

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0466	Grid Ref:	308738.42 301309.17
Community Council:	Dwyriw	Valid Date:	Officer: 02/05/2018 Holly-ann Hobbs
Applicant:	Mr & Mrs Jerman, G & H Jerman, Tyn yr Wtra, Llanwyddelan, New Mills, Newtown, Powys, SY16 3BT.		
Location:	Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT.		
Proposal:	Full: Erection of an egg laying unit, creation of vehicular access and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

In accordance with the Planning Protocol, the Local Member for Dwyriw has requested that the application is determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Site Location and Description

The site subject to this application is located within the open countryside, approximately 0.3 miles north east of Llanwyddelan. The application site is bound by agricultural land to the north, east and south. Located to the east is the existing agricultural complex and farmhouse.

The proposed development includes the siting of a free range egg laying unit, installation of feed hoppers and construction of a new access track off the county highway.

The proposed poultry unit will comprise of box profile sheeting (Juniper Green) and measures approximately 134 metres in length by 20 metres in width. The ridge (including ridge mounted fans) and eaves height of the proposed building measure approximately 6.6 metres and 3.35 metres respectively. The proposal also includes the provision of 2 feed silos measuring approximately 8 metres in height.

The proposed building will accommodate a maximum of 32,000 birds and will operate on a 13 month cycle. Birds will remain in the building for the duration of the cycle after which time the flock will be removed, the building cleaned and a new flock introduced to restart the egg production cycle.

Consultee Response

Dwyriw Community Council

Dwyriw Community Council would like the following points, raised by the local community to be taken into consideration.

1. It would appear that a number of local wells and bore holes have not been included in the manure management plan and have not been highlighted on the spreading plans. The local community would need reassurance about their private water supplies.
2. There is concern about the ammonia levels and potential noise pollution associated with the unit, should reach unacceptable levels.
3. The number of poultry units being established is increasing which will have a cumulative impact on the local area.

Highway Authority

The County Council as Highway Authority for the County Class III Highway, C2015

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 dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 20 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior 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 60 metres distant in a westerly direction and 120 metres distant in a easterly 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.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6 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 first beneficial use 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.

HC22 Prior to the commencement of the development the field gate located immediately west of the proposed access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

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 surface water drainage from the site shall be allowed to discharge onto the county highway.

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.

Clean Water comments:

Having looked at the manure management plans on the Powys council website, we note that there are no buffers for spreading and are chickens ranging close to our DSR (District Service Reservoir). We would like to request that the applicant amends their map to create a 50m buffer zone around our site where chicken muck won't be spread nor chickens range in order to protect our treated water. Please note we are also concerned that the access track is directly opposite our site and sloping towards it so muck on the track could wash directly onto our site. We would request that the access track could be moved so it exits the field downslope of our site. STW have a 125mm HDPE water pipe on the property boundary which will need to be considered when moving the access road.

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

Correspondence received 14th May 2018 –

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.

Councillor Heulwen Hulme

I wish to call into full committee Planning Application no. P/2018/0466. The reasons are, it is exceptionally controversial locally within the communities of Llanwyddelan and Adfa, with large concerns about the cumulative effect of manure spreading in conjunction with other units that have been developed locally and the implications it will have on a nearby residential caravan park.

Environmental Health

Correspondence received 24th May 2018 –

Thank you for the consultation in respect of this application, my comments are as follows:-

Manure management plan

The plan states there is a 50m buffer around PWS, however the plans show that there are a number of properties served by Private Water Supplies within 50m of the spreading zones.

Map 2 (around application site) – 4 properties – Tanllan, SY16 3NN (well, 150m from house, unknown where); Cefn Bach, SY16 3NL (well, unknown location); Tynyward, SY16 3NS (borehole, behind house); Dolgar, SY16 3NS (well, unknown location).
Map 4 – 1 property – Cefn Caled, SY16 3DA (well – unknown location).

The location of the PWS should be identified in order to ensure 50m buffer zones around the source of the supplies to protect them from contamination by manure spreading and the maps altered accordingly.

Noise

Nearest noise sensitive receptor is according to my maps 200m from the unit and not 250m as stated in the supporting document. Therefore according to the table for 16 fans at this location the noise level from all fans operating is 33dBA, which is well below the WHO guidelines for community noise. I therefore have no concerns in respect of noise.

Dust

Given that there is a residential receptor within 200m of the site the applicant will need to prepare and submit a dust management plan.

Odour

The application does not give cause for concerns in respect of odour emissions

In order for this department to provide favourable comments in respect of this application, additional work is required in respect of dust and the manure management plan

Correspondence received 28th June 2018 –

Paul had asked me to look at the amended manure maps re: private water supplies – although further supplies have been identified on Map 2, the supply to Cefn Bach has not been identified. Please could you confirm with the applicant/agent the location of the supply and whether or not it is outside the boundaries of the spreading fields in that area.

I understand that another neighbour has made an objection regarding PWS, and may have information about further properties. If you have further information that may be useful please let me know.

Give me a ring if you want to discuss the details.

Correspondence received 3rd July 2018 –

Thanks for the updated information.

The additional PWS have been identified and appropriate buffers zones put in place in line with the original manure management plan.

Our records show that Cefn Bach was supplied by a well in 2016 (signed questionnaire from the owner T&S Jerman), however, the agent has confirmed that Cefn Bach is supplied by mains water.

There are no further objections to the amended manure management maps with regard to the private water supplies.

Correspondence received 10th July 2018 –

Further to Diane's satisfaction with regard to the manure management plan and the dust management plan being supplied by the applicant I have no objection to this application.

Cadw

Thank you for your consultation. Having considered the information provided, there are no scheduled monuments or parks and gardens that would be affected by the proposal. We therefore have no comments to make.

Clwyd Powys Archaeological Trust

Thank you for the consultation on this application.

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

Built Heritage

Thank you for consulting me on the above application.

1.0 Recommendation

1.1 no objections

Reason: Taking into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and the distance and topography from the site of the proposed egg laying unit. It is considered that the proposal is in accordance with the policies and Guidance in PPW and TAN 24 in regard to the setting of historic assets and policy SP7 of the adopted Powys Local Development Plan

2.0 Background to Recommendation

2.1 Designations

Nearest listed building CADW ID 18192 The Old Rectory included on the statutory list on 04/02/1997

2.2 Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Policy Wales 9th edition 2016
Conservation Principles published by Cadw
TAN24
Setting of Historic Assets in Wales – Annexe to TAN24
Heritage Impact Assessments – Annexe to TAN24
Historic Environment Records

Local Development Plan

Strategic Policy SP7
DM13 Design and Resources Local Development Plan Themes and Objectives;
Theme 4 – Guardianship of natural, built and historic assets
LDP Objective 13 – Landscape and the Historic Environment

3.0 Comments

3.1 The Old Rectory is sited to the south west of Tynyrwtre. The proposed egg laying unit will be sited to the south east of the farm complex.

3.2 The Old Rectory is sited in a slightly elevated position above the road that approached Llanwyddelan from the B4389 and is well screened with garden planting. The principal outlook of the property is south east with the service rooms facing north-west towards the road.

3.3 Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road. The proposed building is to the rear (south east) of the farm holding and as such not readily visible from the front of Tynyrwtre.

3.4 There is potential for the new building to be visible from the public road that leads from the B4389 towards Llanwyddelan when travelling from the bridge into the settlement. However the land slopes steeply to the north, and at the point when the current farm buildings to the rear of Tynyrwtre are visible, The Old Rectory is not. Similarly when The Old Rectory is visible from the public highway, the majority of the farm buildings at Tynyrwtre and the proposed building will not be readily visible.

3.5 I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and can confirm that taking into account the distance and topography from the site of the proposed egg laying unit that I have no objections to the proposal in respect of the setting of the listed building.

Natural Resources Wales

Correspondence received 31st May 2018 –

Thank you for referring the above application, which we received on 09/05/2018.

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

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

i) Manure Management Plan ('Manure Management Plan', Roger Parry & Partners)

ii) Drainage Plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners)

iii) Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners).

Protected Sites and aerial emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). We have assessed the proposal using the thresholds introduced in April 2017. NRW assesses the air quality impact a unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

Detailed aerial emissions modelling has been submitted ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House at Tyn-Yr-Wtra, near Llanwyddelan in Powys' by AS Modelling & Data Ltd., date redacted).

The report states there are 2 SSSIs within 5km of the proposal, which are:

- Cors Llanllugan SSSI
- Gregynog SSSI.

The background ammonia concentration around Pentre Penarth is 1.41µgNH₃/m³, and the background nitrogen deposition is 28.70kgN/ha/yr to woodland and 19.04kgN/ha/yr for short vegetation. The report sources these figures from the Air Pollution Information System (APIS, February 2018).

The ammonia critical levels and nitrogen critical loads used for the sites are considered correct.

The report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites. These predictions for the Gregynog SSSI are 0.3% for ammonia, and 0.2% for nitrogen at the highest concentrations.

Manure Management Plan

We have reviewed the manure management plan ('Manure Management Plan', Roger Parry & Partners) submitted in support of the proposal.

The plan states that the manure will be spread on the land at the farm and calculates the quantity of manure which will be produced. The manure spreading plans include buffers to sensitive receptors.

Provided the site operates in accordance with this plan, the proposal is unlikely to cause pollution to the wider environment.

Drainage Plan

We have reviewed the drainage plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners) submitted in support of the proposal.

The plan shows the dirty water and clean water being drained separately. The dirty water will flow to a tank built to comply with the SSAFO Regulations, and the clean surface water will flow to a soakaway system.

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

Pollution Prevention

We have reviewed the pollution prevention plan ('Method Statement Pollution Prevention', by Roger Parry & Partners) submitted in support of this proposal.

Provided the works on the site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

General Advice

Environmental Permitting Regulations

The current advice relates to a proposed unit for 32,000 egg laying unit.

Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

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 prior to any works commencing on site.

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

Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN021 Poultry Units: planning permission and environmental assessment'.

Abstractions

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

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

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-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?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.

Correspondence received 19th July 2018 –

Thank you for consulting NRW on the amended manure management plan. NRW DPAS replied to this proposal in our consultation letter referenced SJ00/GB/CAS-82619-N8Q8. We do not have any further comments to make.

County Ecologist

Thank you for consulting me with regards to planning application P/2018/0466 which concerns an application for the Erection of an egg laying unit, creation of vehicular access and all associated works at Tyn Yr Wtra, Llanwyddelan, Newtown, Powys .

I have reviewed the proposed plans and supporting information submitted with the application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 13 records of protected and priority species within 500m of the proposed development, no records were for the site itself. Species recorded within 500m of the proposed development include red kite, otter, bluebell and white-letter hairstreak.

The majority of land impacted by the proposed development appears to be improved or poor semi-improved grassland, these habitats are generally considered to be of low ecological value due to the lack of species and structural diversity and limited opportunity to provide favourable habitat for protected or priority species. In addition the proposed development appears to impact sections of hedgerows a habitat of high biodiversity value.

NRW have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House at Tyn-Yr-Wtra near Llanwyddelan in Powys produced by AS Modelling & Data Ltd submitted to inform the application with regards to statutory designated sites, they have confirmed that the predicted deposition of ammonia and nitrogen are below the thresholds of exceedance under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland the data search identified 65 parcels of Ancient woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that there was a potential for the deposition to exceed the identified lower threshold percentage of the Critical Level for several of the AW sites. Detailed deposition modelling was then run for these sites, the results of the detailed modelling identified that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m³ or the Critical Load of 10.0 kg/ha at the AW sites.

A Method Statement Pollution Prevention document produced by Roger Parry & Partners has been submitted with the application. I have reviewed the submitted information and considered that the measures identified are appropriate and in line with current guidelines – it should be noted that PPG5 has now been replaced by GPP5 which can be found at <http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf>. In addition NRW have reviewed the information and have stated that they consider that if the development is undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

A Manure Management Plan produced by Roger Parry & Partners has been submitted to support the application the plan identifies that sufficient land holdings are available at the site to accommodate the spreading of manure produced by the unit in accordance with DEFRA's CoGAP, the plan provides details of calculations to show that manure can be spread at a rate of 226.67 Kg N/ha which is below the threshold set by CoGAP. The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions, it has been identified that there are a number of covered areas on the farm that would allow for this to be accommodated. Contaminated wash water will be kept separate from other manures and will be disposed of on site or removed from site by licensed contractors during periods of disease outbreak. NRW have identified that they consider subject to the site being operated in accordance with this manure management plan, they consider it is unlikely the proposal will cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the

identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage for the site have been provided these identify that dirty and clean water will be kept separate, dirty water will drain to and be stored in dirty water tanks before being disposed of by a specialist contractor and clean water will flow to a soakaway system. NRW have identified that subject to the site being operated in accordance with this drainage plan, they consider it is unlikely the proposal will cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.

I note that sections of hedgerow would need to be removed to accommodate the proposed development both for the improved visibility for the highways access and in the location of the proposed poultry building and associated infrastructure, Powys LDP Policy DM2 states that: 'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows 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'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

As the proposals require the removal hedgerow to accommodate the proposed development then appropriate compensation in line with the requirements of LDP Policy DM2 will need to be provided. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow 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. Therefore it is recommended that a hedgerow compensation plan is secured through an appropriately worded planning condition in order to ensure compliance with the Environment (Wales) Act 2016 and Powys LDP policy DM2.

Given the presence of boundary hedgerows throughout the ranging area it is considered that appropriate measures to protect these features of ecological value should be secured, grazing pressure from the poultry can result in negative impacts to the hedgerows and their associated flora, in turn this could have a negative impact on fauna which use these hedgerows for foraging and commuting. Hedgerows are listed in the Environment (Wales) Act 2016 Section 7 Habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Therefore it is recommended that a ranging area

hedgerow protection plan is secured through an appropriately worded planning condition in order to ensure compliance with the Environment (Wales) Act 2016 and Powys LDP policy DM2.

It is considered that the use of external lighting at the site could have impacts to the foraging and commuting behaviour of nocturnal species including bats, the Design and Access Statement identifies that whilst no perimeter lighting is proposed a small external light will be required outside of the egg collection unit for use in winter months, it is considered that the proposed light in this location would be unlikely to have a significant negative impact to nocturnal wildlife around the site. It is recommended that a planning condition is included to prevent any additional lighting being installed unless a lighting scheme is submitted for approval to the LPA ensure that any additional lighting proposals would minimise impacts to biodiversity and to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

The Design and Access statement identifies that the southern boundary will be landscaped to ensure that the proposed development integrates within the surrounding area, the provision of landscaping is welcomed as in addition to providing screening of the proposed development it has potential to provide benefits for biodiversity (biodiversity enhancements), whilst reference has been made to landscaping within the Design and Access Statement no details of these provisions have been provided on any of the plans submitted, in order to ensure that the measures proposed are secured and appropriate aftercare measures are identified to increase the successful establishment of these features it is recommended that the submission of a detailed landscaping and aftercare scheme is secured through an appropriately worded planning condition to ensure compliance with the requirements of LDP policies DM2 and DM4.

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

The development shall be carried out strictly in accordance with the details and measures identified in the following documents:

- i. Method Statement Pollution Prevention at land at Tynyrwtre, Llanwyddelan produced by Roger Parry & Partners LLP*
- ii. Manure Management Plan for Tynyrwtre, Llanwyddelan produced by Roger Parry & Partners LLP*
- iii. Drainage Plan drawing no. GD-MZ213-01 produced by Roger Parry & Partners LLP dated 21st January 2018*

The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's Policies LDP DM2 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 the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted

landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and 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 Compensation Plan in accordance shall be submitted to the Local Planning Authority and implemented as approved. The submitted hedgerow compensation plan shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and 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 the commencement of development a detailed Ranging Area Hedgerow Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted protection plan shall include a scaled drawing and a written specification clearly describing the measures that will be implemented to protect the hedgerows and associated ground flora. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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

With the exception of a single access light to be installed on the egg collection unit no additional 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 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.

In addition I recommend inclusion of the following informatives:

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

Representations

A public petition containing 248 signatures has been received by Development Management opposing the proposed poultry development. In addition to the above, a total of 12 individual third party representations have been received which can be summarised as follows;

- Proximity of the proposed development to wells/streams/rights of way;
- Topography of land compromises ability to spread manure in accordance with the submitted plan;
- Contamination of water supply – manure spreading;
- Odour impact;
- Air pollution;
- Impact on tourism assets;
- Impact on highway safety due to increased traffic movements;
- Impact on existing watercourses;
- Insufficient land to spread manure;
- Inadequate ranging area;
- Devaluation of existing residential properties;
- Over supply of eggs within the UK.

1 letter of support has also been received which indicates the following;

- Powys is a County with a strong agricultural heritage;
- Important for farmers to be given the opportunity to diversify and adapt;

- Secures jobs in associated businesses – such as feed mills and transport;
- Contributes to local economy.

Planning History

M/2007/1028 - Erection of an agricultural livestock shed. Approved 26/11/07.

P/2008/0252 – Householder: Erection of a 2 story extension. Approved 01/04/08.

P/2018/0175 - Full: Extension to existing general purpose agricultural building. Approved 21/03/16.

P/2015/0627 - Full: Installation of a ground mounted solar pv array and associated metering cabinet. Approved 30/09/2015.

Principal Planning Constraints

- Public right of Way located approximately 210 metres to the east of the application site boundary;
- The Old Rectory – Grade II listed building located approximately 185 metres from the application site boundary;
- Watercourse located approximately 250 metres to the east of the application site boundary;
- Ancient Woodland located approximately 190 metres to the south of the application site boundary.

Principal Planning Policies

National Planning Policies

Planning Policy Wales (2016)

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

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (2007)

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 Local Development Plan (April 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

Introduction

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.

Principle of Development

Rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasises the need to support diversification and sustainability in such area, recognising that new businesses and the expansion of existing 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.

Policy E6 of the Local Development Plan 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 and will have no significant detrimental effect on the vitality and viability of any adjacent land uses, either individually or through cumulative impact.

Having carefully considered the proposed development, it is considered that the principle of development is supported by planning policy subject to following considerations:

Landscape and Visual Impact

Guidance within 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. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

For the purposes of LANDMAP's Visual and Sensory layer, the proposed site of development is located within the 'Tregynon Rolling Hills' aspect area which is characterised by upland hills, lower plateau and scarp slopes. The aspect area is recognised by LANDMAP as an extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited/insignificant to far distant ridgelines of upland areas. The sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common ie hedge laying and few intensive farming practices employed. In light of the above assessment, the Visual and Sensory value is high.

The existing complex Tyn Yr Wtra comprises of a number of large, modern agricultural buildings which occupy an elevated position, adjacent to the public highway. The proposed poultry unit will be located to the east of the existing complex, approximately 32 metres away from an existing building. Access to the proposed unit will be provided by a new farm track off the public highway measuring approximately 100 metres in length.

Whilst acknowledging the scale of the proposed building (134 metres by 20 metres) and maximum height of the development (approximately 8 metres), given the location of the building adjacent to the existing complex, undulating character of the surrounding landscape together with existing and proposed landscaping, it is not considered that the siting of the proposed building and associated infrastructure will adversely affect the character and appearance of the landscape.

Highway Safety and Movement

Policy T1 and DM13 of the Powys Local Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking and whereby the proposal can demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Access to the proposed poultry unit will be provided via the provision of a new access track off the public highway. The proposed egg production unit will require bulk food delivered to the farm by HGV twice a month. Eggs will be collected approximately every 3 days and

vehicles delivering new birds will arrive once every 13 months. It is anticipated that the above will generate a maximum of 10-12 lorry movements a month.

Following consultation, Members are advised that no objection has been received from the Highway Authority however a series of conditions have been recommended. In light of the comments received and notwithstanding the third party concerns expressed, it is not considered that the proposed development will have an unacceptable impact on highway safety and movement and therefore is compliant with policies DM13 and T1 of the Powys LDP.

Biodiversity, Ecology & The Environment

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

SSSI's and SAC

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). In their consultation response, Natural Resources Wales (NRW) confirm that an assessment of the potential air quality impact of a unit on a European site and Sites of Special Scientific Interest (SSSI's) is undertaken in accordance with 2017 thresholds within a screening distance of 5km of the proposed unit.

The application is accompanied by an ammonia dispersion and deposition modelling report which identifies two SSSI's within 5km of the proposal, namely;

- Cors Llanllugan SSSI;
- Gregynog SSSI.

The background ammonia concentration as identified within the submitted report is around Pentre Penarth is 1.41µgNH₃/m³, and the background nitrogen deposition is 28.70kgN/ha/yr to woodland and 19.04kgN/ha/yr for short vegetation. NRW confirm that for assessment purposes, the ammonia critical levels and nitrogen critical loads cited within the report are considered to be correct. Thereafter, NRW indicates that the report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds applied in NRW's assessment of potential impacts on protected sites. These predictions for the Gregynog SSSI are 0.3% for ammonia, and 0.2% for nitrogen at the highest concentrations.

Having assessed the information submitted by the applicant, no objection has been raised by NRW in respect of the proposed development and its impact on the identified SSSI's on an individual or cumulative basis. On the basis of the response received and notwithstanding the third party concerns expressed, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

Following consultation, no concerns have been raised by NRW in respect of the Protected Species and therefore, on this basis, Officers do not consider that the proposed development will adversely affect any habitat or protected species in compliance with the aforementioned policy.

Pollution Prevention

The application is accompanied by a Pollution Prevention Method Statement which considers potential pollution risks during both construction and operation of the proposed poultry unit. Having reviewed the submitted details, NRW has confirmed that subject to an appropriate condition securing the implementation of the plan, it is considered unlikely that the proposal will adversely impact the surrounding environment.

Ancient Woodland

With regards to Ancient woodland the data search identified 65 parcels of Ancient woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that there was a potential for the deposition to exceed the identified lower threshold percentage of the Critical Level for several of the AW sites. Detailed deposition modelling was then run for these sites, the results of the detailed modelling identified that that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m³ or the Critical Load of 10.0 kg/ha at the AW sites.

In light of the above, it is not considered that the proposed development will have an unacceptable impact on Ancient Woodland.

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, concerns relating to which have been expressed within third party representations received.

Noise

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

The proposed poultry unit incorporates the use of mechanical ventilator extractor fans which thermostatically control the building temperature. The nearest non associated residential

property (The Old Rectory) is located approximately 185 metres away from the proposed site boundary (closest point). Based upon the information provided by the applicant, Environmental Health has confirmed that at this location, the noise level from all fans operating is 33dBA, which is below the World Health Organisation (WHO) guidelines for community noise. As such, Environmental Health has offered no objection to the proposed development in respect of noise impact.

Odour

The application is supported by a Manure Management Plan (MMP) which indicates that the poultry manure will be removed from the shed every 3-4 days via a conveyor belt. Thereafter the manure will be spread in accordance with the MMP on the applicants holding.

Third party objections have been received by Officers with respect to manure spreading, specifically associated odour impact and impact on private water supplies. Following the submission of a revised Manure Management Plan, Environmental Health has confirmed that appropriate buffer zones have been identified around public water supplies and therefore there are no objections in this respect. In any case, should planning permission be granted, it is recommended that a suitable condition is attached prohibiting the spreading of manure within 10 metres of any watercourse and 50 metres of any borehole, spring or water supply. In respect of potential odour impact, despite the objections raised, Environmental Health has confirmed that the application does not give cause for concerns in respect of odour emissions.

In light of the above and notwithstanding the concerns expressed by local residents, in light of the consultation comments received, it is not considered that sufficient weight can be given to the objections raised to support a reason for refusal.

Dust

Following submission of the application, a Dust Management Plan was received by Officers following initial comments from Environmental Health. Following review of the document, the Environmental Health Officer has confirmed no objection to the proposed development in respect of dust.

Amenity Conclusion

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of noise, odour and dust. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policy DM13 and DM14.

Surface Water and Foul Drainage

The submitted design and access statement confirms that the construction of the floor will incorporate a damp proof membrane preventing any dirty water percolating into the ground below the building. A stump in the floor will drain further below ground into a sealed tank, which will allow collection of any dirty water primarily arising from the washing down process at the end of the production cycle. This dirty water will then be taken off site in a vacuum

tanker. Clean surface water will flow into a soakaway system. This is detailed on drawing no. GD-MZ213-01, entitled 'Location Plan'.

Following consultation, Natural Resources Wales has confirmed that the proposed drainage scheme is considered to be acceptable and therefore it is unlikely that the proposal will cause pollution to the wider environment.

Rights of Way & Tourism

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Whilst noting the proximity of the application site to nearby public rights of way, given the associated distances together with existing and proposed landscaping, it is not considered that the proposed development will have an unacceptable impact on the public rights of way network.

The proximity of the site to other tourism assets, namely caravan parks has been noted within a third party representation received. Whilst acknowledging the concerns expressed, given the location of the proposed development adjacent to an existing farm complex, topography of the landscape together with existing and proposed landscaping, it is not considered that the proposed development will detract from the character and appearance of the landscape. Furthermore, given the Environmental Health comments received, it is not considered that the proposed development will result in unacceptable odour and noise impacts thus safeguarding the amenities of those visiting the nearby tourism assets.

In light of the above, it is not considered that the proposed development will have an unacceptable adverse impact on existing and established tourism assets and attractions, compliant with LDP policies SP7 and DM13.

Built Heritage

Technical Advice Note 24 emphasises that when considering any applications for listed building consent, the local planning authority must 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 Old Rectory is a grade II listed property located to the south west of Tynyrwtre. The Old Rectory is sited in a slightly elevated position above the road that approaches Llanwyddelan from the B4389 and is well screened with garden planting. The principal outlook of the property is south east with the service rooms facing north-west towards the road. Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road.

In her assessment of the proposal, the Built Heritage Officer notes that there is potential for the new building to be visible from the public road that leads from the B4389 towards Llanwyddelan when travelling from the bridge into the settlement. However the land slopes steeply to the north, and at the point when the current farm buildings to the rear of Tynyrwtre are visible, The Old Rectory is not. Similarly when The Old Rectory is visible from the public

highway, the majority of the farm buildings at Tynyrwtre and the proposed building will not be readily visible.

Taking into account the distance and topography of the land, the Built Heritage Officer concludes that the proposed poultry development will not adversely affect the setting of the listed building. As such, it is considered that the proposed development is in accordance with policies SP7 and DM13 of the Powys LDP, Technical Advice Note 24 and Planning Policy Wales.

RECOMMENDATION

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed below;

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 approved plans and documents (drawing no's: GD-MZ213-01, GD-MZ213-02, GD-MZ213-03 (A3 Plan), GD-GHJ-03 (A1 Plan) and GD-MZ213-06 and documents; Design, Access and Planning Statement, Dust Management Plan dated June 2018, Manure Management Plan - Rev C and Method Statement Pollution Prevention).
3. 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.
4. 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.
5. 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 dwelling/development hereby permitted remains in existence.
6. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. The centre line of the first 20 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
8. Before any other development commences 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 60 metres distant in a westerly direction and 120 metres distant in an easterly 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.

9. Before any other development commences 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.
10. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
12. The width of the access carriageway, constructed as Condition 9 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.
13. 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.
14. Prior to the first beneficial use 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.
15. Prior to the commencement of the development the field gate located immediately west of the proposed access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
16. Upon formation of the visibility splays as detailed in condition 8 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.
17. No surface water drainage from the site shall be allowed to discharge onto the county highway.
18. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and

planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.

19. 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.
20. The development hereby permitted shall be undertaken strictly in accordance with the Method Statement Pollution Prevention Plan received by Development Management on 2nd May 2018.
21. The development hereby permitted shall be undertaken strictly in accordance with the Manure Management Plan Revision C received by Development Management on 13th July 2018.
22. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
23. Prior the commencement of development, a hedgerow compensation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the hedgerow compensation plan as approved.
24. Prior to the commencement of development, a ranging area hedgerow protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the ranging area hedgerow protection plan as approved.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to 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 and Planning Policy Wales (2016).
4. 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 and Planning Policy Wales (2016).
5. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
6. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
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17. In the interests of highway safety in accordance with the provisions of Powys LDP Policies DM13 and T1, Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2016).
18. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
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22. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
23. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

24. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

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.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000