

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

<b>Application No:</b>	P/2017/0218	<b>Grid Ref:</b>	319179.76 316429.83
<b>Community Council:</b>	Meifod Com	<b>Valid Date:</b>	<b>Officer:</b> 02/03/2017 Tamsin Law
<b>Applicant:</b>	Mr. Gittins, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6XT		
<b>Location:</b>	Ystym Colwyn, Meifod, Powys, SY22 6XT		
<b>Proposal:</b>	Section 73 application to vary condition 2 attached to planning permission P/2015/1083 to allow change in size of poultry unit		
<b>Application Type:</b>	Application for Removal or Variation of a Condition		

### The reason for Committee determination

The application is required to be determined by the Committee because it is accompanied by an Environmental Statement.

### Site Location and Description

Ystym Colwyn is located within open countryside, approximately 4km to the north east of the settlement boundary of Meifod. The application site extends to approximately 6.895 hectares of agricultural land and is bounded by agricultural land to the north, east and south. Located to the west is the existing Ystym Colwyn farm complex and farmhouse.

Consent is sought in to amend the design of two broiler units which were granted consent under P/2015/1083. The application granted consent for the construction of two broiler units and associated works to include six feed bins, generator store, office, shower room, control room, tool room, w.c., hardstanding to front of sheds for turning, loading and unloading, a new vehicular access and landscaping proposals. The consented broiler units would have the potential to accommodate 100,000 birds in total and each measure approximately 115 metres by 18.5 metres with a building measuring 6.4 metres by 10 metres located in between the two poultry units. The total floor area for each shed would be 2,127.5 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. The units would be finished using box profile metal sheeting on the walls with box profile metal sheeting with a 20 degree pitch for the roof. The building between the units would measure approximately 10m by 5.40m and 3.4 metres in height to the ridge. The feed bins measure approximately 8.4 metres in height.

It is proposed to vary condition 2 of the consent to change the size of the two broiler units. The units are now proposed to measure approximately 109.73 metres by 25.38 metres. The total floor area for each unit would measure 2,784.94 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. It is still proposed that each unit house 50,000 boilers and that the entire scheme is for 100,000 broilers.

The proposed access would be constructed off the A490 highway via a new access track which measures approximately 310 metres in length.

The application is retrospective with the buildings having already been constructed.

## **Consultee Response**

### **Meifod Community Council**

Members of Meifod Community Council have already agreed to support this application, and did not feel that any further comments are required.

### **PCC - Highways**

The County Council as Highway Authority for the County Class I Highway, A490

Does not wish to comment on the application

### **Wales & West Utilities**

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.

### **Severn Trent**

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](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

### **PCC - Environmental Health**

#### **1<sup>st</sup> Response**

I have no objection to the variation of this condition.

#### **2<sup>nd</sup> Response**

I have no objection to the application.

## **PCC - Built Heritage**

Thank you for consulting me on the above application.

I note that the application is a section 73 Application to vary condition 2 and results in changes to the size of the proposed poultry unit.

The approved poultry units measures 115m long by 18.5m wide and the proposed changes would result in the length of 109.73m and a width of 25.38m.

I would not consider that the proposed change in size would result in a change to my previous comments and I would not wish to object to the proposed poultry units on the grounds of setting of the listed buildings.

I am attaching my previous comments as an appendix for ease of reference.

Thank you for consulting me on the above application.

Ystum Colwyn contains a range of 4 listed buildings;

Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19<sup>th</sup> August 2004  
Stable Building Grade II Cadw ID 15993 listed on 26<sup>th</sup> May 1995  
Brewhouse Range Grade II Cadw ID 15994 listed on 26<sup>th</sup> May 1995  
Wheelhouse including barn Grade II Cadw ID 15995 listed on 26<sup>th</sup> May 1995

In addition there is a listed milepost Grade II Cadw ID 15992 listed on 26<sup>th</sup> May 1995 on the A490.

Ystum Colwyn is an important group of dated farmbuildings associated with a gentry house with (1) brick-built stable (1721); (2) brewhouse, dairy and cheese-room (1719); cruck-framed barn modified in 1770. Source NPRN 43544

I am mindful of the advise in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states *“Sections 16 and 66 of the Act 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. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”*

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th 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.”

I would also draw your attention to the recent document from Cadw document "Conservation Principles" which has recently been adopted.

Paragraph .5.4 states 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.

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

There are 5 listed buildings in close proximity of the proposed poultry unit, four grade II listed buildings listed on 26/05/1995 and one grade II\* listed building included on the statutory list on 19<sup>th</sup> August 2004.

- Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19<sup>th</sup> August 2004
- Stable Building Grade II Cadw ID 15993 listed on 26<sup>th</sup> May 1995
- Brewhouse Range Grade II Cadw ID 15994 listed on 26<sup>th</sup> May 1995
- Wheelhouse including barn Grade II Cadw ID 15995 listed on 26<sup>th</sup> May 1995
- Milepost on the A490 Grade II Cadw ID 15992 listed on 26<sup>th</sup> May 1995

The listed buildings at Ystum Colwyn have been surveyed and recorded by Clwyd Powys Archaeological Trust as part of a previous planning process.

### Historical Value

Ystum Colwyn is an important group of C18th farmbuildings associated with a gentry house.

## Aesthetic Value

The aesthetic value of the site is that of farmland that contributes towards the setting of the historic farmstead.

## 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.

It is noted that the four barns are included on the statutory list of buildings of historic and architectural interest, and the value placed on the setting of listed buildings in terms of national legislation and guidance.

Paragraph 5.4 of Conservation Principles states 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 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”.*

## Analysis of the site.

The proposed poultry units are to be sited to the east of the farmstead, and will be visible from the A495. However given the distance of the proposed units from the A495 and the

modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, I would not consider that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units.

When the listed buildings are directly adjacent to the viewer and on the A495 or the A490 and highly visible, the proposed poultry units would be to the rear of the modern agricultural buildings and as such I would not consider that the proposed poultry units would affect the setting of the listed buildings.

I note that there are scheduled ancient monuments in close proximity to the site and note that Cadw have been consulted and have commented in that regard.

Whilst noting the proximity of the proposed units to this historic farmstead, I would not wish to object to the proposed poultry units on the grounds of setting of the listed buildings.

## PCC - Ecologist

### 1<sup>st</sup> Response

Ecological Topic		Observations
EIA Screening Requirement	No	<p>The development as a whole is consistent with Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England &amp; Wales) Regulations 1999 as it will accommodate in excess of 85,000 broiler chickens and EIA is therefore mandatory. An Environmental Statement has been completed and was submitted with the initial planning application (P/2015/1083).</p> <p>The variation to condition 2 of planning permission P/2015/1083 would involve an increase in the total area of the installation from 115m x 18.5m to 109.73m x 25.38m giving a revised, increased floor space area of 657.45 square metres. I recommend that the Environmental Statement is reviewed and updated, if necessary, to consider the potential significant environmental impacts associated with the proposed variation, including consideration of the results of any revised Ammonia/Nitrogen modelling that may be required.</p>
Ecological Information included with application	No	No ecological information has been submitted with this application. I have therefore based these observations on the current information regarding the proposed development (P/2015/1083).

<b>Protected Species &amp; Habitats<sup>1</sup></b>	European Species <input checked="" type="checkbox"/>	The submitted ES concluded that no significant ecological impacts were likely from the original proposal. However, considering the proposed increase in size I recommend that the ecological impact assessment completed for the ES is reviewed and revised, if necessary, by a competent ecologist.
	UK Species <input checked="" type="checkbox"/>	See comments above.
	Section 7 Species & Habitat <input checked="" type="checkbox"/>	See comments above.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See comments above.
<b>Protected Sites</b>	International Sites <sup>2</sup> <input checked="" type="checkbox"/>	<p>No revised ammonia/nitrogen calculations based on the proposed revised unit size have been provided. It is not clear whether the number of birds held in the unit, the length of time for which the manure is allowed to collect before it is removed from the unit and also the position and height of the extractor fans would change as a result of this proposed variation. I recommend that the developer confirms whether any of these variables are likely to change as a result of the variation; if so the previous Ammonia/Nitrogen modelling assessment would need to be revised to establish if there is a potential significant effect on designated sensitive habitats.</p> <p>The following European protected sites would need to be considered by any updated Ammonia/Nitrogen modelling:</p> <ul style="list-style-type: none"> <li>• Montgomery Canal SAC located 6.2km from the proposal</li> <li>• Granllyn SAC located 5.5km from the proposal</li> <li>• Tanat and Vyrnwy SAC located 2km from the proposal</li> </ul> <p>I recommend that NRW are consulted regarding the proposals and scope of any updated Ammonia/Nitrogen modelling that may be required, and potential significant effects on protected sites, in accordance with the Environmental Permitting (England and Wales) Regulations 2010.</p> <p>The Habitats Regulations Assessment that was previously completed for each relevant SAC should also be reviewed and revised, if necessary, to account for the proposed</p>

<sup>1</sup> Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

<sup>2</sup> Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

		variation.
	National Sites <sup>3</sup> ☒	The comments above regarding the potential need for updated Ammonia /Nitrogen modelling and consultation with NRW also apply to the following four SSSI'S within 5km of the site: <ul style="list-style-type: none"> <li>• Gwern-y-Brain Dingle,</li> <li>• Glascoed ( Meifod) ,</li> <li>• Granllyn</li> <li>• Gweunydd Ty- Brith.</li> </ul>
	Local Sites (within 500m) ☒	There are several ancient woodlands within 2km of the site, including one within 300m. It is not clear whether the number of birds held in the unit, the length of time for which the manure is allowed to collect before it is removed from the unit and also the position and height of the extractor fans would change as a result of this proposed variation. I recommend that the developer confirms whether any of these variables are likely to change as a result of the variation; if so the previous Ammonia/Nitrogen modelling assessment would need to be revised to establish if there is a potential significant effect on designated sensitive habitats.  Any updated Ammonia/Nitrogen modelling should consider the impact of Ammonia/Nitrogen on the ancient woodland 300m from the revised proposal and the other ancient woodland within 2km.
<b>Invasive Non-Native Species</b>	<b>Unknown</b>	No ecological information has been submitted with this application.
<b>Summary of recommendations / further assessment or work</b>		The following should be confirmed before the ecological impact of the proposal can be determined:  It is not clear whether the number of birds held in the unit, the length of time for which the manure is allowed to collect before it is removed from the unit and also the position and height of the extractor fans would change as a result of this proposed variation. I recommend that the developer confirms whether any of these variables are likely to change as a result of the variation; if so the previous Ammonia/Nitrogen modelling assessment would need to be revised to establish if there is a potential significant effect on designated sensitive habitats (e.g. water resources and ancient woodland). Any updated Ammonia/Nitrogen modelling should consider the impact of Ammonia/Nitrogen on the ancient woodland 300m from the revised proposal

<sup>3</sup> Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>and other ancient woodland within 2km. SACs and SSSI's within 10km and 5km respectively should also be included in any updated assessment.</p> <p>I recommend that NRW are consulted regarding the proposals and scope of any updated Ammonia/Nitrogen modelling that may be required, and potential significant effects on protected sites, in accordance with the Environmental Permitting (England and Wales) Regulations 2010.</p> <p>The Habitats Regulations Assessment that was previously completed for each relevant SAC should also be reviewed and revised, if necessary, to account for the proposed variation.</p> <p>I recommend that the Environmental Statement is reviewed and updated, if necessary, to consider the potential significant environmental impacts associated with the proposed variation, including significant ecological impacts and consideration of the results of any revised Ammonia/Nitrogen modelling that may be required.</p>
<b>Recommended Conditions</b>	There is insufficient information available at present to determine the potential ecological impact of the proposal.
<b>Relevant UDP Policies</b>	N/A
<b>Comments on Additional Information</b>	N/A

## 2nd Response

<b>Ecological Topic</b>	<b>Observations</b>
<b>Additional Information</b>	<p><b>We provided ecological observations on this application on 24/03/17. Additional information provided subsequent to these comments includes an Environmental Statement (Roger Parry and Partners LLP, July 2017) and a supporting statement providing information specific to the proposed development.</b></p> <p><b>Comments made following receipt of this information are included in bold text below. Otherwise the original observations remain valid.</b></p>

<p><b>EIA Screening Requirement</b></p>	<p><b>No</b></p>	<p>The development as a whole is consistent with Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 as it will accommodate in excess of 85,000 broiler chickens and EIA is therefore mandatory. An Environmental Statement has been completed and was submitted with the initial planning application (P/2015/1083).</p> <p>The variation to condition 2 of planning permission P/2015/1083 would involve an increase in the total area of the installation from 115m x 18.5m to 109.73m x 25.38m giving a revised, increased floor space area of 657.45 square metres.</p> <p><b>The Environmental Statement submitted with application P/2015/1083 has been updated and re-submitted with the current application. Although it doesn't appear as if all areas of the document have been updated to take full account of the current proposals, there is sufficient information to determine the effects upon ecology and nature conservation as a result of the works.</b></p>
<p><b>Ecological Information included with application</b></p>	<p><b>No</b></p>	<p>The Environmental Statement submitted with application P/2015/1083 has been updated and re-submitted with the current application.</p> <p><b>The discussion in Chapter 10: Ecology is mainly focussed on potential impacts associated with the footprint of the current units rather than the proposed development. As the general location, number of birds, manure application areas and ventilation systems are expected to be similar the wider ecological effects associated with the proposal are not expected to differ from the current situation.</b></p> <p><b>The ES doesn't appear to address the impacts associated with the land take for the proposed units; however it appears from aerial imagery that the proposed location is within the boundaries of a large improved agricultural field and therefore direct impacts associated with the proposal are expected to be limited.</b></p>
<p><b>Protected Species &amp; Habitats<sup>4</sup></b></p>	<p>European Species</p> <p style="text-align: center;">☒</p>	<p>The submitted ES concluded that no significant ecological impacts were likely from the original proposal.</p> <p><b>Considering that the proposed development is situated within an improved agricultural field currently used for grazing with no vegetation loss or removal of marginal habitat expected, the direct effects associated with the proposed development are likely to be minimal.</b></p>

<sup>4</sup> Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p><b>Conditions are recommended below to minimise impacts upon adjacent habitats during the construction and operation of the proposed development.</b></p>
	UK Species <input checked="" type="checkbox"/>	See comments above.
	Section 7 Species & Habitat <input checked="" type="checkbox"/>	<p><b>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</b></p> <p><b>As described above the habitat losses associated with the proposed development are not expected to generate significant ecological effects, and measures are recommended to minimise disturbance of adjacent habitat during the construction and operation phases.</b></p> <p><b>The detailed location plan shows that landscape planting is proposed surrounding the proposed units for screening, and this is also welcomed as a biodiversity enhancement. It is recommended that the planting mix is made up of locally sourced native species where possible.</b></p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See comments above.
<b>Protected Sites</b>	International Sites <sup>5</sup> <input checked="" type="checkbox"/>	<p><b>The nearest European protected sites to the proposal are as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Montgomery Canal SAC located 6.2km from the proposal</b></li> <li>• <b>Granllyn SAC located 5.5km from the proposal</b></li> <li>• <b>Tanat and Vyrnwy SAC located 2km from the proposal</b></li> </ul> <p><b>A change in the ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development. NRW have not asked for further modelling to be undertaken specific to the proposed development.</b></p>

<sup>5</sup> Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

	National Sites <sup>6</sup> ☒	<p>The nearest Nationally protected sites to the proposal are as follows:</p> <ul style="list-style-type: none"> <li>• Gwern-y-Brain Dingle SSSI,</li> <li>• Glascoed ( Meifod) SSSI,</li> <li>• Granllyn SSSI,</li> <li>• Gweunydd Ty- Brith SSSI.</li> </ul> <p>A change in the ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development. NRW have not asked for further modelling to be undertaken specific to the proposed development.</p>
	Local Sites (within 500m) ☒	<p>A number of ancient semi-natural woodland sites are located surrounding the proposed development. As described above a change in the ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development.</p>
Invasive Non-Native Species	Unknown	No discussion of invasive species in Environmental Statement submitted with the application.
Summary of recommendations / further assessment or work		<p>The existing boundary hedgerows surrounding the proposed site could provide commuting and foraging habitat for bat species and other nocturnal wildlife. If external lighting is required for this development I recommend that an external lighting scheme sensitive to bats and other nocturnal wildlife, including low-powered and short-timed PIR lighting sensitive to large objects only, is used.</p> <p>Measures should be applied to protect retained vegetation in accordance with <i>BS:5837:2012</i>.</p> <p>I recommend that a pollution prevention plan is prepared to minimise pollution risks during construction and operation of the proposed units.</p> <p>Details of landscape planting should be provided to the LPA to ensure suitability of species mix for the area.</p>
Recommended Conditions		<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><b>1) Manure shall be applied to the land strictly in accordance with the previously agreed Manure Management Plan</b></p>

<sup>6</sup> Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

*submitted in support of planning application P/2015/1083 as approved by the LPA.*

**Reason:** To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

**Reason:** To comply with Powys County Council's UDP Policies ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

*3) Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.*

**Reason:** To comply with Powys County Council's UDP Policies ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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

**Reason:** To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

*5) A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.*

**Reason:** To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

	<p><b>6) Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</b></p> <p><b>Reason:</b> To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.</p> <p><b>6) Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</b></p> <p><b>Reason:</b> To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
<p><b>Relevant UDP Policies</b></p>	<p><b>UDP SP 3 - Natural, Historic And Built Heritage</b>  <b>Policy Env 2 - Safeguarding the Landscape</b>  <b>Policy Env 3 - Safeguarding Biodiversity and Natural Habitats</b>  <b>Policy Env 6 - Sites of Regional and Local Importance</b></p>

**NRW**

**1<sup>st</sup> Response**

Thank you for your email of 23/3/17. It is our understanding that the number of birds farmed will not increase as a consequence of the proposed enlargement, we therefore do not have any additional comments to make on this application.

**2<sup>nd</sup> Response**

I have no comments to make in addition to my previous email dated 24/3/2017.

**3<sup>rd</sup> Response**

In our previous response we have already stated that provided the numbers of chickens do not increase we would have no additional comments to make. If there is anything in particular that is raising any concerns amongst the submitted information, could you please point it out to me and explain which aspects of the proposal would benefit of any additional comments from NRW?

If there is nothing specific you are seeking our advice about, we would have no additional comments to make.

#### 4<sup>th</sup> Response

NRW has no additional comments to make on this application.

### **CADW**

#### 1<sup>st</sup> Response

Thank you for your letter of 8 March 2017 inviting our comments on the planning application for the proposed development as described above.

The statutory role of Historic Environment Service (Cadw) 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. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

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

Planning consent was granted to this application in August 2016 but the applicant wishes to change the size of the poultry unit from one of 115m long by 18.5m wide to one 109.73m long by 25.38m wide. This amendment requires condition 2 attached to the consent to be changed. In our opinion the amended design will have a similar impact on the setting of the monument as the original one.

#### 2<sup>nd</sup> Response

Thank you for your letter of 13 April 2017 inviting our comments on the planning application for the proposed development as described above.

Additional information in support to the application to amend condition 2 of the consent has been submitted to the LPA. None of the additional information changes our previous advice.

#### 3<sup>rd</sup> Response

Thank you for your letter of 21 July 2017 inviting our comments on the consultation accompanied by an Environmental Statement submitted for the above mentioned proposal. We have no change to our previous advice given on 29 March 2017 and 24 April 2017.

## **CPAT**

### **1<sup>st</sup> Reponse**

While we have no issues with the revised size of the poultry unit we noted on the layout plans that the access road has moved back to its old location which would potentially have a direct impact on the house site that we mentioned in the P/2015/1083 consultation reply. I also noticed that the access construction works were underway when I passed through there a couple of weeks back. Condition 14 of the previous consent was for a watching brief in the area of the proposed house site to ensure the access fully avoided it. This does not seem to have been done, or at least no one has contacted me to say that an archaeological contractor has been engaged. It would be worth checking with the applicant whether they have complied with this condition and whether the formerly agreed access route, which curved around the former house site, is still going to be used.

### **2<sup>nd</sup> Response**

Thank you for the consultation on this application.

While we have no issues with the revised size of the poultry unit we note on the layout plan that the access road has now moved back to a position which should avoid the recorded former house site near the entrance.

I noticed that the access construction works were underway when I passed through there a couple of months back and they did not seem to be curving around this house site. Condition 14 of the previous consent was for a watching brief in the area of the proposed house site to ensure the access route fully avoided it. This does not seem to have been done, or at least no one has contacted me to say that an archaeological contractor has been engaged. It would be worth checking with the applicant whether they have complied with this condition.

### **3<sup>rd</sup> Response**

Thank you for the consultation on this variation of condition application.

We have no additional comments to make in this case.

## **Representations**

The application was advertised through the display of a site notice and press advertisement. No representations or objections have been received.

## **Planning History**

P/2015/1083 - Erection of intensive poultry unit (2 buildings), construction of vehicular access and all associated works. Conditional Consent

P/2012/1228 - Erection of an agricultural building and formation of hard standing. Conditional consent 26/02/2013

P/2011/1499 - Erection of an agricultural building. Conditional consent 08/02/2012

P/2011/0755 - Erection of an agricultural building. Conditional consent 13/08/2011

P/2011/0518 - Erection of an agricultural building (Retrospective). Conditional consent 09/06/2011

AGRI/2011/0020 - Erection of an agricultural building. Planning permission required 31/03/2011

M/2007/1033 - Listed building consent for conversion of barn to form dwelling. Conditional consent 04/10/2011

M/2007/1032 - Conversion of barn to dwelling, installation of a septic tank and alterations to vehicular access. Conditional consent 16/02/2010 27

M/2006/0738 - Listed building consent for conversion of barn to form a dwelling. Application withdrawn

M/2006/0737 - Conversion of barn to a dwelling, alterations to vehicular access and installation of a septic tank. Withdrawn 19/09/2006

### **Principal Planning Constraints**

- The following Listed Buildings are situated at the Ystym Colwyn complex:
  - Brewhouse Range (grade II);
  - Wheelhouse including bar (grade II);
  - Cruck framed farm building (grade II\*); and
  - Stable building (grade II).
- In addition there is a listed milepost (grade II) on the A490.
- Application site located approximately 500m south east of the nearest section of the scheduled monument known as Bwlch-y-Cibau Dyke MG077.
- Public right of way (reference 249/57/1) located to the north west of application site.
- A490 class 1 highway.
- A495 class 1 highway.

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (Edition 9, 2016)

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (1997)  
Technical Advice Note 15 – Development and Flood Risk (2004)  
Technical Advice Note 18 – Transport (2007)  
Technical Advice Note 23 – Economic Development (2014)  
Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

#### Local planning policies

Powys County Council Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM6 – Flood Prevention and Land Drainage

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

DM14 – Air Quality Management

E2 – Employment Proposals on Non-allocated Employment Sites

E6 – Farm Diversification

T1 – Travel, Traffic and Transport Infrastructure

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

#### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

#### **Officer Appraisal**

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

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

##### Environmental Impact Assessment Regulations 2017

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

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. An Environmental Statement was submitted with the application.

### Environmental Permitting Regulations (EPR 2010)

The operations at the site will require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales’ role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution. Planning Policy Wales states that Local Planning Authorities and Natural Resources Wales should work closely to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary however should not duplicate one another. Planning Authorities need to be satisfied that proposals are capable of effective regulations and Natural Resources Wales should assist in establishing this position. Good practice suggests that the parallel tracking of planning and environmental permitting and a planning application should be encouraged.

The permit will address relevant issues relating to air, water and land and including management and operations Inc. Noise and Odour.

Emissions of noise that are generated outside of the environmental permit such as construction noise does fall within the remit of Environmental Protection.

### Introduction

The application seeks to vary an existing consent to allow for modifications to the design of the boiler units. Having considered the details submitted in respect of the proposed broiler meat production unit, the principal matters considered relevant to determination are as follows;

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on heritage assets;
- The effect of the proposed development on the local amenity;
- The effect of the proposal on nature conservation interests;
- The effect of the proposal upon highway safety; and
- The effect of other considerations on the overall planning balance.

### Principle of Development

Policy E2 and E6 of the Powys Local Development Plan and Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Policy E2 supports proposals for the limited expansion, extension or environmental improvement of existing employment sites and buildings within the open countryside such as this proposal. Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses. The proposed development provides an extension to an existing poultry building which serves the existing rural enterprise.

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

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. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

The application, being a section 73 application, seeks consent for an amended design to that which was originally granted consent. The amended design does provide an additional 1,313 square metres of floorspace. However confirmation has been received within the supporting documentation that the buildings would still be used for 100,00 birds and would not house a larger volume of broilers.

### Landscape Impact

Policy DM4 of the Powys Local Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

The application site comprises of agricultural land located immediately to the north east of the existing Ystym Colwyn farm complex. It is proposed to site the poultry units on the south eastern side of the A495, below the level of the highway and partly adjacent to an existing hedgerow. The topography of the application site is generally flat and the land is scattered with broken hedgerows and trees. The proposed plans indicate the implementation of tree planting to the north west, north, east and south east. The proposal, involves the construction of two poultry sheds, feed bins, hardstanding and access works and would clearly represent a significant change to the application site. The development would result in the loss of the central part of a larger field, and the encroachment of built development into the open countryside.

The application site is located within the River Severn Flood Plain aspect area (MNTGMVS650) as defined by Landmap and is characterised by 'a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes

are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom'. The visual and sensory landscape value is recorded as moderate.

The proposed poultry buildings are of a large scale, they are grouped within the context of the existing building complex and as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Proposed landscaping together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of the central part of the field, but, taking account of the mitigation measures, the location close to the existing farm complex and the character and sensitivity of the landscape it is considered that the development would not have a significant adverse effect on the site and the landscape character of the area. Given that the plans do not indicate the exact tree species and numbers, it is recommended that conditions are attached to any consent to require further details and implementation of the planting.

The proposed development is considered to be in accordance with policies E2, E6, DM4 and DM13 of the Powys Local Development Plan and Planning Policy Wales.

### Visual Impact

The A490 and A495 highways are busy main roads to the south west and north of the site. The A490 highway is separated from the proposal by the existing farm complex and intervening agricultural land. The proposal would be closer to the A495 highway, although the highway is situated at a higher level than the application site. The broken hedgerows within the landscape and the roadside hedgerows further restrict views into the site. Mitigation in the form of tree planting would also assist. It is possible that users of the highways may be aware of the presence of the poultry units and feed bins but it is not considered that there would be significant views of the proposed poultry development for users of the roads. Views would also be in the context of the existing buildings at the site. It would seem likely that most users of the identified roads would be travelling between destinations and would not be highly sensitive to the limited visual impacts identified.

The nearest residential properties not associated with the Ystym Colwyn farm complex, Y Parc and Biddfald are located more than 420 metres distant from the application site and there are other dispersed properties in the locality. The dwellings and proposed barn conversions which are involved in the enterprise or within the ownership of the enterprise are considered to have occupiers of low sensitivity to any visual impact. There may be the opportunity to see the development from other properties whose occupiers would be more sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be discernible. But at the distance between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship to the existing farm, it is not considered that there would be a significant impact on residential receptors.

There are public rights of way in the locality, in particular a right of way two public right of way located approximately 200 metres to the north west of the application site and another located approximately 200 metres to the south east of the application site. The public rights of way to the north west travel in a south/easterly direction and climb towards Bwlch y Cibau

Dyke (Scheduled Ancient Monument). Based on a site visit it is probable that users of the public rights of way may have some intermittent views of the proposed development. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However, given the distance involved, the intervening highway and farm complex and the trees on boundaries along the rights of way and the proposed measures to mitigate the visual impact (the proposed planting and the use of appropriate recessive colours), it is considered that all of these factors would serve to adequately mitigate the view from these rights of way. In respect of the public right of way to the south east, the right of way travels from the A490 highway towards the A495 highway, across agricultural land. It is possible that users of this right of way would be able to see the proposed development. However, it is considered that given the distance involved, together with the grouping with the existing farm complex and the proposed tree planting that these factors would adequately mitigate the views from this right of way. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be of minor significance.

Whilst the proposed development will be visible from sensitive receptors including highways, public rights of way, residential properties in the locality, listed buildings within the farm complex and Bwlch y Cibau Dyke scheduled ancient monument given the agricultural grouping, proposed landscaping together with observed distances, it is not considered that the proposed poultry development will have an unacceptable adverse visual impact.

The buildings are in proximity to the existing farm complex and considered to be acceptable in terms of its grouping with buildings, its landscape impact and its visual impact and to comply with relevant policies SP7, E2, E6, DM4 and DM13 of the Powys Local Development Plan.

## Built Heritage

### *Listed Buildings*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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 Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

It is noted that the application site is located within proximity of a number of listed buildings within the Ystym Colwyn farm complex. Acknowledgment of the listed building together with potential impacts is considered below.

There are 5 listed buildings in close proximity of the proposed poultry unit, four grade II listed buildings listed on 26/05/1995 and one grade II\* listed building included on the statutory list on 19th August 2004:

- Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19th August 2004
- Stable Building Grade II Cadw ID 15993 listed on 26th May 1995
- Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995
- Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995
- Milepost on the A490 Grade II Cadw ID 15992 listed on 26th May 1995

Ystum Colwyn is an important group of C18th farmbuildings associated with a gentry house. Given the distance of the proposed units from the A495 and the modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, it is not considered that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units. The wider setting of these buildings is of a rural agricultural landscape with dispersed farms and other individual widely dispersed buildings. On this basis and in regard to the comments received from the Built Heritage Officer, it is not considered that proposed development would have an unacceptable adverse impact on the identified listed buildings together with their wider setting. The proposed development is therefore considered to be in accordance with the relevant policy SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

### *Scheduled Ancient Monument*

Policy SP7 of the Powys Local Development Plan and Technical Advice Note 24: The Historic Environment states that there is a presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is located within the vicinity of the scheduled monument known as Bwlch-y-Cibau Dyke MG077. The proposed development is to be located approximately 500m south east of the nearest section of the above listed scheduled monument. The dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date.

Cadw has advised that the proposed development is likely to share some degree of intervisibility with the dyke and subsequently some degree of impact on its setting. The present setting of the monument is one of rolling agricultural land significant views from the dyke being south across and east / west along the line of the Vyrnwy broad floodplain, presumably facing another former territorial holding. The northern and western sections of the dyke are likely to be effectively screened from views of the proposed buildings by a combination of topography, intervening boundaries and the existing farm buildings, although the proposed units are likely to be at least partially visible in key views across the valley from the southeastern angle of the dyke and the sections to either side, screening from existing boundaries being more limited here. However, Cadw has concluded that whilst the buildings would represent a substantial addition to the predominantly rural landscape viewed from the monument, this will be at distances of 500m or more and the proximity of the proposed structures to an existing large scale agricultural holding dictates that they are unlikely to significantly alter such views or the overall character of this landscape. Therefore, whilst the

proposed development will have a localised adverse impact on the setting of MG077, this will in Cadw's opinion not be a significant one.

In light of the comments received from Cadw, Development Management do not consider that the proposed development would have a significant impact on the identified Scheduled Ancient Monument and therefore consider that the proposal accords with policies SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

#### *Other Archaeological Interest*

In the original application Clwyd Powys Archaeological Trust (CPAT) advised that no currently recorded archaeological sites will be impacted by the proposed development. However, there is a previously unrecorded house and well site lying 130 metres south of Ystym Colwyn Farm, which may be directly impacted by the proposed access route. The house site seems to be represented on the ground by some low earthworks representing the collapsed walls and there are a number of hawthorn bushes growing on the remains. The house and well are undated, but probably represent a timber-framed structure of late medieval or post medieval date. These building remains should preferably be preserved in situ and avoided by the proposed access road.

Following receipt of this information, the route of the access road was amended on revised plans submitted in support of the original application. CPAT advised that under the current scheme the access road has reverted back to that originally submitted and raised concern about its location. Following this a revised access scheme was submitted which alleviated the concerns raised by CPAT and they removed their objection to the proposed development.

#### *Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is not considered that the proposed will have an unacceptable adverse impact on the setting of listed buildings, scheduled ancient monument or upon archaeology, subject to the use of conditions. In light of the above, Development Management considers the proposed development to be in accordance with policies SP7 and DM13 of the Powys Local Development Plan, Technical Advice Note 24: The Historic Environment and Planning Policy Wales.

#### Impact on Amenity, Living Conditions and health of Local Residents

Broiler units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. The application is supported by an Environmental Statement, this contains chapters assessing the significant likely impacts on amenity and the living conditions of local residents. The statement contains a noise and vibration assessment and an assessment of the impacts upon amenity in terms of odour, dust, flies and vermin. In addition, an Odour Management Plan and Noise Management Plan have been included. Other elements of the submission including the Ammonia Assessment, and chapters within the Environmental Statement consider air quality, health and climate, water resources, traffic also contain information on the proposal relevant to assessing its impact on those who will have to live nearest to the development.

## *Noise*

As stated above, the submission is accompanied by a Noise Management Plan and the Environmental Statement includes information on noise and vibration. The noise and vibration assessment considers the operation of the fans on the poultry house and the potential for noise from their operation to harm amenity. It is noted that properties not associated with Ystym Colwyn are located more than 420 metres distant. The assessment estimates that the estimated noise levels from the ventilation fans would be 0.4dBA at the nearest sensitive noise receptor (Ystym Colwyn farmhouse) after subtracting distance decay this amounts to at least 10dBA measured during both the day and night.

The Council's Environmental Health department initially raised concern on the original submission in that the submission does not consider that the planning permissions for the conversion of the traditional brans within the Ystym Colwyn farm complex. It is understood that the barns have not been converted and as such are not occupied. The applicants' agent responded to the concerns by confirming that the barns subject to the planning consent for residential conversion remain under their clients' ownership and as such should be treated the same way as the farm house as they remain totally within their clients' control.

Following consultation with Environmental Health on the section 73 application no further comments or concerns are raised with regards to noise.

Lorry movements to and from the site (in association with construction and operation) have the potential to impact on residential amenity. The supporting highways Information submitted indicates that the operational development would generate an estimated 172 tractor and trailer movements relating to manure disposal, 434 lorry movements per annum for bird collections, chick deliveries, feed deliveries etc and 60 movement of other vehicles such as mini bus and cars for the labour force and bird collections.

Given that the Environmental Health department has not raised any objection to the proposal, 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 noise. Therefore, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

## *Odour*

The application is supported by an Odour Management Plan and the submission identifies that there are no non associated properties within 400 metres of the application site. The submission also identifies the most likely source of odour arising from manure disposal as well as other potential sources such as manufacture and selection of feed, feed storage, inadequate ventilation, litter management, carcass disposal, cleaning out and dirty water management.

Given that the Council's Environmental Health department have not objected to the proposal and that the proposal is supported by an odour management plan, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

## *Dust*

It is acknowledged that the process of rearing broiler chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s). The applicant has included an assessment of dust impacts which notes that the proposal will be sufficiently distant from sensitive residential properties to prevent significant impact. Dust would form an emission from the site which would be controlled by the Environmental Permit.

### *Conclusion*

It is considered that the comments made by Environmental Health and the environmental permitting regime provides reassurance that the poultry development should not be incompatible with a good standard of living conditions in the surrounding area. It is concluded that the proposed development would not unacceptably worsen the amenities of local residents or visitors to the area, and that it would not conflict with the objectives of Policy DM13 of the Local Development Plan.

### Transport

The proposed development includes the creation of a new access off the A490 with an access track to the proposed buildings. Information submitted indicates that the proposed development would generate an estimated 172 tractor and trailer movements relating to manure disposal, 434 lorry movements per annum for bird collections, chick deliveries, feed deliveries etc and 60 movement of other vehicles such as mini bus and cars for the labour force and bird collections. No alterations to the access are proposed under the current application.

The Highway Authority has not objected to the current application.

Given the comments received from the Highways Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

### The Natural Environment

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

Both Natural Resources Wales and Powys Ecology have been consulted on the application. NRW have offered no further comment on the application as there is no intention to increase the numbers of birds within the development.

The application site is within 10km of the following sites;

- Montgomery Canal SAC – located 6.2km from the proposal
- Granllyn SAC – located 5.5 km from the proposal
- Tanat and Vyrnwy SAC – located 2km from the proposal

Powys Ecology raised initial concerns regarding the level of information submitted in support of the application. Following receipt of additional information Powys Ecology confirmed that a change in ammonia and nitrogen levels at these sites is not expected as the general location, number of birds held and ventilation system are similar between the current units and the proposed development. They also advise that NRW have not asked for further modelling to be undertaken for the proposed development. As such it is considered that there would be no likely significant effect on the SACs.

With regards to protected species the Powys Ecologist and Natural Resources Wales were consulted on the application.

Mitigation measures were proposed in the original application and included:

- All existing natural features including hedgerows, trees and water bodies will be protected from accidental damage through protective fencing or other indicative measures as appropriate.
- Creation of woodland planting and conservation strips surrounding the site
- Create new species-rich hedgerows to west of development.
- Allow surrounding boundary hedgerows to grow up to 3.5metres and maintain at 2 metres width.

NRW offered no further comment on the application and the Powys Ecologist stated that as the proposed development is situated within an improved agricultural field currently used for grazing with no vegetation loss or removal of marginal habitat expected, the direct effects associated with the development are likely to be minimal. As such they offer no objection to the amended design subject to conditions being attached to any grant of consent.

In light of the comments received from the Powys Ecologist on the application it is considered that the application is in accordance with policies SP7, DM2, DM4 and DM13 of the Powys Local Development Plan, Technical Advice Note 5: Nature Conservation and Planning and Planning Policy Wales.

### Tourism Assets

The LDP within policies SP7 and DM13 seek to ensure that proposals which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed. The high quality landscapes of Powys, public rights of ways and scheduled ancient monuments are noted to be of interest to tourists and a wide interpretation should be given to what can legitimately be considered a tourist asset.

It is noted that there is guest accommodation located within the surrounding area, however there are no known facilities within close proximity to the site. The impact upon public rights of way and the scheduled ancient monument in the locality has been considered above. As discussed above, the visual and landscape impacts are considered acceptable subject to landscaping measures and as such it is considered that the environmental setting of established tourist attractions would not be unacceptably adversely affected by the proposal in accordance with policies SP7 and DM13 of the Powys Local Development Plan.

## **RECOMMENDATION**

For the reasons outlined above it is considered that the proposed amendments to the original design are acceptable and would not have an unacceptable impact on the locality. The recommendation is one of conditional consent.

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

## **Conditions**

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from 02/03/2017.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: RJC/RB/2764, RJC-MZ-4685-03 and RJC-MZ-4685-01 and documents: Environmental Statement dated July 2017, Environmental Statement: Supporting Statement dated April 2017, Odour Management Plan dated July 2017, Noise Management Plan dated July 2017, Design and Access Statement dated July 2017, Ammonia Report dated December 2015 and Report of the finding of ecology surveys undertaken in the vicinity of a proposed poultry unit produced by Chris F. Brown).
3. Notwithstanding the details submitted, a detailed landscaping scheme, including landscape phasing and implementations scheme, shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this decision. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.
4. The approved landscaping scheme as implemented by the landscape phasing scheme shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.
5. Within 2 months from the date of this decision a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained in perpetuity for as long as the development remains in existence.
6. 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.
7. Within 2 months from the date of this decision a manure management scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in full accordance with the manure management

scheme as approved. The manure management scheme shall be fully implemented as approved in perpetuity.

8. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
9. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.
10. 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.
11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
12. The poultry units hereby approved shall be limited to occupation by 100,000 broilers.
13. 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.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
4. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
5. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy

Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

6. To comply with Powys County Council's Policies LDP DM2 and DM7 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.
7. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
9. To comply with Powys County Council's Local Development Plan Policies SP7 and DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, July 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
10. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy E2, E6, DM4 and DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
11. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies DM4 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
12. In order to control the number of broilers accommodated within the buildings in the interest of the local amenity. This condition is imposed in accordance with policies DM13 and E6 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
13. In the interests of highway safety and in accordance with the provisions of Powys Local Development Plan policies T1 and DM13.