

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2015/0131	Grid Ref:	310991.43 254053.58
Community Council:	Glascwm	Valid Date:	Officer: 09/02/2015 Tamsin Law
Applicant:	Mr V Powell Hundred House Garnwen Llandrindod Wells Powys LD1 5RP		
Location:	Land at Penarth Farm Cregrina Llandrindod Wells Powys LD1 5SF		
Proposal:	Full: Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for the update

A late representation has been received from CPRW and is appended to this report.

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 23 – Economic Development (2014)
Technical Advice Note 24 - The Historic Environment (2017)
Welsh Office Circular 11/99 – Environmental Impact Assessment

Local Policies

Powys County Council Local Development Plan (2018)
SP7 - Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM6 – Flood Prevention and Land Drainage
DM7 – Dark Skies and External Lighting
DM13 – Design and Resources

DM14 – Air Quality Management
E6 – Farm Diversification
T1 – Travel, Traffic and Transport Infrastructure

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

The comments made by CPRW relate to the following;

- Unacceptable impacts on neighbours in very close proximity to intensive poultry unit
- Unacceptable traffic impacts
- No manure management plan
- Unacceptable landscape and visual impacts
- Unacceptable impact on the setting of Penarth Motte Scheduled Ancient Monument
- Unsuitability of and uncertainty regarding ranging areas
- Impacts on ancient woodland and Woodland Trust advice disregarded
- Failure to apply the Precautionary Principle to conservation of White Clawed Crayfish (European Protected Species) and to the protection of the Wye SAC

I will address these points along with the further consideration of the proposed development.

Principle of Development

Policy E6 of the Powys Local Development Plan accepts the principle of appropriate farm diversification developments within the open countryside where the schemes are of an appropriate intensity, does not have a detrimental impact upon the vitality and viability of adjacent land uses, has adequate parking facilities and is located within or immediately adjacent to the existing farm complex. In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Impact on neighbour amenity

LDP policy DM13 and DM14 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise or odour.

Noise

Consideration of neighbour amenity is provided within the original committee report which states the following;

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

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

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

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

The application is therefore considered in accordance with policy DM13 of the Powys LDP.

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.

Concerns have been raised in the representations received from CPRW regarding the impact of odour on nearby residential dwellings. They highlight that TAN6 states the following;

To minimise the potential for future conflict between neighbouring land uses, planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses.

In assessing the application odour assessments and manure management plan have been submitted in support of the application. The odour assessment concludes stating that odour exposures would be below the Environment Agency's benchmark for moderately offensive odours. The assessment also states that the predicted 98th percentile hourly mean odour

concentrations are also below the $1.0\text{ou}_\text{e}/\text{m}^3$ at the majority of receptors considered and at these levels, odour from the poultry unit would be rarely detectable.

As part of this application process Natural Resources Wales, the county ecologist and Environmental Health officers have been consulted who have raised no objection to the odour assessment and proposed manure management plan and that the proposed development would not have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reason of odour.

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of odour. Following consultation, it is noted that no concerns have been raised by the Environmental Health Department in this respect. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policy DM13 and DM14.

Traffic Impacts

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

CPRW raise concerns regarding the impact of the proposed development on highway users and that movements using agricultural trailers to remove manure from the building have not been considered.

The proposed poultry development includes the provision of a new highway access and track to serve the application site together with highway improvements at the A481 junction in Hundred House. Information submitted indicates that the proposed development will generate 2.4 lorry movements per week including feed deliver, egg collection, bird delivery and bird collection. Following ongoing discussion and consultation with the Highway Authority, a response has been received which confirms that Highway Officers are satisfied that the appropriate visibilities can be provided both at the class I road junction and at the site access. On this basis, appropriate highway conditions have been recommended.

It is also considered that the current use of the site, for the purposes of agriculture, does not have any restrictions regarding the movement of trailers or other types of agricultural vehicles.

In light of the highways officer's comments and suggested conditions, officers consider that subject to the conditions suggested, the proposed development is in accordance with planning policy, particularly policy T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

No manure management plan

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

Within the update report for Committee Manure Management is discussed. An updated Manure Spreading Plan has been provided within the Method Statement Pollution Prevention Plan.

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

Environmental Health, Ecology and NRW have been consulted on the application and offer no objection to the proposed development. The Powys Ecologist has recommended that the Manure Management is secured by condition. As such, it is considered that the proposed development complies with the relevant LDP policies.

Landscape and Visual Impact

Comments from CPRW raise concerns regarding the landscape and visual impact of the proposed development.

Guidance within policy DM4 of the Powys Local Development Plan, indicate that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

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

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

identified above. For the purpose of Landmap, the overall visual and sensory value is identified as 'high'.

Officers consider that the development will be viewed against the backdrop of the existing buildings complex and due to the topography of the land, the site being set at a lower level, the profile of the building will be low therefore reducing any impact. A landscaping scheme has been submitted which provides additional tree planting which will aid in the assimilation of the building within the landscape.

Development Management acknowledges that the proposal will result in the loss of the north western part of the field and represents a substantial built addition to the rural landscape, given the location of the development adjacent to the existing complex together with existing screening, it is not considered that the proposed development would compromise the desire to conserve the key landscape elements defined above.

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 proposed poultry unit is in accordance with policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

Impact on the setting of Penarth Motte, scheduled ancient monument

CPRW raise concerns regarding the impact of the proposed development on the setting of Penarth Mount Motte RD076, a scheduled ancient monument.

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

Policy SP7 of the Powys LDP states that to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation. Scheduled ancient monuments are identified as strategic resources and assets within this policy.

Technical Advice Note 24: The Historic Environment states the following regarding the setting of historic assets;

The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

The application site lies within approximately 180 metres (proposed access) of the scheduled ancient monument known as Penarth Mount Motte RD076, confirmed by Cadw to be a

substantial and partially tree covered artificial motte or mound of a medieval earth and timber castle.

Cadw were consulted on the application due to the proximity of the site to the scheduled monument. It is considered that the unit will not interrupt key views from the motte along the valley to the south, east and north east, which Cadw indicate was almost certainly sited to command. Furthermore, it is noted that the building will also be seen against the backdrop of the existing buildings at Penarth. In concluding their assessment, Cadw confirms that proposed development will have no significant adverse impact on the setting of the monument.

Cadw have recommended a condition regarding the submission, implementation and maintenance of a landscaping scheme which will be attached to any grant of consent.

Consideration is also given within the original report of the impact of highway improvement on the scheduled monument Colwyn Castle. No objection has been received from either Cadw or CPAT subject to a watching brief being secured by condition.

In light of the above, the proposed development is considered to be in accordance with planning policy, particularly policy SP7 of the Powys Local Development Plan, Welsh Office Circular 60/96, TAN24 and Planning Policy Wales.

Ranging Area

In their correspondence CPRW raise concern over the ranging area for the proposed development.

Following initial consultation on the application NRW raised concerns that the scheme did not demonstrate adequate ranging area in line with the relevant guidelines (an area of approximately 6.4 ha was required). Amended plans were submitted to demonstrate an extended ranging area and no further objections were received regarding the extended ranging area with regards to its size.

As such it is considered that the proposed development provides adequate land for the ranging of birds in accordance with the relevant guidance and DM2 of the Powys LDP.

Impact on Ancient Woodland

CPRW in their comments raise concerns over the potential impacts of the proposed development on ancient woodland due to an objection received from the Woodland Trust. In the update report for Committee the issue surrounding ancient woodland is discussed in the consultee response by the Powys Ecologist

Policy DM2 of the Powys Local Development Plan states that proposals which would impact on specific natural environmental assets will only be permitted where they do not have an unacceptable adverse effect on trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage and habitats and species afforded protection in line with national policy and legislation..

A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed Free Range Egg-Laying Chicken House at Penarth Farm, Cregina, Llandrindod Wells in Powys produced by AS Modelling & Data Ltd dated 31st January 2018. The report assesses the levels of ammonia likely to be deposited on areas of ancient woodland within 2km of the proposed development. The report predicted that the process contribution of the proposed development and range to annual ammonia concentrations would potentially be in excess of the recognised upper threshold percentage of the precautionary critical level at the closest ancient woodland. At other ancient woodland the process contribution would be below the recognised lower threshold percentage of the precautionary critical level. As the report predicted an exceedance on one of the ancient woodland further detailed modelling was undertaken. This modelling concluded that process contribution of the proposed chicken house and range to annual ammonia concentrations would not exceed the recognised lower threshold percentage of the precautionary Critical Level.

Following consultation with the Powys Ecologist who reviewed the submitted reports they concluded that, based on the results of the ammonia deposition assessment, the predicted process contributions would therefore not be likely to result in significant negative impacts to ancient woodland within 2km of the site and as such did not offer an objection.

In light of the above it is therefore considered that the proposed development complies with policy DM2 and PPW.

Failure to apply precautionary principle to White Clawed Crayfish

CPRW raise issue with the HRA screening report undertaken for the application.

Policy DM2 of the Powys Local Development Plan states that proposals which would impact on specific natural environmental assets will only be permitted where they do not have an unacceptable adverse effect on European Protected Species and habitats and species afforded protection in line with national policy and legislation.

Following receipt of the late representation from CPRW discussion was undertaken with the Powys Ecologist who advised that a survey of the watercourse at the site would demonstrate whether white clawed crayfish are present or not. In undertaking the HRA screening the Powys Ecologist applied the precautionary principle to white clawed crayfish by assuming that they were present within the watercourse. In the update report to Committee the Powys Ecologist details the considerations of the proposed development and the River Wye SAC and white clawed crayfish and technical advice was sought from NRW.

NRWs advice concluded that they did not consider that aerial emissions that would result from the proposed development would have a significant effect on white clawed crayfish. The Powys Ecologist therefore concluded that, considering the information submitted with the application and the information from NRW, that the proposed development would not result in a Likely Significant Effect to the River Wye SAC and or its associated features – including white clawed crayfish.

As such it is considered that the proposed development is compliant with policies DM2 of the Powys LDP, TAN5 and PPW.

RECOMMENDATION

In light of the above, the Original Report and two update reports and careful consideration of the planning application, it is considered that the proposed development is compliant with planning policy. On this basis the recommendation is one of conditional consent subject to the conditions attached to the update report.

Environmental Information has been taken in to consideration in reaching the above recommendation.

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