

Planning, Taxi Licensing and Rights of Way Committee Report

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

The reason for Committee determination

The planning application is accompanied by an Environmental Statement.

Site Location and Description

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

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

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

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

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

Consultee Response

Llansantffriad CC

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

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

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

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

PCC Highways

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

Conditions

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

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

Prior to any works commencing on the new unit the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material and is to be finished in a 40mm bituminous surface course for a distance of 15m from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

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

Prior to the occupation of the new unit the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

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

Wales and West Utilities

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

Severn Trent Water

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

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

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

PCC Environmental Health

- 1st response (03/10/2017)

Noise impact assessment

Mechanical plant

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

Deliveries

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

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

Odour impact assessment

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

Dust management

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

Lighting scheme

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

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

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

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

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

- 3rd response (10/10/2017)

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

PCC Ecologist

- 1st response (25/10/2017)

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

¹ Species records within 1km (minimum).

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

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

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

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

	<p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan including details of locations and numbers of bat boxes and bird nest boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements</p>
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	<p>of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The pollution management/mitigation scheme submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any bats. • Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not. <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p>
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	<ul style="list-style-type: none"> intentionally kill, injure or take any wild bird intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built intentionally take or destroy the egg of any wild bird intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
Relevant UDP Policies	<p>SP3 Natural, Historic and Built Heritage</p> <p>ENV 2: Safeguard the Landscape</p> <p>ENV 3: Safeguard Biodiversity and Natural Habitats</p> <p>ENV 4: Internationally Important Sites</p> <p>ENV 5: Nationally Important Sites</p> <p>ENV 6: Sites of Regional and Local Importance</p> <p>ENV 7: Protected Species</p>

- 2nd response (09/01/2018)

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

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

² Species records within 1km (minimum).

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

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

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

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

	<p>2016.</p> <p><i>No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policy ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The pollution management/mitigation scheme submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>Informatives</p> <p>Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any bats. • Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection.
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	<p>This is taken to mean all bat roosts whether bats are present or not.</p> <p>Under the Habitats Regulations it is an offence to:</p> <ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk</p> <p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p>
<p>Relevant UDP Policies</p>	<p>SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 4: Internationally Important Sites ENV 5: Nationally Important Sites ENV 7: Protected Species</p>

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

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

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

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

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

CADW

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

Advice

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

Our role

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

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

National Policy

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

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

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

Assessment

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

CPAT

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

NRW

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

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

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

Summary of Requirements and Conditions

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

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

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

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

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

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

European Protected Species (EPS) - Bats

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

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

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

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

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

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

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

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

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

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

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

Manure Management Plan (MMP)

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

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

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

Protected Sites: Air Quality

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

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

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

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

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

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

- Gweunydd Ty Brith SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

- Llanymynech and Llyncllys Hills SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

- Tanat and Vyrnwy Bat SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

- Granllyn SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

- Midland Meres and Mosses Ramsar

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

- Montgomery Canal SSSI/SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 3 µg/m³

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

Drainage Plan

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

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

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

Method Statement Pollution Prevention (MSPP)

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

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

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

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

Advisory: Demolition Waste

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

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

Any old slurry from the buildings that are to be demolished must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice (CoGAP) .

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

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

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

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

Environmental Permitting Regulations

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

- Intensive Farming

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

- Discharges (including foul drainage)

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

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

- Abstractions

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

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

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

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

Scope of NRW Comments

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

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

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

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

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

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

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

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

Manure Contingency Plan

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

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

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

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

Protected Species

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

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

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

We also welcome the submission of the 'Assessment of bat roosting potential in trees at Hendre Boeth' dated December 2017 by Oakwood Ecology. The close-up inspection of the trees has identified negligible and low potential for bat roosting in the two trees due to be removed. We do not envisage the removal of these trees will be detrimental to the favourable conservation status of bats population at the site, provided the precautionary measures identified in the report are implemented.

The undated 'Landscape plan' by Arbor Vitae provides clarification over the landscaping proposal for the site and fulfils requirement 2.

Pollution Prevention

We have assessed the pollution prevention plan ('Method Statement Pollution Prevention' Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners) submitted in support of this proposal.

Provided the construction works and site operations take place in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000.

Drainage Plan

We have assessed the drainage plan ('Drainage Plan', Drawing No. RJC-MZ86-05 dated 05/09/2017 by Roger Parry & Partners) submitted in support of the proposal. The plan confirms:

- The separate clean and foul water pathways and direction of flow

Clean water from the roof and clean surfaces will be directed to stone filled infiltration trenches and a piped system

- Clean water will be discharged to a ditch with a hydrobrake
- At wash down stage the clean water system will be switched to the dirty water tank
- The position of the SSAFO compliant dirty water tank is more than 10m from a watercourse.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the water environment.

Protected Sites: Air Quality

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

A permit was granted for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

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

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

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

Gweunydd Ty Brith SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

Llanymynech and Llyncllys Hills SSSI

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

Tanat and Vyrnwy Bat SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

Granllyn SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

Midland Meres and Mosses Ramsar

The background ammonia is 2.35 µg/m³

The ammonia critical level is 1 µg/m³

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

Montgomery Canal SSSI/SAC

The background ammonia is 2.35 µg/m³

The ammonia critical level is 3 µg/m³

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

Demolition Waste

From the Design and Access Statement (DAS) and ES we understand that there are currently dilapidated poultry units on the site and that these will be demolished prior to the erection of the new poultry units. The ES, the DAS and the MSPP give very little specific information regarding the demolition process.

Any old slurry from the buildings that are to be demolished must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice (CoGAP) .

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

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

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

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

Environmental Permitting Regulations

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

Intensive Farming

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

Discharges (including foul drainage)

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

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

Abstractions

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

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

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

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

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales->

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

- *3rd response (14/02/2018)*

Thank you for referring the additional information in support of the above application, which we received from yourself on 30/01/2018. Further to our previous letters referenced SJ21/GB/CAS-49650-P7P9 dated 09/02/2018, SJ21/GB/CAS-49650-P7P9 dated 26/01/2018 and CAS-41723-C2V7 dated 23/10/2017, we have the following advice to provide.

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

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

- ☐ Drainage plan RJC-MZ86-05 dated 05/09/2017
- ☐ Method Statement Pollution Prevention (Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners)
- ☐ Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017, amended version received by email on 12/02/2018 from the agent)

Manure Management Plan

We have assessed the Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017, amended version received by email on 12/02/2018 from the agent). The Plan states that all the manure produced at the site will be exported off the farm and includes a contingency plan for the storage of manure when export off the farm is not possible. The plan also includes measures for dealing with contaminated wash water.

Provided the site operates in accordance with this management plan, the proposal is unlikely to adversely impact the surrounding environment.

Protected Species

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

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

Requirement 1 of our letter referenced CAS-41723-C2V7 dated 23/10/2017 has been satisfied.

We also welcome the submission of the 'Assessment of bat roosting potential in trees at Hendre Boeth' dated December 2017 by Oakwood Ecology. The close-up inspection of the trees has identified negligible and low potential for bat roosting in the two trees due to be removed. We do not envisage the removal of these trees will be detrimental to the favourable conservation status of bats population at the site, provided the precautionary measures identified in the report are implemented.

The undated 'Landscape plan' by Arbor Vitae provides clarification over the landscaping proposal for the site and fulfils requirement 2.

Pollution Prevention

We have assessed the pollution prevention plan ('Method Statement Pollution Prevention' Prepared for Wallace Webb Farms Ltd. by Roger Parry & Partners) submitted in support of this proposal.

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Representations

The application was advertised through the erection of a site notice and press advertisement.

A single letter from a local resident has been received only making observations in respect of the access to the site;

“The proposed development is a mile or two away from the B4393 along a single track unclassified lane. There a number of family occupied houses along the lane. There are very few passing places (even for cars, let alone large numbers of HGVs), several blind corners and roadside verges and banks that have been subject to erosion by increasing traffic in recent years. There will certainly be serious issues to address re highways, traffic and safety aspects of the proposed development”.

The received communication does not indicate an objection or support for the scheme.

Planning History

11818 – Construction of Poultry Houses. Approved 1971.

M1940 – Extension to poultry house. Approved 1976.

AGRI/2017/0072 – Construction of an agricultural building to house a boiler unit. Planning Permission required

Principal Planning Constraints

Open countryside

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

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

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 13 – Tourism (1997)
Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2017)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment
Natural Environment and Rural Communities Act (2006)

Local Planning Policy

Powys Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources
DM14 – Air Quality Management
DM15 – Waste within Developments
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

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

Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Environmental Impact Assessment Regulations 2017

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

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

The proposed development is for intensive rearing of poultry which exceeds the prescribed amount of birds and as such the planning application is accompanied by an Environmental Statement.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, states:

“The relevant planning authority or the Welsh Minister or an inspector must not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have taken the environmental information into consideration, and they must state in their decision that they have done so”.

The Environmental Permitting (England & Wales) Regulations 2016

The proposed development would result in the site accommodating over 40,000 birds and in its cumulative total and therefore requiring an Environmental Permit for the operation of the site.

Natural Resources Wales have confirmed that a permit was granted for 110,000 broilers on 19th September 2017, (Permit no. EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW’s air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

It is noted that the permitting process is separate to any planning application considered and it was considered by Natural Resources Wales under their relevant criteria. Therefore, the Officers wish to report that the permit has been issued for members’ information, however this does not form a material consideration in the determination of the planning application.

Planning History

The application site had previously benefited from full planning permission for the construction of “Poultry Houses” in 1971. In 1976 the Montgomeryshire District Council granted a further application for extension to the existing buildings to house additional birds, giving an approximate combined floor space in the region of 1,400m². The applicant has confirmed that total number of birds at the holding was 65,000.

The applicant states that the buildings were in use until 2013 when there were damaged by a storm and after that fell into disrepair.

Principle of Development

Policy E6 of the Powys Local Development Plan accept the principle of farm diversification in rural communities allowing further commercial opportunities to provide rural employment that utilises existing resources. LDP policies, namely T1 and DM4 are equally supportive of such schemes.

In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Farm Diversification

Hendre Poeth is a family owned farming business which extends to 53.25 hectares (131.58 acres) () and is seeking consent to diversify further into poultry enterprise in order to secure the long-term viability of the farming enterprise.

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

Furthermore, LDP policy E6 also states that such schemes will help and maintain the viability of individual farm units or enable the family unit to remain within the community and to have viable employment. In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Poultry unit developments raise a number of planning issues such as smell, noise, dust, pollution and traffic. Whilst the Council wishes to sustain an efficient, viable and diverse farming community, a balance must be struck against maintaining the well-being of the wider community and the high quality of the Powys landscape as detailed within Policy DM4 of Powys Local Development Plan. Whilst the principle of the poultry rearing unit is acceptable at this location, the aforementioned matters and other material planning considerations will be discussed below.

Landscape and Visual Impact

Guidance within the Powys Local Development Plan policy DM4 indicates that development proposals must not, individually or cumulatively have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. Policy DM4 also requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LAMNDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

This application site is located within the *River Severn Flood plain aspect area* (Aspect Area Code MNTGMVS650) which is characterised as an area as significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom. LANDMAP classifies this area as moderate (*smaller areas within the aspect as a whole displays some and outstanding qualities however this is lessened by the association with urban areas and a heavily used road corridor*).

The proposed buildings are to replace the existing dilapidated agricultural buildings, and the proposed buildings will be able to accommodate up to 100,000 broiler rearing birds. The proposed site is currently overgrown with a number of timber buildings which are to be removed. As a part of this proposal consent is sought for a new access point to the site with a large parking and turning area to the front of the buildings. The site is bound by agricultural land to the north with intervening C class road between, east and south, to the west of the site the an existing dwelling is located which is in the applicants ownership. This application also seeks consent for the construction of a building to store a bio mass unit which is to be located within the yard west of the proposed units and it will be seen in conjunction with the proposed buildings. The proposed landscaping and planting is designed sympathetically to help assimilate the proposed development into the landscape and to further screen the proposed buildings within the wider landscape.

Policy E6 of the Powys Local Development Plan states that farm diversification proposals should be of intensity appropriate to the location and setting and have no significant detrimental effect on the vitality and viability of adjacent land uses.

The proposed building will be on the site of dilapidated agricultural buildings which are to be removed and in close proximity of the existing farm holding at Hendre Poeth (approximately 110 metres) which also contains a poultry unit and number of existing agricultural buildings.

In support of this application the Environmental Statement includes a Landscape and Visual Impact Assessment. The report considers the LANDMAP landscape characterisation for the area, the historic landscape register, visual impact upon the surrounding area impact upon the sensitive residential receptors around the site, popular viewpoints, impact upon footpath users and road users. The report concludes that the direct effects on the fabric of the landscape will be limited. The proposed development will occupy intensively farmed pasture land and dilapidated poultry units. No important landscape features or elements will be lost

as a direct consequence of the development. As the site lies on an established agricultural development, the proposed development will be compatible with the surrounding land uses.

With regard to indirect effects and the perception of landscape character, it is anticipated that the proposed development will have no effect on the landscape character. It is acknowledged that the development will be seen in localised areas within a limited zone of visual influence around the site. However, the setting of the site in the context of the established agricultural development means that the overall effect on the perception of landscape character will change little. The setting of the site combined with the proposed mitigation measures will minimise the effect that this development could have on landscape character.

In the short term the report acknowledges that there will be some moderate effects on visual amenity as a result of the proposed development, as is inevitable with a development of this scale. However, as with the potential effect on landscape character, these will be mitigated by the setting of the site and proposed landscaping. The viewpoint analysis identifies that at some of the locations close to the site there will be some effect on visual amenity as a result of this development, the worst affected are public footpaths that in any case are used irregularly as they are of limited value, the footpaths are clearly historical remnants of practical access routes for residents of the area rather than for enjoyment of the countryside; The incorporated mitigation measures will in the longer/medium term reduce some of the effects and indeed will have some beneficial effects on the landscape as historic landscape features will be restored. The viewpoint analysis shows that at the other locations examined in the analysis there will not be a significant effect on visual amenity as a result of the poultry installation. This is largely attributed to a combination of increasing separation distance, the influence of intervening vegetation and the surrounding agricultural context (large scale agricultural development) that the proposed poultry installation will be seen in the context of.

It is acknowledged that the proposed poultry buildings are of a large scale, however they will be grouped and seen in the context of the existing nearby complex and as such, potential landscape and visual impact could be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Proposed landscaping together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of part of the existing field, but, taking account of the mitigation measures, the location adjacent to existing buildings and the condition and sensitivity of the landscape it is considered that whilst the development would have an impact on the surrounding landscape, and particularly from the adjacent road, it is not considered sufficient to warrant refusal of the application on this ground.

There is the opportunity to view the development from other properties whose occupiers would be more sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be visible. However the distance maintained between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship of the units to the existing farm complex, it is considered that there would not be an unacceptable impact on residential receptors.

A public road located near to the site, being located to the north of the site. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However the existing vegetation and buildings with landscape mitigation proposed will all serve to mitigate the view from the road

network, therefore it is considered that the effect on visual amenity would not be unacceptable.

Therefore, it is considered that the proposed siting is acceptable. Officers consider that the proposal is capable of being accommodated without causing unacceptable harm to existing character and appearance of the surrounding area and landscape.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. Officers consider that the visual and landscape impact associated with the proposed poultry unit development can be appropriately managed thereby safeguard the Powys landscape in accordance with relevant policies contained within Powys Local Development Plan, SP7, DM2, DM4, DM7, DM13 and E6.

Highways Safety and Movement

Policy T1 of the Powys Local Development Plan seeks to secure appropriate highway provision within the developments in terms of a safe and efficient flow of traffic for all transport users.

The supporting planning statement indicates that the main vehicular movements associated with the proposed poultry development are as follows;

The site is accessed off the A495 at Llansantffraid onto the B4393. The site is accessed off the council maintained highway, from a new access as per the site and location plans leading to buildings. Feed HGVs will be coming from a local feed company using the A495 and then as above. The access is to be 3.5 metres in width and the first 15 metres of either end of the access will be finished with tarmac, the remainder will be stoned.

The application states that due to the nature of the poultry enterprise it is not possible to give an accurate daily average as the movements are concentrated around certain activities during the cycle. Feed movements increase during the crop cycle as bird weights increase. Manure removal takes place in a short period between bird removal and chick placement and the direction of the movements will vary. Bird removals take place in two waves each lasting two days during the crop cycle. On 23 days of the 48-day crop cycle there will be no movements and on a further 15 days of the crop cycle there will only be one vehicle visiting the site.

Third party comments are noted in respect of vehicular movements, however it is important to note that Powys County Council's Highway Authority has been consulted on the proposed development and have no objection. Powys County Council's Highway Authority has requested number of safeguarding conditions in respect of construction of adequate access point to the site and closing off of the existing access point. Furthermore it is noted that the plans submitted highlight an area for parking and turning of vehicles within the compound and therefore the proposed development would not have a detrimental impact upon highway safety. The proposed development in light of the above therefore complies with T1 of Powys Local Development Plan.

Biodiversity and Ecology

SSSI's and SAC

Guidance contained within Policies SP7 and DM2 of Powys LDP which indicate that development proposals should preserve and enhance biodiversity and features and sites of ecological interest.

There are several areas of Ancient Woodlands (AWs) within 2 km of the site of the proposed poultry houses. There are two Sites of Special Scientific Interest (SSSIs) within 5 km of the site (Montgomery Canal, Gwenydd Ty-Brith, Llanymynech and Llancllys Hills, and Bryngwyn Hall Stables and Coach House), and 3 Special Areas of Conservation (SACs) within 10 km of the site; Montgomery Canal SAC (7.1km), and the Tanat and Vyrnwy Bat Sites SAC (9.3km) and Granllyn. Parts of the Midland Meres and Mosses Phase 2 Ramsar are also within 10 km of the proposed poultry unit.

An ammonia modelling report prepared by AS Modelling and Data Ltd has been submitted with the application. The report considers impacts upon 3 SACs within the 10km screening distance (Montgomery Canal, Tanat and Vyrnwy Bat Sites, and Granllyn) and concludes following preliminary modelling that no impacts are expected within the boundaries of these sites.

NRW state that a permit was granted for 110,000 broilers on 19th September 2017. (EPR/AB3594FT/A001). The permit process has already assessed pollution impacts relating to the permit process through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016. NRW's air quality guidelines changed on April 1st 2017 however the old air quality thresholds will apply to this proposal as the application for the EPR permit was made on 22nd March 2017.

NRW have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd.) submitted in support of this proposal. Table 4, on pages 23 and 24 of the Ammonia report presents the ammonia screening results for designated sites using five variations of meteorological data. The highest ammonia concentration regardless of meteorological data indicates that the farm ammonia concentration will be below the thresholds (20% for SSSIs, 4% for SACs, SPAS and Ramsar) that they apply in their assessment of potential impacts on protected sites.

Powys County Ecologist also notes the permit application had been submitted prior to the end of March 2017, and that NRW have made it clear that they are happy to apply the old thresholds with regard to Ammonia modelling. The County Ecologist confirms that no further modelling is required.

Therefore, Natural Resources Wales and the Powys County Ecologist have concluded that for all of the protected sites the ammonia and nitrogen deposition levels for the proposed unit are below the threshold applied in the assessment of potential impacts upon SSSI's and SAC.

Protected Species

LDP Policy DM2, TAN5 and PPW seek to safeguard protected species and their habitats.

An Extended Phase 1 Habitat Survey report (Arbor Vitae Environment Ltd, April 2017) has been submitted with this application. An Environmental Statement (ES) (Roger Parry and Partners, August 2017) has also been submitted which considers protected species issues. Assessment of bat roosting potential in trees at Hendre Boeth' dated December 2017 by Oakwood Ecology has also been submitted on the advice of NRW.

NRW confirm that they are satisfied that the Method Statement for the 'Protection of bats' dated December 2017 by Arbor Vitae, provides sufficient avoidance measures that will minimise the risk to bats if encountered. Due to the low potential of existing buildings to be used by bats NRW agree that additional surveys will not be required provided the method statement is implemented and works stop if bats are encountered. Works must not be resumed until NRW has provided advice on the license requirements. No objections have been raised to the proposed development by the County Ecologist who has recommended a number of conditions to be attached to any grant of consent to secure mitigation and recommendations included within the ecological assessment.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour. There are

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

Noise

LDP policy DM13 states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities. The nearest non-associated residential property is approximately 190 metres south east of the site.

According to the submitted plans the proposal involves installation of 24 mechanical fans on the roof of the proposed buildings (12 fans per building). As part of this application process Environmental Health officers have been consulted and have requested a Noise Assessment. Given the distance and intervening landscape between the site and the said property the Officers consider that there would be no significant adverse impact upon the residential amenity enjoyed by the occupants of the property as a result of the proposal. Furthermore, the Environmental Health officer is satisfied with the information submitted with

the application and no further information has been requested in respect of noise from the fans.

However, offices have recommended that a condition in relation to the timing of deliveries to and from the site be attached to any grant of consent in order to reduce the impact upon amenity.

On the basis of the submitted information and comments received, officers consider that sufficient information has been submitted in support of the application to demonstrate that the proposed poultry development will not have an unacceptable adverse impact on the amenities enjoyed by the occupants of the neighbouring properties by reasons of noise. As such, the proposed development is considered to fundamentally comply with LDP policy DM13, Technical Advice Note 11 and Planning Policy Wales.

Odour

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

A manure management plan has been submitted in support of this application. NRW confirms that they have assessed the Manure Management Plan ('Manure Management Plan' by Roger Parry & Partners, dated August 2017, amended version received by email on 12/02/2018 from the agent). The Plan states that all the manure produced at the site will be exported off the farm and includes a contingency plan for the storage of manure when export off the farm is not possible. The plan also includes measures for dealing with contaminated wash water. Provided the site operates in accordance with this management plan, NRW confirm that the proposal is unlikely to adversely impact the surrounding environment.

As part of this application process Environmental Health have been consulted, no objections have been raised by the officer and they are satisfied that the information provided in respect of ammonia dispersal for the proposed development is satisfactory. As part of the comments received from the ecologist they have recommended that upon any grant of consent that the manure is to be transported in sheeted trailers to prevent any spillage and is to be spread in line with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil. Officers consider that these conditions are necessary and would be attached to any grant of consent.

In light of the above, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Following consultation, it is noted that no concerns have been raised by the Environmental Health Department in this respect. Therefore, Development Management considers the proposal to be in accordance with LDP planning policy DM13.

Dust

It is acknowledged that the process of chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s).

All feed is stored in purpose built buildings outside the main unit to reduce the dust particles in the atmosphere. Fans will be used inside the buildings to prevent the build-up of dust. It is therefore considered that the proposal will be sufficiently distant from sensitive residential properties which will prevent unacceptable impact upon them. In order to mitigate any potential impacts the proposed ventilation fans will be fitted with dust baffles and the feed delivery lorries will be covered and be blown directly from the lorry into the storage silos. Feed will be delivered to the buildings from the silos via a pipe system therefore minimising any dust emissions during feeding.

As part of this application process Environmental Health officers have been consulted on the proposal and they have raised no objections in respect of dust emissions as a result of the proposed development. In light of the above, it is considered that the proposed development fundamentally complies with policy DM13 of the Powys LDP.

Drainage

Drainage details have been submitted in support of the application which concluded that there was adequate surface water provision at the site. Following consultation with Environmental Health no objection to the proposed drainage at the site has been received.

NRW have assessed the drainage plan (Drainage Plan, Drawing No. RJC-MZ86-05 dated 05/09/2017) submitted in support of the proposal which confirms that:

- The separate clean and foul water pathways and direction of flow
- Clean water from the roof and clean surfaces will be directed to stone filled infiltration trenches and a piped system
- Clean water will be discharged to a ditch with a hydrobrake
- At wash down stage the clean water system will be switched to the dirty water tank
- The position of the SSAFO compliant dirty water tank is more than 10m from a watercourse.
- Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the water environment.

Therefore, NRW confirms that the subsisted plan is adequate and that the development should be carried out in accordance with the approved Drainage Plan RJC-MZ86-05 dated 05/09/2017 and recommend a relevant condition in that respect. Officers consider that the proposed drainage systems are acceptable and a condition will be attached to any grant of consent referring to the surface water drainage scheme and drainage plans as submitted with the application. the applicant has also confirmed that there are no private water supplies on the site which could be affected by the proposal, and in that respect EHO has confirmed that there are no issues in that respect.

In light of the above, it is considered that the proposed surface and dirty water drainage systems proposed fundamentally comply with policy DM6 of the Powys Local Development Plan.

Archaeology and Scheduled Monuments

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

While CADW confirms that the application area is inside 2km of the scheduled monuments MG078 Plas yn Dinas an MG200 Collfryn Enclosure & Field System however intervening topography will block all views of the proposed development from these scheduled monuments. CADW confirms that the proposed development will cause no damage to the setting of any scheduled monument.

In light of the above, it is considered that the proposed development fundamentally complies with policies SP7 and DM13 of the Powys Local Development Plan and Technical Advice Note 24 –The Historic Environment (2017).

Listed Buildings

There is no listed building in vicinity of the proposal which could be impacted upon.

In light of the above, it is considered that the proposed development fundamentally complies with policies SP7 and DM13 of the Powys Local Development Plan.

Rights of Way and Tourism

LDP Policy DM13 states that proposals will only be permitted where it does not have an unacceptable adverse impact on existing and established tourism assets and attractions. The application site sits in the heart of rural Powys, an area that has a strong tourism industry in a variety of guises although it is noted that many tourists are drawn to the area for its scenic quality and utilise the public right of way network to enjoy the area.

With regards to landscape impact, it is accepted that the proposed development will be visible, especially in the early stages of construction and operation whilst the planting landscaping scheme is established. However the proposed building will be viewed adjacent to the existing farming operation as part of the rural landscape. Therefore, given that this is an existing operational farm holding nearby and that no public rights of way are directly affected by the proposal, the Officers consider that the proposal will not have a detrimental effect on nearby tourism assets in the area.

As such it is considered that the proposed development fundamentally complies with policies SP7 and DM13 of the Powys Local Development Plan.

RECOMMENDATION

Development Management considers that the proposed poultry development is compliant with planning policies. The recommendation is one of conditional consent.

All information submitted with the application, including Environmental Statement have been considered.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the documents received updated Manure Management Plan Contingency Section (February 2018), Assessment of bat-roosting potential in trees at Hendre Boeth, Llansantffraid, Powys SY22 6TJ by Oakwood Ecology (December 2017), Landscape Plan by Arbor Vitae Environment Ltd. (received on 08/01/2018), Method Statement - Protection of Bats by Arbor Vitae Environment Ltd., Method Statement Pollution Prevention by Roger Parry & Partners LLP (received on 25/01/2018), Manure Management Plan by Roger Parry & Partners LLP (dated August 2017), Design and Access Statement by Roger Parry & Partners LLP (August 2017), Environmental Statement by Roger Parry & Partners LLP (August 2017), Scoping Report (August 2017), Lightning Design Scheme (August 2017), A Dispersion Modelling Study of the Impact of Odour by AS Modelling & Data Ltd.(dated 04/07/2017), A Report on the Modelling of the Dispersion and Deposition of Ammonia Odour by AS Modelling & Data Ltd.(dated 10/03/2017), Dust Management Plan, and plans (drawing no's: RJC-MZ86-01, RJC-MZ86-02, RJC-MZ86-03B, RJC-MZ86-03, RJC-MZ86-05 (dated 05/09/2017).
3. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
6. The each poultry unit/building hereby permitted shall house a maximum of 50,000 birds.
7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10m measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8. Prior to the commissioning of the unit the entrance gates shall be set back at least 15m distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
9. Prior to any works commencing on the new unit the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material and is to be finished in a 40mm bituminous surface course for a distance of 15m from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
10. No storm water drainage from the site shall be allowed to discharge onto the county highway.
11. Prior to the occupation of the new unit the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
12. No other development shall commence until the access has been constructed so that there is a clear visibility splay from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
13. Upon formation of the visibility splays as detailed in the above condition, the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
14. Within 20 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
15. Deliveries (except for the purpose of bird removals) shall not be taken or dispatched from the site outside the hours of 0700 to 2100 hrs Monday to Friday; 0700 to 1700 hrs on Saturdays and; 0900 to 1700 hrs on Sundays and Bank Holidays.
16. The mitigation regarding bats and nesting birds contained in the Bat Method Statement (Arbor Vitae, December 2017) and Bat Tree Assessment (Oakwood Ecology, December 2017) shall be adhered to and implemented in full.
17. The enhancement measures contained in the Landscape Plan (Arbor Vitae) shall be adhered to and implemented in full unless otherwise agreed in writing with the Local Planning Authority. Measures to manage the new arable field margin for wildlife should be

incorporated into an updated version of the Landscape Plan to be submitted to the Local Planning Authority and implemented as approved unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

21. The pollution management/mitigation scheme submitted to the Local Planning Authority shall be implemented as approved and maintained thereafter.

22. No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground. No manure shall be stored over field drains or within 10 metres of a watercourse.

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

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

25. Notwithstanding the details submitted, a detailed landscaping implementation (phasing) and maintenance scheme for the landscaping scheme submitted, shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented as approved and maintained thereafter in accordance with the approved scheme.

26. Notwithstanding the details submitted, a detailed landscaping implementation (phasing) and maintenance scheme for the landscaping scheme submitted, shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented as approved and maintained thereafter in accordance with the approved scheme.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to minimise visual impact in accordance with Powys LDP Policy DM13.

4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
5. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
6. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with Powys Local Development Plan (April 2018) policies SP7, DM2, DM4, DM7, DM14, E6, T1.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
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12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
14. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
15. To safeguard the amenities of the locality in accordance with policy E6 of the Powys Local Development Plan.
16. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
18. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
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22. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.

23. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.

24. To comply with Powys County Council's LDP Policy DM7, the requirements of Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

25. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Powys LDP Policy DM2.

Informative Notes

A Building regulations application may be required, please contact Building Regulations on 01874 612290.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
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