

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0549	Grid Ref:	296106.95 288790.36
Community Council:	Trefeglwys	Valid Date:	Officer: 15/05/2017 Dunya Fourie
Applicant:	Mrs Fiona Jerman, CL & FE Jerman, Glangwden, Trefeglwys, Caersws, Powys, SY17 5PX.		
Location:	Glangwden, Trefeglwys, Caersws, Powys, SY17 5PX.		
Proposal:	Full: Erection of a free range poultry unit (extension to existing unit), including feed silos and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

This application is accompanied by and Environmental Impact Assessment.

Site location and Description

Glangwden farm is located to the west of Trefeglwys as you head towards Llanidloes, the farm is accessed directly off the B4569, via a private concrete access drive. The immediate location of the proposed building is to the west of the farmhouse and would form part of the existing holding.

This application seeks full planning consent for the erection of a free range egg production unit, housing a maximum of 32,000 birds. The development proposed is as follows:

- Building (134m in length, 20m in width, 3.1m in height), constructed using steel box profile sheeting in a dark grey/blue colour and with a total footprint of 2680m.
- Two external feed bins, finished in dark grey.

There is an existing poultry unit on the site and as such the combined number of birds within this holding would be 64,000.

Consultation responses

Trefeglwys Community Council-

No comments received at the time of writing this report.

Environmental Health Authority-

E mail of 15 June 2017

Thank you for your consultation in respect of this application. No assessment of the impact of noise from the development has been made within the application and therefore I would recommend that we refuse on the grounds of insufficient information.

No assessment of extractor fan noise has been made and worryingly some incorrect statements with regard to the effectiveness of vegetation on reducing noise levels have been made in respect of mitigation.

We do not have a cumulative noise impact assessment in respect of fan noise from this installation and therefore Environmental Protection object to this application

E mail of 23rd April 2018

I am unclear as to what noise data is being presented by the applicant in support of their application. Given that there are existing units onsite the applicant should include the impact of all fans.

The applicant first provides an impact assessment for 16 fans (which is the new unit only) using data from a fan which they are not intending to use.

Data is then provided for a single fan which they are intending to use and a distance attenuation calculation is provided for a single fan.

There is a barrier attenuation allowance for hedgerows and trees, neither of which provide barrier attenuation.

I am therefore not in a position to comment upon noise

E mail of 23rd April 2018

Further to the agent's for the project clarify the cumulative noise impact at the nearest neighbour, I have no objection to this application.

Natural Resources Wales

Letter of 22 June 2017

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. We would object if the scheme does not meet these requirements.

Requirement 1 – A site plan identifying any sensitive receptors in the area

Requirement 2 – Site Drainage Plan

Requirement 3 – Manure Management Plan to be revised to include further information

Requirement 4 – Manure Contingency Plan

Requirement 5 – Pollution Prevention Plan revised to include the operational phase of the poultry unit.

Requirement 6 –Ranging Area Plan

Identification of sensitive receptors

We advise that applications need to identify and take into account surrounding sensitive receptors, including:

- Protected sites (including SAC, SPA, Ramsar sites and SSSIs), protected species and ancient woodlands
- The location of controlled water (e.g. watercourses, wet and dry ditches, groundwater and ponds).

Requirement 1 – A site plan identifying any sensitive receptors in the area

A site plan is required which includes the location of any sensitive receptors in or near the application boundary.

This information is essential to inform pollution prevention measures, including buffers for livestock range areas and locations of soakaways and other drainage features based on distance and connectivity.

Site Drainage Plan

The proposal will need to be accompanied by a Site Drainage Plan, to detail the proposed site drainage methods and to detail the design features of preventing pollution occurring.

Requirement 2 - Site Drainage Plan

Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaways should be directed away from existing surface waters. The development must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Runoff water from the ranging area should not be allowed to flow directly into surface water drains or watercourses as this can contain polluting nutrients and sediments.

Applications need to include a plan of the proposed site that indicates all the new and existing features that will control pollution from the development, including:

- Clean and foul drains (with direction of flow)
- Effluent containment (including capacity)
- Provision for decontamination and collection of disinfectant in event of disease control
- Any constructed soakaway
- French drains and
- New or existing sustainable drainage building including swales, reed beds or ponds.

Any relevant management controls should also be indicated.

Manure Management Plan

We welcome the submission of the Manure Management Plan. However, the MMP needs to be revised to include and clarify the following:

Requirement 3 – Manure Management Plan to be revised to include further information

- Will the conveyor belt take the muck out to a covered trailer? If not, will any run off go into the dirty water system?
- The dirty water tank must be SSAFO compliant.
- Although the submission confirms that there is enough land for 250kg/ha of N, we note that the only crop grown is silage, which is not a nutrient hungry crop, particularly for P. We therefore, advise that frequent soil testing should take place to inform land spreading. No spreading of manure should take place in flood zones.

Guidance to help complete a Manure Management Plan can be found in the Code of Good Agricultural Practice.

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 Government's Code of Good Agricultural Practice.

Manure Contingency Plan

NRW require a Manure Contingency Plan to demonstrate that there is contingency for storing any manure, slurry and dirty water produced at times where the usual method of manure disposal is not possible.

Requirement 4 – Manure Contingency Plan

It is noted on the Manure Management Plan that manure will be exported from the site every 4 days and spread "if the conditions are suitable". In order to confer agricultural benefit and not treat the muck as waste the applicant will need to demonstrate that they have sufficient and suitable storage facilities. Details should include the capacity of the manure store.

Contingency for storing wash water during and after disease outbreak must be detailed as this is classified as hazardous waste and depending on the severity and type of outbreak may need to be stored for longer than normal and separate from other manures and slurry.

The contingency plan can be included into the Manure Management Plan.

Pollution Prevention Plan – Construction and Management

The proposal should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

Requirement 5 – Pollution Prevention Plan revised to include the operational phase of the poultry unit.

NRW notes that the Pollution Prevention Plan is mainly relevant to the construction phase, NRW require the plan to include pollution control measures during the operational phase to. Runoff water from the ranging area should not be allowed to flow directly into surface water drains or watercourses as this can contain polluting nutrients and sediments.

The Pollution Prevention Plan should include NRW's incident response telephone number. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000.

Range Area Plan

Requirement 6 – Ranging Area Plan

NRW require the details of the livestock range area in order to assess the risk of runoff polluting nearby watercourses.

Maps showing the range should include (as appropriate):

- Boundaries of the ranging area (including total area in hectares)
- Direction of slope
- Soil types
- All sensitive receptors (wells, springs, boreholes – within 50m of site boundary, watercourses, hedgerows and any known protected sites or species) within 50 metres of the boundary
- Location of existing or proposed mitigation measures to control runoff
- Proposed management of soil and crop cover to prevent waterlogging and runoff. With particular reference to areas around livestock access points – pop holes or verandas.

Protected Sites and aerial emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). The pre-application consultation was received by NRW before the 1st of April 2017 therefore this application has been assessed using screening criteria that was current at that time. Please note that from the 1st April 2017 NRW has put in place new screening criteria.

We have reviewed the Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd. 11/10/2016) submitted in support of this proposal.

Table 5, on p25 of the Ammonia report presents the ammonia screening results for designated sites using variations of met data.

For Coedydd Llaur y Glyn SAC/SSSI the highest ammonia concentration regardless of met data indicates that the farm ammonia contribution will be below 4% of the lower 1µg/m³ critical level.

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

Protected Species

Poultry units have the potential to impact protected species. The Local Planning Authority will screen the proposal to assess if there is a reasonable likelihood that any protected species will be impacted and the need for surveys in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2).

In the meantime, we cannot confirm whether the proposal will be detrimental to the maintenance of a population of any local protected species at a favourable conservation status in their natural range.

Environmental Permitting

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

- Intensive Farming

We note that this proposal is for the extension of 32,000 - total of 64,000 on site. We confirm that a permit has been issued for this poultry unit.

- 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-andimpoundment-licences/?lang=en>

- Discharges

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

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

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

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

Powys Ecology

E mail of 13th November 2018

Thank you for consulting me with regards to planning application P/2017/0549 which concerns an application for the Erection of a free range poultry unit (extension to existing unit), including feed silos and all associated works at Glangwden, Trefeglwys, Caersws, Powys.

The information submitted to inform the planning application has been assessed against the NRW Quick Guide 9 Poultry Units: planning permission and environmental assessment Guidance for applicants, local planning authorities and NRW staff. This guidance note sets out the information required to be submitted to enable the LPA to assess the potential impacts of poultry unit developments in relation to the Environment.

The following European Sites are present within 5km of the proposed development:

- Coedydd Llawr-Y-Glyn Special Area of Conservation (SAC) approximately 2633m from proposed development

The following Nationally Designated Sites are present within 5km of the proposed development:

- Coedydd Llawr-Y-Glyn Site of Special Scientific Interest (SSSI) approximately 2633m from proposed development

The following non-statutory designated sites are present within 2km of the proposed development:

- 46 parcels of Ancient Woodland – closest parcel approximately 207m from proposed development

As of the 1st April 2017 NRW introduced revised thresholds of insignificance in relation to Ammonia and Nitrogen, however correspondence received from NRW on the 23rd June 2017 has identified that as they received a consultation regarding this application prior to implementation of the new thresholds the ammonia and nitrogen thresholds applied by NRW to proposals before the end of March 2017 have been used to assess the scheme.

A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated 11th October 2016 has been produced and submitted with application. NRW have reviewed the detailed Ammonia and Nitrogen deposition data provided with regards to statutory designated sites – SAC and SSSI. They have identified that the predicted deposition from the proposed development are within the acceptable levels of insignificance – the application has also been assessed through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016 and an EPR permit was granted on 2nd June 2017.

The Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated 11th Oct 2016 has considered the potential impacts of the proposed development to Ancient Woodland sites within 2km of the proposed development. Detailed modelling was undertaken for Ancient Woodland sites where the preliminary modelling undertaken indicated that annual mean ammonia concentrations could exceed the lower threshold percentage of the relevant Critical Level/Load. The detailed modelling has identified a predicted exceedance of 100% of the

precautionary Critical Level of 1.0 µg-NH₃/m³ over approximately 0.75ha of the area of Ancient Woodland to the south-west of the poultry houses.

No mitigation has been proposed to compensate for the potential impact of the proposed development to this area of ancient woodland and no assessment of the ancient woodland habitat has been undertaken to determine the

Therefore it is considered that further information regarding proposed compensation for potential impacts to Ancient woodland is required demonstrating the provision of new native woodland planting for a minimum area of 0.75ha.

In addition in order to ensure the effectiveness of the proposed compensation it is recommended that a detailed Native Woodland Creation and Management Plan is required this could be secured through an appropriately worded condition, however as additional information has been requested the applicant may wish to consider the submission of this information prior to determination to avoid the need for a pre-commencement condition requiring this information.

No ecological Survey has been submitted with the application, Chapter 10 of the Environmental Statement considers potential impacts of the proposed development to Ecological features.

Consideration has been given to the potential for the site of the proposed development to support protected species, assessment of the habitats and features present concluded that the proposed development would be unlikely to impact great crested newts, otters due to absence of suitable habitat.

Bats were considered unlikely to be using the site for roosting purposes due to lack of suitable roosting sites, however it is identified that the habitats surrounding the proposed development do represent suitable foraging habitat for bats and the site has been assessed as important at a local level for bats. Inappropriate external lighting at the site has potential to negatively impact foraging and commuting bats, the ES identifies that lighting design should incorporate the needs of bats, however no details regarding external lighting have been provided, it is recommended that a condition regarding external lighting is including to ensure that if external lighting is required in the future that it is designed appropriately to minimise impacts to wildlife, however as additional information has been requested the applicant may wish to consider the submission of this information prior to determination to avoid the need for a pre-commencement condition requiring this information.

The site has been assessed as having potential to be used by badgers for foraging purposes and the site has been assessed as important at a local level for badgers.

It has been identified that there is potential for nesting birds to be impacted as a result of the proposed development due to disturbance, the ES provides conflicting information regarding loss of potential bird nesting habitat - Section 10.6.3. of the Environmental Statement states that all hedgerows and trees will be retained, however it also states in Section 10.7.2 that a small section of hedgerow will be removed. Having reviewed the proposed location of the new building with aerial photographs it appears that the proposed development would require the removal of sections of hedgerows and trees to accommodate the footprint of the building.

Clarification is required as to whether there will be any hedgerow or tree removal, It is important to note that hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that 'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Details regarding Surface Water Management have been provided within section 9 of the Design and Access Statement, it has been identified that surface water from the proposed building will be captured within a rainwater harvesting facility together with existing soakaways. A clean water storage tank has been installed for the existing unit.

Details regarding Foul Water Drainage have been provided within section 12 of the Environmental Statement and within Section 6 of the Method Statement Pollution Prevention Report produced by Roger Parry & Partners Report, it has been identified that foul water from the proposed development will discharge to an appropriately sized dirty water tank. A diverter valve will be connected to the drainage system for the hardstanding area which will divert the yard water either to the Sustainable Drainage System or the dirty water holding tanks. During wash down the outfall drain from the hardstanding will be diverted to the dirty water collection tanks. The dirty water will then be collected and taken off site by a sealed tanker and disposed of whenever it is full.

The drainage system proposed will ensure that foul water and clean water are kept separate and therefore no clean water will be contaminated.

It is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity. It is recommended that a planning condition is included to secure adherence and implementation of the identified measures regarding site drainage.

A revised Manure Management Plan dated February 2017 (uploaded to PCC Planning Portal on the 4th August 2017). The manure management plan considers the manure that would be produced by all existing livestock numbers at the farm as well as the additional 32,000 chickens covered by the proposed development. Details have been provided to demonstrate that sufficient and appropriate 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 pollution prevention and it is recommended that the adherence to and implementation of the identified measures is secured through an appropriately worded condition.

A Method Statement Pollution Prevention Report produced by Roger Parry & Partners has been submitted to inform the application. The Pollution Prevention identifies the measure that will be implemented during construction and operation of the proposed development with regards to Environment Management Systems and Pollution Prevention Measures. The measures identified within the document are considered to be in line with current guidelines regarding pollution prevention and it is recommended that the adherence to and implementation of the identified measures is secured through an appropriately worded condition.

Therefore further information is required prior to determination of the application to ensure compliance with relevant National and Local planning policies as identified above. In addition I note that NRW have identified in their response dated 29/09/2017 that Sensitive receptors are required to be identified on the range plan for the proposed development.

E mail of 27th February 2018

Thank you for consulting me with regards to planning application P/2017/0549 which concerns an application for the Erection of a free range poultry unit (extension to existing unit), including feed silos and all associated works at Glangwden, Trefeglwys, Caersws, Powys.

The information submitted to inform the planning application has been assessed against the NRW Quick Guide 9 Poultry Units: planning permission and environmental assessment Guidance for applicants, local planning authorities and NRW staff. This guidance note sets out the information required to be submitted to enable the LPA to assess the potential impacts of poultry unit developments in relation to the Environment.

The following European Sites are present within 5km of the proposed development:

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- 46 parcels of Ancient Woodland – closest parcel approximately 207m from proposed development

As of the 1st April 2017 NRW introduced revised thresholds of insignificance in relation to Ammonia and Nitrogen, however correspondence received from NRW on the 23rd June 2017 has identified that as they received a consultation regarding this application prior to implementation of the new thresholds the ammonia and nitrogen thresholds applied by NRW to proposals before the end of March 2017 have been used to assess the scheme.

A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated 11th October 2016 has been produced and submitted with application. NRW have reviewed the detailed Ammonia and Nitrogen deposition data provided with regards to statutory designated sites – SAC and SSSI. They have identified that the predicted deposition from the proposed development are within the acceptable levels of insignificance – the application has also been assessed through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016 and an EPR permit was granted on 2nd June 2017.

The Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated 11th Oct 2016 has considered the potential impacts of the proposed development to Ancient Woodland sites within 2km of the proposed development. Detailed modelling was undertaken for Ancient Woodland sites where the preliminary modelling undertaken indicated that annual mean ammonia concentrations could exceed the lower threshold percentage of the relevant Critical Level/Load. The detailed modelling has identified a predicted exceedance of 100% of the precautionary Critical Level of 1.0 $\mu\text{g-NH}_3/\text{m}^3$ over approximately 0.75ha of the area of Ancient Woodland to the south-west of the poultry houses.

I understand that NRW considered the potential impact of the proposed poultry unit to Ancient Woodland as part of the Permit Application process, whilst NRW may have considered the impact to be acceptable with regards to permitting and it is understood that no mitigation was required through this process, NRW will not have applied National and Local planning policies when considering whether the potential impact of the proposed development would be acceptable.

Following previous correspondence regarding concerns over the identified exceedance of ammonia deposition to Ancient Woodland from the proposed development a mitigation scheme - drawing title 'Proposed Planting Scheme' - has been submitted to compensate for the potential impact of the proposed development to this area of ancient woodland, however having reviewed the proposed scheme I have the following comments to make:

- The area of Ancient Woodland identified as receiving an exceedance of ammonia deposition is approximately 0.75ha in size, the proposed mitigation planting is approximately 0.43ha in size – given the nature of Ancient Woodland habitat and the fact that it is considered that these habitats are of high biodiversity value which should be protected from development that would result in significant damage (PPW, Ed 9 2016) it is considered that the proposed mitigation is inadequate and does not reflect the importance of the habitat affected.
- In addition no details have been provided regarding the biodiversity value of the area of the proposed tree planting or it's potential to support protected or priority species – the habitat present in the area of proposed planting may be a habitat of importance in its own right and therefore it may not be suitable to plant trees at this location.

- Available aerial photographs also appear to show that this area is already partially wooded – although it is acknowledged that these images may be out of date.

Therefore it is considered that the proposed mitigation to address the identified exceedance of ammonia deposition is insufficient to provide compensation for potential impacts to Ancient woodland and therefore does not comply with the requirements of Planning Policy Wales and Powys UDP policies SP3, ENV3 and ENV6 as well as the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

No ecological Survey has been submitted with the application, Chapter 10 of the Environmental Statement considers potential impacts of the proposed development to Ecological features.

Consideration has been given to the potential for the site of the proposed development to support protected species, assessment of the habitats and features present concluded that the proposed development would be unlikely to impact great crested newts, otters due to absence of suitable habitat.

Bats were considered unlikely to be using the site for roosting purposes due to lack of suitable roosting sites, however it is identified that the habitats surrounding the proposed development do represent suitable foraging habitat for bats and the site has been assessed as important at a local level for bats. Inappropriate external lighting at the site has potential to negatively impact foraging and commuting bats, the ES identifies that lighting design should incorporate the needs of bats, however no details regarding external lighting have been provided.

The site has been assessed as having potential to be used by badgers for foraging purposes and the site has been assessed as important at a local level for badgers.

It has been identified that there is potential for nesting birds to be impacted as a result of the proposed development due to disturbance, the ES provides conflicting information regarding loss of potential bird nesting habitat - Section 10.6.3. of the Environmental Statement states that all hedgerows and trees will be retained, however it also states in Section 10.7.2 that a small section of hedgerow will be removed. Having reviewed the proposed location of the new building with aerial photographs it appears that the proposed development would require the removal of sections of hedgerows and trees to accommodate the footprint of the building.

Clarification is required as to whether there will be any hedgerow or tree removal, It is important to note that hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that 'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development then appropriate compensation in line with the requirements of Powys UDP Policies ENV2 and ENV6 will need to be provided.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Details regarding Surface Water Management have been provided within section 9 of the Design and Access Statement, it has been identified that surface water from the proposed building will be captured within a rainwater harvesting facility together with existing soakaways. A clean water storage tank has been installed for the existing unit.

Details regarding Foul Water Drainage have been provided within section 12 of the Environmental Statement and within Section 6 of the Method Statement Pollution Prevention Report produced by Roger Parry & Partners Report, it has been identified that foul water from the proposed development will discharge to an appropriately sized dirty water tank. A diverter valve will be connected to the drainage system for the hardstanding area which will divert the yard water either to the Sustainable Drainage System or the dirty water holding tanks. During wash down the outfall drain from the hardstanding will be diverted to the dirty water collection tanks. The dirty water will then be collected and taken off site by a sealed tanker and disposed of whenever it is full.

The drainage system proposed will ensure that foul water and clean water are kept separate and therefore no clean water will be contaminated.

It is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity.

A revised Manure Management Plan dated February 2017 (uploaded to PCC Planning Portal on the 4th August 2017) The manure management plan considers the manure that would be produced by all existing livestock numbers at the farm as well as the additional 32,000 chickens covered by the proposed development. Details have been provided to demonstrate that sufficient and appropriate 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 pollution prevention.

A Method Statement Pollution Prevention Report produced by Roger Parry & Partners has been submitted to inform the application. The Pollution Prevention identifies the measure that will be implemented during construction and operation of the proposed development with regards to Environment Management Systems and Pollution Prevention Measures. The measures identified within the document are considered to be in line with current guidelines regarding pollution prevention.

Therefore in summary I am currently unable to support the application due to identified potential impacts to Ancient Woodland and inappropriate mitigation/compensation measures being identified, the application is therefore contrary to the requirements of Planning Policy

Wales (Edition 9, November 2016) and Powys UDP policies SP3, ENV3 and ENV6 as well as the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

E mail of 17th March 2018

The additional information concerns an Extended Phase 1 Habitat Survey submitted to address concerns raised in my previous consultation responses regarding this application.

I have reviewed the Extended Phase One Habitat Survey produced by Arbor Vitae Environment Ltd, a site visit was undertaken on the 19th February 2018. The survey found that the land affected by the proposed development including the site of the new building and majority of the ranging area consists of improved grassland which was considered to be of minimal ecological value. The site is bounded and intersected by hedgerows – 30m of which will need to be removed – the hedgerows were found to be mainly in poor structural condition due to grazing pressure and lack of management, however the ecological value of these features was recognised as high.

An assessment of the site for its potential to support protected species including badgers, bats, breeding birds, brown hare, great crested newts, hedgehogs and otters. The survey concluded that no habitat of potential value to badgers, brown hare, great crested newts, hedgehogs and otters would be lost through the proposed development. The loss of the 30m section of hedgerow has potential to impact nesting birds and exterior lighting could impact foraging/commuting behaviour of local bat populations.

The Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated 11th Oct 2016 has considered the potential impacts of the proposed development to Ancient Woodland sites within 2km of the proposed development. Detailed modelling was undertaken for Ancient Woodland sites where the preliminary modelling undertaken indicated that annual mean ammonia concentrations could exceed the lower threshold percentage of the relevant Critical Level/Load. The detailed modelling has identified a predicted exceedance of 100% of the precautionary Critical Level of 1.0 µg-NH₃/m³ over approximately 0.75ha of the area of Ancient Woodland to the south-west of the poultry houses.

As identified in my previous consultation response I understand that NRW considered the potential impact of the proposed poultry unit to Ancient Woodland as part of the Permit Application process, whilst NRW may have considered the impact to be acceptable with regards to permitting and it is understood that no mitigation was required through this process, NRW will not have applied National and Local planning policies when considering whether the potential impact of the proposed development would be acceptable. In my previous correspondence dated 27th February 2018 I considered details of a proposed Ancient Woodland mitigation plan which identified mitigation planting of an area approximately 0.43ha in size. Having reviewed the proposed plans I raised concerns regarding the appropriateness of the mitigation planting – the area of the planting proposed and the appropriateness of the location of the proposed planting.

The Extended Phase 1 Survey undertaken by Arbor Vitae Environment Ltd included an assessment of the area of woodland affected by the predicted exceedance, the woodland was identified as a PAWS (Plantations on Ancient Woodland Site), with large area of mature larch and a smaller area of mature oak, a disused quarry and trackways. The quarry area is

partially used for muck storage. The report concludes that the conifer plantation, quarry, tracks and muck storage has reduced the ecological value of the woodland and that the increased ammonia levels would not result in a significant negative impact. The report identifies that the area of the proposed mitigation planting considered in my previous response comprises an area of wet grassland, whilst not botanically diverse it is considered that this habitat is of more ecological value as grassland habitat. Therefore it has been proposed that stock fencing and management to restore approximately 2.3 hectares of Coed Glangwden, an ancient woodland is a more appropriate mitigation strategy to address the predicted ammonia deposition resulting from the proposed development.

The loss of 30m of hedgerow will be mitigated through the planting of at least 100m of mixed native hedgerow elsewhere. It has also been identified that double fencing of hedgerows to protect from grazing pressure from the ranging area would result in significant ecological gain.

The report states that artificial external lighting associated with the proposed development should be largely unnecessary but, if needed, should be designed to minimise illumination of the adjacent habitats which may be used by bats for foraging.

In order to ensure compliance with associated legislation, hedgerow removal will be undertaken outside of the bird nesting season.

Section 6.4 of the report identifies a number of ecological enhancements to be provided through the development, these measures are welcomed and considered to be in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires Local Authorities to seek to maintain and enhance biodiversity through its actions, including the planning process.

Having reviewed the submitted information and taking into account the proposed mitigation and enhancements as well as the decision made by NRW with regards to the permit application for this development I consider that subject to appropriate conditions being included that sufficient information has been submitted to demonstrate the proposed development would not result in loss of biodiversity.

Therefore should you be minded to approve the application I recommend the inclusion of the following conditions:

Prior to first beneficial use of the development, a detailed Native Woodland Management and Restoration Plan including details of timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the area of approximately 2.3 hectares of Coed Glangwden identified in the Extended Phase One Habitat Survey produced by Arbor Vitae Environment Ltd shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 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 Section 6 of the Environment (Wales) Act 2016.

The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Habitat Survey produced by Arbor Vitae Environment Ltd shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's UDP policies SP3, 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.

Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on 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.

Built Heritage

E mail of 13 July 2017

Thank you for consulting me on the above application.

I can confirm that Glangwden Farmhouse is a listed building Cadw ID 7593 included on the statutory list on 10 March 1953.

I note that the proposed poultry unit is to be located to the north west of Glangwden and a large range of barns are currently located between the proposed building and the listed farmhouse.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;
 - its comparative significance;
 - the impact on that significance; and
 - the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

Historical Value

Glangwden is a C17th lobby entry house with alterations in the C19th and is listed as retaining its vernacular character and good quality timber framing.

Aesthetic Value

The grouping of the farmhouse and barns is attractive and the C17th lobby house is a vernacular building of the area.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The farmhouse is sited some distance from the B4569 and when viewed from the road the house is viewed against the backdrop of farm buildings when travelling from the south, and would not be readily visible when travelling from the north.

Conclusion

Given the siting of the building in this instance I would have no objections to the proposed agricultural building on the setting of the listed buildings

I note the list description refers to upvc windows inserted c.2000 and would request that if a listed building consent application was not granted for those windows that consideration of the relevant action be taken in respect of the unauthorised windows be considered.

CADW

Letter of 12th June 2017

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

This is a major development which meets the criteria given in Schedule 4.1.b of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

A statutory pre-application consultation was conducted; we however, were not included in this consultation.

The application area is located some 575m south-east of scheduled monument MG235 Dolgwen Enclosure. The monument comprises the remains of a hillfort, which probably dates to the Iron Age period. The hillfort was probably sited to command the Nant Gwden to the south and the Nant y Bachws to the north and would have been intervisible with the larger hillfort of Pen y Castell to the southwest.

The development will be visible from the scheduled monument in the identified significant view across the Nant Gwden. It will be seen with the existing buildings of the farm at Glangwden behind and to the side of it. As such, whilst it will be a large building, it will be seen as part of the existing farm. Consequently it is our opinion that the proposed development will have a slight adverse impact on the setting of the scheduled monument however this will not be significant.

E mail of 7 September 2017

Thank you for your consultation letter dated 8 August 2017 regarding the above mentioned development. An environmental statement has been submitted in support of this application. This document does not contain any information to alter our previous advice of 12/6/17.

CPAT

E mail of 8 August 2017

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

Cadw have confirmed that the development will have only a slight adverse visual impact upon the nearest scheduled monument (MG235) and have no objections.

Highway Authority

E mail of 7 September 2017

The County Council as Highway Authority for the County Class II Highway, B4569

Wish the following recommendations/Observations be applied
Recommendations/Observations

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26

metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway.

Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

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

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

In the interests of highway safety.

Severn Trent Water

E mail of 8 August 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

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

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Wales and West Utilities

Email of 8 August 2017

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Environmental Health-Contaminated Land

E mail of 9th August 2018

In relation to Planning Application P/2017/0549 there would be no requirements in respect of land contamination.

Countryside Services

Letter of 6th June 2017

Public footpath 83 follows the access track from public road B4569 and passes through the farmyard at Glangwden before continuing in a north-westerly direction. The proposed development will impact directly on the footpath and result in an unlawful obstruction of public access. The applicant and their agent have met with Countryside Services to discuss the development and a legal diversion of footpath 83.

The granting of planning permission does not, in itself, authorise the diversion or stopping up of the public right of way. A diversion or extinguishment of the path must be achieved through a separate legal process, which involves the making and subsequent confirmation of a public path Order. As it is an offence to obstruct the line of a public right of way, any development works affecting the line of the public path must not be commenced until such time as a public path Order has been both made and confirmed.

Public Responses

A site notice was erected on farm gates adjacent to the junction off the B road onto the access road to the farm, no decision was made for a continuous period of 21 days from the date of the site notice.

- The Ramblers Association provided the following comments:

As mentioned in the comments from Countryside Services this proposed development would obstruct an existing right of way. We are aware that there have been discussions about a legal diversion and this would be acceptable if approved following due process on this matter.

Our view is that any permission should be conditional upon a diversion order being obtained. Our opinion is that if planning permission is granted without such a condition this gives developers an unfair advantage in the separate diversion order process as they are able to argue that they already have planning permission and the diversion order is needed to implement it.

At the very least we consider that there should be a clear informative note in any permission granted to say that a diversion order will be necessary and that no development works, which affect the right of way, can be started until an Order has been approved and the new right of way put in place.

- A letter of support was also received from Lloyds Animal Feeds and highlights the importance of farmers being able to diversify and adapt to producing foods that meet the ever changing requirements.

Planning History

P/2015/0545-Erection of a free range egg production unit to accommodate 32,000 chickens together with associated feed bins, internal farm access and associated works. Conditional consent 24 September 2015

P/2014/0569-Outline some matters reserved: Construction of a rural enterprise/agricultural workers dwelling with detached garage, improvements to existing access and installation of septic tank drainage system. Conditional consent 31 July 2014

P/2013/0375-Demolition of existing part two storey extension and replacement with a new two storey extension, and a single storey ground floor extension. Internal alterations. Blocking up of existing windows, installation of new roof light and flue pipe. Consent issued 17 July 2013

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 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 (2017)

Technical Advice Note 23-Economic Development (2014)

Technical Advice Note 24-The Historic Environment (2017)

Local Development Plan (April 2018)

SP2-Employment Growth
SP7-Safeguarding of Strategic Resources and Assets
DM2-Natural Environment
DM4-Landscape
DM6- Flood Prevention and Land Drainage
DM7-Dark Skies and External Lighting
DM10- Contaminated and Unstable Land
DM13-Design and Resources
DM14-Air Quality Management
DM15-Waste within Developments
E2- Employment Proposals on Non-allocated Employment Sites
E6-Farm Diversification
T1-Travel, Traffic and Transport Infrastructure

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 2016

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

A screening opinion was completed during the application. This opinion screened the proposed development as requiring an Environmental Impact Assessment to be submitted with any application submitted for the proposal. Given the scale and nature of the proposed development an Environmental Statement was produced following advice from the Local Planning Authority and has been submitted in support of this application.

Principle of Development

Policy E6 accepts the principle of appropriate agricultural development within the open countryside. Additionally, policy E2 allows for the limited expansion, extension or environmental improvement of existing employment sites such as the existing poultry unit already located upon the holding. 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

Glangwden is an established farming business base on a traditional beef and sheep production. The business has previously diversified into free range egg production, this application seeks consent to expand this enterprise with an additional 32,000 egg production unit.

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

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

Landscape and Visual Impact

LDP policy DM4 (Landscape) states that proposals for development must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. Further guidance within policy E6, suggests that where possible, the construction of new buildings should lie within or immediately adjacent to the existing farm building complex.

The application site is located within Trannon Uplands Bryn Crugog aspect area as defined by Landmap and is given a Landscape, Visual and Sensory evaluation value of Moderate. The area is characterised by gently rolling hills and scarp slopes that form the upper reaches and valley sides of the Trannon valley complex. Field pattern is typified by overgrown hedgerows and wire fences and containing a proportion of bracken and gorse scrub.

The building proposed has been positioned to the rear (north) of the existing farm complex. This choice of siting would allow the building to be screened from the highway by the existing farm complex and screened from incoming views from the north and partly to the east and west by existing topography.

The location close to the existing farm complex and the moderate sensitivity of the landscape would allow a building of the proposed scale to be accommodated without significantly altering the character of the landscape. The building will consist of box profile steel sheeting.

A dark blue/grey colour will reduce the impact of the building and a condition requiring a matching colour finish as per adjacent building is considered an appropriate way forward.

Taking into account the grouping encouraged by LDP Policy E6 and the character of the development, it is concluded that the proposed development can be accommodated without unacceptable adverse landscape and visual impact in accordance with the relevant LDP policies DM4, DM13 and E6.

Highways Safety and Movement

Policy T1 and TAN18 indicate that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking.

All vehicles shall access the site via the private farm driveway which leads directly off the B489. There are no neighbours in close proximity to the private driveway and the driveway is not shared with any other property, as such the intensified use of the driveway is not a planning consideration. The main consideration is the intensified use of the junction off the B489, the proposed building would intensify the use of this junction through increase car and lorry movements and as such the highway authority have been consulted on this application.

The highway authority considered the proposal and raises no objection to the intensified use of the junction, provided the recommended conditions are applied to any forthcoming planning consent.

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

Impact on Built Heritage and Scheduled Ancient Monument

Planning applications are determined in accordance with Planning Policy Wales (2016), Technical Advice Note 24 and Circulars, this guidance explains the conservation of listed buildings and archaeological remains is a material consideration when determining planning applications. Where a listed building or archaeological remains would be affected by a development, there should be a presumption in favour of conservation of the historic asset in situ.

The farmhouse at Glangwden is a Grade II listed building, the built heritage officer notes the building is listed for its C17th vernacular and particularly its lobby entrance. The site is also located approximately 575m south east of the Scheduled Ancient Monument (SAM) Dolgwen Enclosure (MG235). The monument comprises the remains of a hillfort, which is likely to date back to the Iron Age.

The proposed unit is sited to the north west of the farmhouse and is separated from the farmhouse by intervening existing farm outbuildings. The built heritage officer concludes that given the existing screening the proposed building would not have an unacceptable detrimental impact on the character or setting of the listed building.

Additionally, Cadw note that the proposed building will be visible from the SAM within the significant view across Nant Gwden. However, it is noted that the building will be viewed as part of the existing farm complex and as such Cadw and CPAT believe the unit would have a slight adverse impact on the setting of the SAM however note that it will not be significant.

Consideration has therefore been given to whether the proposed development may be seen as damaging to the setting of this historic asset. Taking into considerations Cadw's comments and the location of the proposed building adjoining an existing modern farm holding it is considered that the proposed building would appear to be very much grouped with this farm holding and therefore would not warrant a reason for refusal on this basis. It is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity and Ecology

Protected sites

Coedydd Llawr y Glyn SAC/SSSI is the closest protected site to the proposed unit the proposed development has the potential to impact on protected species through pollution and loss of habitat.

Policies DM2 and E6 indicate that development proposals should preserve and enhance biodiversity and features of ecological interest. Development proposals should not significantly affect the achievement of the conservation objectives for which a SAC is designated either individually or in combination with other proposals. In addition to the above, TAN5 confirms there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest.

Intensive livestock units have the potential to impact protected sites through aerial emissions (nitrogen and ammonia deposition). The application is supported by a Report on the Modelling of the Dispersion and Deposition of Ammonia (AS Modelling & Data Ltd. 11/10/2016), NRW confirm in their response that the nitrogen and ammonia concentrations are below the thresholds they apply to their assessment of potential impacts and as such the emissions would not have an unacceptable adverse impact on the closest SAC.

In addition, a condition of any forthcoming consent would require a 10m spreading buffer around any water course, NRW consider this approach to be sufficient to ensure riverine habitats are not compromised as a result of the development.

The Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed development by AS Modelling & Data Ltd. Dated 11th Oct 2016 also considered the potential impacts of the proposed development to Ancient Woodland sites within 2km of the proposed development. Detailed modelling was undertaken for Ancient Woodland sites where the preliminary modelling undertaken indicated that annual mean ammonia concentrations could exceed the lower threshold percentage of the relevant Critical Level/Load.

The results of the modelling predicted an exceedance of 100% of the precautionary critical level over approximately 0.75ha of ancient woodland to the south west of the poultry houses.

An extended Phase 1 Survey was undertaken by Arbor Vitae Environment Ltd including an assessment of the area of woodland affected by the predicted exceedance. The conclusion of the report identifies that the existing land uses have reduced the ecological value of the affected woodland and that the increased ammonia levels would not result in a significant negative impact. In light of the condition of the ancient woodland predicted to be affected, alternative mitigation has been agreed, this comprises fencing and restoring approximately 2.3ha of Coed Glangwden ancient woodland, it is considered this is an appropriate mitigation strategy to address the predicted ammonia deposition resulting from the proposed development.

In addition to the above, the loss of approximately 30m of hedgerow will be mitigated by planting 100m of hedgerow elsewhere on the holding and existing hedgerows surrounding the range area shall be double fenced to protect them from grazing pressure.

In light of the above and subject to the imposition of conditions suggested by the County Ecologist, it is considered that the proposed development is in accordance with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Protected species

No ecological survey was initially submitted in support of the application. Following, receipt of concerns from the Powys Ecologist an Extended Phase One Habitat Survey was produced by Arbor Vitae Environment Ltd. The survey found that the land affected by the proposed development including the site of the new building and majority of the ranging area consists of improved grassland which was considered to be of minimal ecological value. The site is bounded and intersected by hedgerows – 30m of which will need to be removed – the hedgerows were found to be mainly in poor structural condition due to grazing pressure and lack of management, however the ecological value of these features was recognised as high.

An assessment of the site for its potential to support protected species including badgers, bats, breeding birds, brown hare, great crested newts, hedgehogs and otters. The survey concluded that no habitat of potential value to badgers, brown hare, great crested newts, hedgehogs and otters would be lost through the proposed development. The loss of the 30m section of hedgerow has however a potential to impact nesting birds and exterior lighting could impact foraging/commuting behaviour of local bat populations.

In light of the above, mitigation was proposed in the way of 100 metres of planted hedgerow in compensation of the 30 metres proposed to be loss. The Powys Ecologist therefore in light of this and subject to appropriately worded conditions confirmed that the proposed development could be managed to an acceptable level and therefore fundamentally complying with Policy DM2 of the Powys LDP, TAN5 and PPW seek to safeguard protected species and their habitats.

Public Right of Way

Policy DM3 recognises open space within Powys as a resource, public footpath 83 follows the driveway from the B4589 through the farmyard at Glangwden and continues in a north-westerly direction. The proposed siting of the poultry unit would intercept the footpath and as a result the applicant has met with Countryside Services to discuss how to divert route of footpath 83.

The granting of planning permission does not, in itself, authorise the diversion or stopping up of the public right of way. A diversion or extinguishment of the path must be achieved through a separate legal process, which involves the making and subsequent confirmation of a public path Order. An informative on any forthcoming consent shall highlight that it is an offence to block or divert a footpath without a Public Path Order.

Impact on 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.

The nearest un-associated residential dwelling are as follows:

- Waen Wen-373 metres south-east of the site
- Dolgwden-467metres north of the site
- Win Wen-519metres north of the site
- Cefn Dolgwden-572metres north of the site

Officers have considered the proximity of the proposed development to the existing dwellings as follows:

Noise

LDP policies DM13 and E6 confirm development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

Within the design and access statement, it is confirmed 16 mechanical ventilation fans will be installed and noise baffles will be installed around each ventilation fans. The mechanical extractor fans thermostatically control the building, therefore the frequency of operation depends on the climate. The fans shall be maintained and inspected in accordance with the manufacturers or suppliers instructions. It is claimed well serviced fans and the minimal use of the proposed modern fans, shall result in minimal noise generation. It states within the design and access statement that the augers used to provide feed around the unit will operate six times a day for nine minutes.

Following initial consultation, a cumulative noise assessment was submitted, this information allows modelling to be applied to the nearest protected dwelling in order to estimate the likely background noise level when the ventilation units are in operation.

On the basis of the submitted information, 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 property by reasons of noise. As such, the proposed development is considered to fundamentally comply with relevant planning policy.

Dust

The feed is transferred directly into the building from the feed store via conveyor belt, this arrangement it is claimed shall minimise the creation of dust.

Odour

The proposed poultry building is designed to incorporate a slatted floor for the poultry manure, within the design and access statement it is claimed this floor design has a proven history of creating no odour. The manure is then removed from the building and stored under cover before being spread on the land within a 24hour period.

The Environmental Health Authority have been consulted as part of the application process, the Authority confirmed they raise no objection.

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 relevant planning policy.

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.

It is noted that a Public Right of Way runs through the existing farm yard and follows the line of the existing access track to the application site. Given that the footpath already goes through the working farm yard and that consideration has already been given to the landscape and visual impact of the proposed building it is therefore considered that the proposed development would not be seen as having an unacceptable impact to the users of the public right of way network within the surrounding area.

As such it is considered that the proposed development fundamentally complies with policy TR1 of the Powys Unitary Development Plan 2010 and policies SP7 and DM13 of the Powys Local Development Plan.

Decision

Officers are satisfied that the proposed development complies with the relevant policies within Powys County Council Local Development Plan and the recommendation is one of conditional consent in line with the conditions as set out below.

I can confirm that Environmental Impact Assessment Information has been taken into consideration when coming to this recommendation.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved. Plan references include Location plan (Glangwden/Jerman 02), Site Plan (Glangwden/Jerman 01), Plans and Elevations (all date stamped 15th May 2017). Proposed Planting Scheme, Range Plan (GL/Glangwden/Jerman/Ran), Manure Maps.
2. Prior to the first delivery of birds any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
3. Prior to the commencement of any other development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
4. Prior to the commencement of any other development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway.
5. The width of the access carriageway, constructed as Condition 4 above, shall be not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
6. Prior to the first delivery of birds a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
7. Prior to the first delivery of birds the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area shall be maintained to this standard for as long as the development remains in existence.
8. Upon formation of the visibility splays as detailed in condition 3 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
9. Prior to the first delivery of birds, a detailed Native Woodland Management and Restoration Plan including details of timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the area of approximately 2.3 hectares of Coed Glangwden identified in the Extended Phase One Habitat Survey produced by Arbor Vitae Environment Ltd shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved scheme.
10. The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Habitat Survey produced by Arbor Vitae Environment Ltd shall be adhered to and implemented in full.

11. Prior to the erection of any external lighting, a detailed external lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved scheme.
12. No storm water drainage from the site shall be allowed to discharge onto the county highway.
13. All vehicles used for the transport of manure associated with the building hereby approved shall be sheeted to prevent spillage of manure.
14. The Manure Management Plan (Roger Parry and Partners LLP, as amended July 2017) shall be implemented as approved and maintained thereafter.
15. Notwithstanding the information submitted with the application, no manure shall be spread within a 10metre buffer of a watercourse or within 50metres of a borehole, well or spring.
16. The development hereby approved shall be carried out strictly in accordance with method statement and pollution prevention plan and management plan (dated 15th May 2017)
17. 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.
18. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
19. Notwithstanding the information submitted with the application, any hedges to be removed shall be reinstated once construction works have been completed.
20. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention.

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 the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).
4. In the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).
5. In the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).
6. In the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).

7. In the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).
8. In the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).
9. In the interests of highway safety and to accord with Planning Policy Wales (November 2016), Technical Advice Note 18 (2007) and Local Development Plan policy T1 (2018).
10. In the interests of biodiversity and to accord with Planning Policy Wales (9th Edition, November 2016), Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Local Development Plan for Powys policy DM2 (2018)
11. In the interests of biodiversity and to accord with Planning Policy Wales (9th Edition, November 2016), Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Local Development Plan for Powys policy DM2 (2018)
12. In the interests of biodiversity and to accord with Planning Policy Wales (9th Edition, November 2016), Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Local Development Plan for Powys policy DM2 (2018)
13. In the interests of pollution prevention and to accordance with Planning Policy Wales (2016) and Powys Local Development Plan policy E6 (2018).
14. In the interests of biodiversity and to accord with Planning Policy Wales (9th Edition, November 2016), Technical Advice Note 5-Planning and Nature Conservation (2009) and Powys Local Development Plan for Powys policy DM2 (2018)
15. In the interests of pollution prevention and to accord with Powys Local Development Plan policy DM13 (2018).
16. To comply with Powys County Council's LDP Policies 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.
17. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM13 of the Powys Local Development Plan (March 2010) and Planning Policy Wales (2016).
18. To protect the local amenities of the local residents from noise and to accord with Local Development Plan policy DM13 (2018) and Planning Policy Wales (2016).
19. In the interests of ecology and to accord with Technical Advice Note 5-nature conservation and planning (2009) and Powys Local Development Plan policy DM2 (2018)
20. In the interests of ecology and to accord with Technical Advice Note 5-nature conservation and planning (2009) and Powys Local Development Plan policy DM2 (2018)

Informative Notes

Manure Spreading

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

Biodiversity

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.

Public Right of Way

A diversion or extinguishment of the path must be achieved through a separate legal process, which involves the making and subsequent confirmation of a public path Order. As it is an offence to obstruct the line of a public right of way, any development works affecting the line of the public path must not be commenced until such time as a public path Order has been both made and confirmed.

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