

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

<b>Application No:</b> P/2015/0131	<b>Grid Ref:</b> 310991.43 254053.58
<b>Community Council:</b> Glascwm	<b>Valid Date:</b> 09/02/2015
	<b>Officer:</b> Holly-ann Hobbs
<b>Applicant:</b> Mr V Powell, Garnwen, Hundred House, Llandrindod Wells, Powys, LD1 5RP.	
<b>Location:</b> Land at Penarth Farm, Cregrina, Llandrindod Wells, Powys, LD1 5SF.	
<b>Proposal:</b> 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	
<b>Application Type:</b> Application for Full Planning Permission	

### The reason for Committee determination

Members are advised that the above application is accompanied by an Environmental Statement.

### Site Location and Description

The site subject to this application is located within the open countryside, approximately 0.4 miles north of Cregrina. The application site comprises of agricultural land and is bounded by agricultural buildings to the north (Penarth Farm). Located to the east, south and west is agricultural land. Access to the application site will be facilitated via the provision of a new access road off the county highway located approximately 190 metres to the east.

The former farmhouse (Penarth), now un-associated with the working farm is located approximately 70 metres to the north west and separated by an existing agricultural building complex. There is an agricultural workers bungalow (within the applicants' ownership) located approximately 68 metres north east of the proposed poultry unit. Penarth Mount Motte (Scheduled Ancient Monument) is located approximately 210 metres south east of the proposed building and 180 metres south of the proposed new access.

Consent is sought in full for the erection of a free range egg production unit measuring approximately 79.2 metres in length by 15.5 metres in width, the ridge and eaves height measure 5.2 metres and 2.8 metres respectively. The proposed development includes the provision of 2 feed bins measuring approximately 7.4 metres in height. The proposed building will be clad in profile sheeting in Juniper Green finish. In addition to the proposed access track, the scheme further includes the provision of a hardstanding apron to facilitate HGV access and manoeuvring within the application site boundary.

### Consultee Response

Glascwm Community Council

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

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

Highway Authority

*Correspondence received 23<sup>rd</sup> March 2015 –*

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

Wish the following recommendations/observations be applied

Recommendations/Observations

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

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

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

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

*Correspondence received 11<sup>th</sup> June 2015 –*

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

*Correspondence received 12<sup>th</sup> February 2016 –*

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

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

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

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

- HC1 Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- HC2 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20.0 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- HC3 The centre line of the first 20.0 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
- HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90.00 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- HC5 Prior to commencement of the development clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

- HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- HC11 Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6.0 metres for a minimum distance of 20.0 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC13 Prior to the occupation of the development a radius of 15.0 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
- HC21 Prior to the occupation of the egg unit the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20.0 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

*Correspondence received 25<sup>th</sup> April 2016 –*

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

*Correspondence received 26<sup>th</sup> May 2016 –*

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

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

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

*Correspondence received 20<sup>th</sup> June 2016 –*

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

HC1 Prior to the occupation of the Egg Unit any entrance gates shall be set back at least 20.0 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

HC3 The centre line of the first 20.0 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90.00 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

**HC5** Prior to commencement of the development clear forward visibility shall be provided above a height of 1.05 metres above carriageway level across the area shown on the plan IP/JA/05/B. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

**HC7** Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

**HC11** Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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

**HC13** Prior to the occupation of the development a radius of 15.0 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

**HC21** Prior to the occupation of the egg unit the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20.0 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

**HC30** Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

Correspondence received 9<sup>th</sup> August 2016 –

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

#### Welsh Government – Transport

*Correspondence received 27<sup>th</sup> April 2016 -*

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

*Correspondence received 2<sup>nd</sup> June 2016 –*

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

#### Environmental Health

*Correspondence received 6<sup>th</sup> March 2015 –*

Just a couple of questions re this app.

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

I write with reference to the above application.

*Correspondence received 18<sup>th</sup> March 2016 -*

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

#### Conditions

##### (a) Noise Conditions

For the use of fixed plant/machinery, etc.

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

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

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

#### (a1) Transport Noise

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

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

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

##### (i) General Odour condition

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

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

##### (ii) The Site for the Storage of manure

No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground.

No manure shall be stored over field drains or within 10 metres of a watercourse.

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

#### Manure transportation

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

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

#### Manure storage.

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



Reason: To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water.

(iii) The spreading of manure

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

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

(c) Artificial lighting condition.

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

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

County Ecologist

*Correspondence received 26<sup>th</sup> February 2015 (Response to Screening Opinion) -*

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

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

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

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

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

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

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

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

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

*Correspondence received 13<sup>th</sup> March 2015 -*

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

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

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

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

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

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

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

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

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

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

*Correspondence received 15<sup>th</sup> April 2016 –*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### Natural Resources Wales

*Correspondence received 9<sup>th</sup> April 2015 –*

Thank you for your consultation referring to the above proposals.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

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

### Legislation and Policy

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

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

NRW advice on the application

### Protected Species

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

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

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

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

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

### Airbourne Pollutants

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

### Manure Management

The Design and Access Statement references the farm's waste management plan, but this has not been included in the application documents. It states all manure will be taken off the site and utilised on the applicant's farm holding as fertilizer. The applicant is required to collect, store and dispose of all wash water and manures arising from the sheds in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice.

### Site infrastructure

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

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

### Biosecurity

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

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

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

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

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

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

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

*Correspondence received 19<sup>th</sup> October 2015 –*

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

*Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.*

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

#### Protected Sites

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

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



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

## Manure Management

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

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

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

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

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

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

## Environmental Permitting Regulations

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

## Discharge (of Effluent) to ground or surface waters

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

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

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

## Protected Species

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

- *Great crested Newts*

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

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

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

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

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

- *Dormice*

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

Biosecurity

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

We consider that this assessment should include the following information;

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

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

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

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

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

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

*Correspondence received 22<sup>nd</sup> April 2016 –*

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

*Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.*

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

The three conditions which NRW recommended were:

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

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

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

*Correspondence received 11<sup>th</sup> May 2016 -*

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

*Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.*

It has been brought to the attention of NRW that the ranging area outlined in the plans submitted in support of this application is currently estimated to be approximately 2.77Ha. Commission Regulation (EEC) No 1274/91 (OJ No L 121 of 16.5.91) as amended requires that free range poultry enterprises satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC in order to mark their small egg packs as free range. One of the requirement is that ranging areas have a maximum stocking density of 2500 hens per hectare (4m<sup>2</sup> per hen) for free range chickens (DEFRA Laying Hens Code of Recommendations for the Welfare of Livestock). It is also understood that some egg suppliers have lower stocking rate requirements which would necessitate larger ranging areas.

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

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

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

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

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

### *Correspondence received 10<sup>th</sup> June 2016 -*

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

We have significant concerns with the proposed development as submitted.

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

#### Summary of requirements prior to determination of planning application

Requirement 1: Protected species: GCN habitat management plan

Requirement 3: Clarification of the construction of the crossing

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

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

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

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

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

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

#### Protected Species

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

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

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

#### Requirement 1: Protected species: GCN habitat management plan

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

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

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

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

#### Biosecurity

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

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

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

We consider that this assessment should include the following information;

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

#### Protected Sites

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

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

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

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

#### - Crossing

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

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

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

#### Requirement 3: Clarification of the construction of the crossing

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

#### - Fencing

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

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

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

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

#### - Watercourses/ditches

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

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

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

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

#### - Bund

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

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

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

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



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

#### Manure management plan

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

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

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

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

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

*Correspondence received 14<sup>th</sup> June 2016 –*

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

*Correspondence received 4<sup>th</sup> August 2016 –*

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

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

Summary of requirements prior to determination of planning application.

Requirement 1: Protected species: GCN habitat management plan

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

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

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

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

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

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

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

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

Requirement 1: Protected species: GCN habitat management plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Correspondence received 9<sup>th</sup> September 2016 -*

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

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

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

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

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

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

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

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

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

## Protected Species

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

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

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

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

### Protected Sites and Water Quality

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

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

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

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

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

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

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

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

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

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

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

### Land Drainage

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

#### Surface Water Run-off:

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

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

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

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

Watercourses:

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

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

#### Clwyd Powys Archaeological Trust

*Correspondence received 10<sup>th</sup> September 2015 -*

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

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

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

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

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

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

*Correspondence received 19<sup>th</sup> April 2016 -*

Thank you for the notice of additional plans submitted.

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

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

*Correspondence received 6<sup>th</sup> May 2016 –*

Thank you for your email.

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

*Correspondence received 1<sup>st</sup> June 2016 –*

#### 1. Old Colwyn Visibility Splay

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

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



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

## 2. Penarth Farm Poultry Shed and Access

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

*Correspondence received 9<sup>th</sup> August 2016 –*

Thank you for the additional plans.

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

## CADW

*Correspondence received 27<sup>th</sup> February 2015 –*

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

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

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

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

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

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

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

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

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

*Correspondence received 16<sup>th</sup> September 2015 –*

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

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

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

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

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

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

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

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

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

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

*Correspondence received 10<sup>th</sup> May 2016 –*

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

*Correspondence received 6<sup>th</sup> June 2016 –*

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

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

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

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

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

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

*Correspondence received 17<sup>th</sup> August 2016 –*

Thank you for your consultation on the above.

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

## **Representations**

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

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

## **Planning History**

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

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

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

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

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

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

## **Principal Planning Constraints**

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

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

Proximity to River Wye SAC and SSSI's.

## **Principal Planning Policies**

### National Planning Policy

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

### Local Planning Policy

- Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV4 – Internationally Important Sites

ENV5 – Nationally Important Sites

ENV6 – Sites of Regional and Local Importance

ENV7 – Protected Species

ENV16 – Landscapes, Parks and Gardens of Special Historic Interest

ENV17 – Ancient Monuments and Archaeological Sites

ENV18 – Development Proposals Affecting Archaeological Sites

EC1 – Business, Industrial and Commercial Developments

EC7 – Farm/Forestry Diversification for Employment purposes in the Open Countryside

EC9 – Agricultural Development

EC10 – Intensive Livestock Units

RL6 - Rights of Way and Access to the Countryside  
 TR2 – Tourist Attractions and Development Areas  
 DC9 – Protection of Water Resources  
 DC13 – Surface Water Drainage  
 DC14 – Development and Flood Risk

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

## Officer Appraisal

### Introduction

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

### Environmental Impact Assessment Regulations 2016

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

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

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

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

## **Principal of Development**

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

## **Farm Diversification**

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

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

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

## **Landscape and Visual Impact**

### *Landscape Impact*

UDP policy ENV2 (Safeguarding the Landscape) states that proposals for the development and use of land should take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character of the surrounding landscape. Further guidance within policy EC9, suggests that where possible, agricultural buildings should be grouped with existing units in an effort to minimise potential landscape and visual impact.

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

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



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

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

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

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

### *Visual Impact*

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

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

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

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

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

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

## **Impact on Heritage Assets**

### *Scheduled Ancient Monument*

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

### *Penarth Mount Motte*

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

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

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

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

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

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

### *Colwyn Castle*

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

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

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

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

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

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

### *Conclusion*

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

### **Transport impacts**

Policy GP4 of the Powys Unitary Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking.

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

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

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

### **Ecological Impact**

#### *River Edw SSSI and River Wye SAC*

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

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

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

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

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

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

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

*Sites of Special Scientific Interest (SSSI's)*

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

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

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

### *Protected Species*

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

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

### *Great Crested Newts*

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

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

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

### *Dormice*

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

### *Conclusion*

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

### **Impact on Residential Amenity**

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

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

#### *Noise*

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

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

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

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

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

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

### *Odour*

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of odour.

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

The application is supported by an "Odour Dispersion Modelling Study" prepared by AS Modelling & Data, dated 14<sup>th</sup> November 2014. This assessment uses the standardised approach to odour assessment and the results of the model runs are presented in a report. The conclusion states the following: "The modelling predicts that at all of the residential receptors considered, the odour exposure levels would be below the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 ouE/m<sup>3</sup> over a one year period. The predicted 98<sup>th</sup> percentile hourly mean odour concentrations are also below 1.0 ouE/m<sup>3</sup> at the majority of the receptors considered and at these levels, which odour from the poultry unit would rarely be detectable".

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

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

### *Other impacts on living conditions*



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

### **Surface Water Drainage**

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

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

### **Bird Welfare – Range Area**

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

### **Recommendation**

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

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

### **Conditions:**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the documents received (Design & Access Statement, Environmental Statement, Manure Management Plan, Great Crested Newt Mitigation Strategy), plans received 6<sup>th</sup> April 2015 (drawing no's IP/VP/02, IP/VP/03, IP/VP/06A, IP/VP/022 and IP/VP/033), additional plan received 8<sup>th</sup> December 2015 (drawing no. IP/JA/05), amended plan received 12<sup>th</sup> May 2016 (drawing no. IP/VP/10), amended plans received 20<sup>th</sup> May 2016 (drawing no's. IP/VP/01D and IP/JA/05 Rev A), additional plan received 10<sup>th</sup> June 2016 (drawing no. IP/JA/05 Rev B) and additional plan received 7<sup>th</sup> July 2016 (drawing no. IP/VP/02 Rev B).

3. Notwithstanding the details submitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.
4. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 3) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.
5. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 4) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
7. No development shall begin until a Pollution Prevention Plan has been submitted to and approved in writing by the Local Planning Authority. The Pollution Prevention Plan shall include all measures to reduce pollution of existing watercourses during the construction and operation of the poultry development hereby approved. Thereafter, the development shall be undertaken strictly in accordance with the Pollution Prevention Plan so approved.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
10. Notwithstanding the details submitted, a manure management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first operational use of the poultry unit hereby approved. The manure management plan shall include details of manure spreading together with means of transportation. The development shall not be undertaken other than in full accordance with the manure management scheme as approved. The manure management scheme shall be fully implemented as approved in perpetuity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90.00 metres distant in each direction measured from the centre of the access along the edge of

the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

30. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20.0 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

31. Within 5 days from the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

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

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

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

35. Upon formation of the visibility splays as detailed in condition 28 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

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

#### Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2, ENV3 and EC9 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
4. To ensure that the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2, ENV3 and EC9 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
5. To ensure that the application site is adequately landscaped in the interests of the amenity of the area, in accordance with policies GP1, ENV2, ENV3 and EC9 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
6. To safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).
7. To safeguard the environment in accordance with policies ENV3, ENV4, ENV5 & ENV6 of the Powys Unitary Development Plan (March 2010) and Technical Advice Note 5: Conservation and Planning (2009) and Planning Policy Wales (2016).
8. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
9. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
10. To protect the local amenities of the local residents in accordance with GP1 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2016).
11. This condition is imposed in order to ensure an appropriate record is made of any surviving archaeological features in accordance with policies ENV17 and ENV18 of the Powys Unitary Development Plan (2010), Welsh Office Circular 60/96 and Planning Policy Wales (2016).

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

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

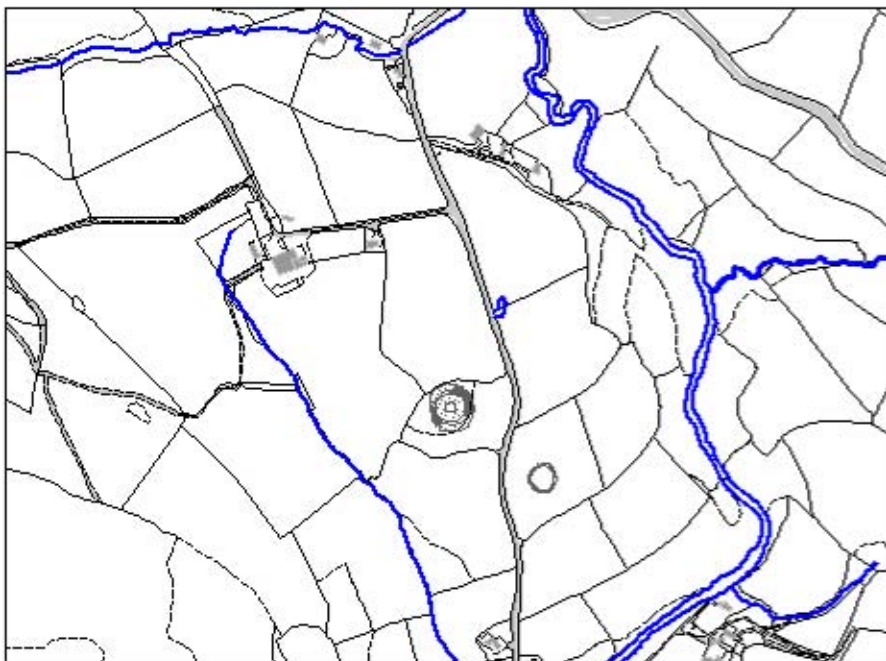
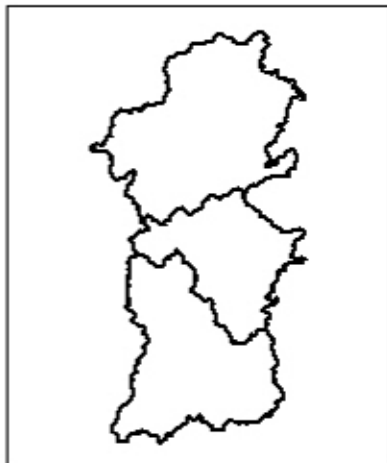
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Susan Bolter  
Pennaeth Adfywio, Eiddo a Chomisiynu/  
Head of Regeneration Property & Commissioning  
Adfywio, Eiddo a Chomisiynu/  
Regeneration, Property and Commissioning

Applicant: Mr V Powell

Location: Land at Penarth Farm, Cregina,  
Llandrindod Wells



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