant concerns with requirements to supersede all previous ses
1002-W4D1	2016	ant concerns with requirements
3305-B0X1	2016	ection subject to condition and commented on great crested eport
3661-Q7W4	2016	jection subject to condition and white clawed crayfish sed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scope of NRW Comments

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

Response received 28/07/2017

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

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

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

Summary of Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scope of NRW Comments

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

Response received 06/03/2018

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

Radnorshire Wildlife Trust

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

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

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

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

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

Principal Planning Policies

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

National Policies

Planning Policy Wales (9th Edition, 2016)

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

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

Local Policies

Powys County Council Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM6 – Flood Prevention and Land Drainage

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

DM14 – Air Quality Management

E6 – Farm Diversification

T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Biodiversity and Ecology

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

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

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

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

Crossing of stream

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

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

Site Drainage

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

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

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

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

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

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

Pollution Prevention Measures

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

Manure Management

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

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

Aerial Emissions

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

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

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

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

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

Recommendation

After carefully considering the planning application, Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, the recommendation is one of conditional consent.

The Environmental Information has been taken into account in reaching the above recommendation.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the documents received (Design & Access Statement, Environmental Statement, Manure Management Plan, Great Crested Newt Mitigation Strategy, Report on the Modelling of the Dispersion and Deposition of Ammonia (dated January 2018), Method Statement and Pollution Prevention Plan, Flood Consequence Assessment (February 2017), Odour Dispersion Modelling Study (December 2016)), plans received 6th April 2015 (drawing no's IP/VP/03, IP/VP/06A, IP/VP/022 and IP/VP/033), additional plan received 8th December 2015 (drawing no. IP/JA/05), amended plan received 12th May 2016 (drawing no. IP/VP/10), amended plans received 20th May 2016 (drawing no's. IP/VP/01D and IP/JA/05 Rev A), additional plan received 10th June 2016 (drawing no. IP/JA/05 Rev B) and additional plan (drawing no. IP/VP/02 Rev E).
3. Notwithstanding the details submitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.
4. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 3) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.
5. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 4) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.

6. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
9. The Manure Spreading Plan reference IP/VP/MMP-A produced by Ian Pick Associates dated June 2017 shall be fully implemented and adhered to in full.
10. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the watching brief report shall be submitted to the Local Planning Authority and Clwyd Powys Archaeological Trust within two months of the fieldwork being completed.
11. No development shall take place until a scheme for separate foul and surface water drainage works has been submitted to and approved in writing by the local planning authority. None of the buildings shall be brought into use until the drainage works have been provided in accordance with the approved scheme.
12. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.
13. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
14. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

15. All stored manure that needs to be covered shall be covered by the end of the day. The covering shall be tightly with polythene in such a manner as to leave no gaps and the edges of the polythene shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.

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

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

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

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

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

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

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

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

24. Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

26. The centre line of the first 20.0 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

27. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90.00 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

28. Before any other development commences clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05/B. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

29. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

30. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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

32. Prior to the occupation of the development a radius of 15.0 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

33. Prior to the occupation of the egg unit the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20.0 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

34. Upon formation of the visibility splays as detailed in condition 27 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
4. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
5. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
6. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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34. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
35. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
36. To comply with Powys County Council's LDP Policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

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

It is therefore an offence to:

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

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

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

It is an offence for any person to:

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

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

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

Case Officer: Tamsin Law- Principal Planning Officer
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