

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/0466/FUL

Grid Ref: E: 302308
N: 294076

Community Council: Caersws Community

Valid Date: 13.08.2018

Case Officer: Tamsin Law

Applicant: Mr & Mrs Wainwright

Location: Parc Yr Esgob, Llanwnog, Caersws, Powys, SY17 5NY

Proposal: Full: Erection of a poultry unit, creation of a new vehicular access and all associated works

Application Type: Full Application

The reason for Committee determination

The application was called in by the local member for determination by Committee.

Consultee Responses

Consultee

Received

Community Council

27th Sep 2018

Caersws Community Council has discussed this planning application and have concerns over whether all of the information within the plans is accurate and complete.

Caersws Community Council shares the concerns of a number of residents of the proximity of the development to the village and peoples homes. The accumulative effect of the poultry units which are already in the area is not yet known so there is a concern over adding any further units until such a time when the effects have been measured.

There are concerns over run-off from the sloping ground where manure is set to be spread as the slopes are not detailed in the plans.

Some of the roads in this area are already precarious for pedestrians, what provisions would be made to ensure the safety of other road users such as pedestrians is not put at any further risk from the extra vehicles using these roadways?

Caersws Community Council feels that the above points need to be addressed before this application can be considered.

PCC-Building Control

No comments received at the time of writing this report

Wales & West Utilities - Plant Protection Team

No comments received at the time of writing this report

Ward Councillor

In relation to planning protocol may I instruct the CALL IN procedure on behalf of local residents on Application No. 18/0466 /Full. Residents have serious objections on visual and environmental matters.

Many thanks for your cooperation with this matter.

Hafren Dyfrdwy

27th Sep 2018

The company's observations regarding sewerage are as follows.

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

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

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

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

PCC-(N) Highways

21st Sep 2018

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 to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant

in each direction measured from the centre of the access along the edge of the adjoining carriageway.

Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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.

HC21 Prior to the first beneficial use of 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 existing means of access shown on drawing number GD-MZ245-01 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.

HC29 All surface water run-off from the access road is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for 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.

HC37 Prior to any works being commenced on the development site the applicant shall construct one passing bay, as shown on drawing number GD-MZ245-01. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

PCC-Ecologist

29th Jan 2019

Thank you for consulting me with regards to planning application 18/0466/FUL which concerns an application for the erection of a poultry unit, creation of a new vehicular access and all associated works at Parc Yr Esgob, Llanwnog, Caersws, 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 12 records of protected and priority species within 500m of the proposed development, no records were for the site itself. The records identified within 500m were for otter, hedgehog, bluebell, pipistrelle bat and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The site of the proposed development appears to be an area of improved grassland a habitat considered to be relatively low ecological value due to its lack of species and structural diversity and limited potential to support protected or priority species, no hedgerows or trees will be required to be removed to accommodate the proposed building. Whilst no hedgerow will be required to be removed to accommodate the proposed building it is noted that the proposed access will require a section of hedgerow to be removed, 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.

Where hedgerow is required to be removed to accommodate the proposed development appropriate compensation in line with the requirements of LDP Policy DM2 will need to be provided, it is noted from the submitted plans and Landscape Visual Impact Assessment Photomontages that it is proposed to provide new hedgerow planting along the proposed access road and scattered tree planting around the site, this planting is welcomed and would be considered appropriate to compensate for the loss of hedgerow to create the proposed access. It is recommended that implementation of the proposed landscape planting is secured through an appropriately worded planning condition. In order to ensure that the species used in the landscape planting are appropriate and in accordance with the requirements of LDP policies DM2 and DM4 it is recommended that a detailed landscaping scheme is secured through an appropriately worded planning condition, the landscaping scheme will need to include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures - species used will need to be native and reflect the trees and hedgerows present in the local area. Therefore, it is recommended that a detailed Landscaping Scheme is secured through an appropriately worded planning condition in order to ensure compliance with the Environment (Wales) Act 2016 and Powys LDP policy DM2.

Having reviewed the nature of the habitats present and affected by the proposed development, records of protected and priority species in the wider environment and subject to inclusion of an appropriate condition to secure the landscape planting to compensate for the loss of the section of hedgerow to accommodate the proposed new access it is considered that the proposed development would not result in the loss of negative impacts to biodiversity at the site.

NRW have reviewed the information provided within the SCAIL Modelling Report produced by Roger Parry & Partners LLP submitted to inform the application with regards to statutory designated sites. NRW have confirmed that the predicted process contributions identified with regards to Llyn Mawr SSSI identified during preliminary are below the thresholds of applied to determine potential impacts to protected sites under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated 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 $\mu\text{g}/\text{m}^3$ at the AW sites.

An amended Manure Management Plan produced by Roger Parry & Partners LLP (uploaded to the portal on the 17th October 2018) has been submitted to support the application, the plan identifies that there are sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha - the area of land required to achieve this would be 37.12ha of land and the plan demonstrates that 40.5ha are available for spreading of poultry manure with separate areas identified for spreading manure produced by cattle on the farm. The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations i.e. buffers of 10m have been provided to all watercourses, 50m buffer from wells and boreholes and no spreading will take place in these buffers, the 'no-spread' zones are considered to in line with current guidelines. The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions; in these instances, manure, slurry and dirty water will be stored in one of the existing covered areas on the farm. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards and will either be spread on the land or taken off site by an approved waste contractor. During and after potential disease outbreak wash water from the unit will be collected by a specified waste services company or a permitted anaerobic digester to ensure that contaminated water/slurry will be kept separate from other manures/slurry on the farm. NRW have identified that subject to the site being operated in accordance with this manure management plan, it is considered unlikely that the proposed development would 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 on Drainage Plan drawing no. GD-MZ245-01 produced by Roger Parry & Partners LLP dated 8th August 2018, these identify that dirty and clean water will be kept separate. Dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being taken off site in a vacuum tanker (stated in Section 3.12 of the

Design & Access Statement) . Clean water will be drained to stone trenches and directed to a soakaway. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank. NRW have identified that subject to the site being built 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.

A Method Statement Pollution Prevention document produced by Roger Parry & Partners LLP 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 construction works and site operations are 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 Ranging Plan has been submitted showing the extent of the range area, direction of slope and 10m buffer zones along watercourses, NRW have reviewed the information and have stated that they consider that subject to the proposals operating 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 Range Area Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Given the presence of existing 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 Hab 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.

Details regarding use of external lighting at the proposed development have been provided within Section 3.43 of the Design & Access Statement Version 1.3 produced by Roger Parry & Partners LLP dated August 2018, this identifies that external lighting will be limited to a small external light outside the egg collection unit for use in winter months when staff enter the building to collect eggs in the morning and evening. It is considered that the lighting measures proposed are acceptable and would ensure minimal disturbance to nocturnal wildlife around the site. **It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.**

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

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

Reason: To comply with Powys County Council's 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

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

- i. Method Statement Pollution Prevention Plan for for Parc yr Escob, Llanwnog produced by Roger Parry & Partners LLP*
- ii. Amended Manure Management Plan for Parc yr Escob, Llanwnog produced by Roger Parry & Partners LLP*
- iii. Drainage Plan drawing no. GD-MZ245-01 produced by Roger Parry & Partners LLP dated 8th August 2018*
- iv. Ranging Plan (unreferenced)*

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

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Installation of external lighting features at the site will be carried out in accordance with specifications identified in the Lighting Design Scheme Section 3.43 of the Design & Access Statement Version 1.3 produced by Roger Parry & Partners LLP dated August 2018, the identified external lighting strategy shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to first beneficial use of the development a detailed Ranging Area Hedgerow Protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a written specification clearly describing measures that will be implemented to protect the hedgerows within the identified ranging area. The approved scheme shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 / LDP Policy DM2 (parts 2, 3 & 5) 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.

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

PCC-(N) Land Drainage

23rd Oct 2018

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Local Flood Risk/Land Drainage

Comment: Records indicate that the surrounding land slopes towards the site; the applicant would need to consider how surface water runoff from the surrounding land will be controlled without exacerbating or creating any flooding problems on site or elsewhere.

The Authority holds no historical flooding information relating to this greenfield site.

However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a low/medium chance of flooding from surface water. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

The watercourse *flowing/adjacent* this site is deemed an ordinary watercourse.

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (*which would allow also allow for overland flows*) without prior permission of the LPA.

Advisory: It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (*this will apply to any culverted sections of watercourse*). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property

Surface Water Drainage

Observation: The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. A new road/building may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime. A Drainage Strategy will be required, the scope of which will need to be agreed with the Lead Local Flood Authority.

Proposed surface water drainage drawings have been submitted to indicate how the development will be *drained/disposed*, but no calculations or design standard has been identified.

The Lead Local Flood Authority would seek on site attenuation to the 1 in 100 year standard whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas.

The Flood and Water Management Act 2010 (Schedule 3), which is to commence on 7th January 2019, requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards. The Welsh Government has published interim national standards on an advisory basis until such time as it determines the most effective way of embedding SuDS principles in new developments in the longer term. This will enable designers, property developers, local authorities and other interested parties to both demonstrate that they have taken account of the Welsh Government's planning advice on Development and Flood Risk, Nature Conservation and Planning and to test the standards.

These interim non statutory national standards and guidance can be downloaded from The Welsh Government's website at <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>. They set out the hierarchy standard and minimum design criteria on the design, construction, operation and maintenance of SuDS serving new developments in urban or rural areas of

more than one house or larger than 100m² floor space. They also contain links to additional supporting information relating to SuDS.

Unless a development is exempt from the SAB approval requirement, the Applicant must demonstrate compliance with Welsh Government's SuDS Standards. This will be applicable to a Reserved Matter after the SAB commencement date mentioned above.

The LLFA recommends that the surface water design for this development proposal follow and incorporate Welsh Government's SuDS design standards.

Comment: No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Recommendation: Surface water drainage details, plans and calculations shall be submitted and approved in writing by the LPA prior to the occupation of the building.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

The applicant is required to demonstrate that no surface water from the proposed access flows onto the publically maintained highway.

Natural Resources Wales (North)
DPAS

27th Sep 2018

We recommend you should only grant planning permission if you attach the following condition. This condition would address the significant concerns 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) Drainage Plan (plan titled 'Location Plan', drawing No. GD-MZ245-01 dated 08/08/2018 by Roger Parry & Partners)
- ii) Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners)
- iii) Manure Management Plan ('Manure Management Plan', by Roger Parry & Partners)
- iv) Ranging Plan (plan titled 'Ranging Plan', unreferenced)

Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). This proposal has been assessed under the thresholds introduced on the 1st of April 2017. NRW assesses the air quality impact a proposal may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

We have reviewed the SCAIL report ('SCAIL Modelling Report', prepared for Mr & Mrs Wainwright by Roger Parry & Partners) submitted in support of the proposal.

Llyn Mawr SSSI (3km)

The background ammonia is 1.05 $\mu\text{g}/\text{m}^3$ and the background nitrogen deposition is 17.22kgN/ha/yr.

The ammonia critical level is 1 $\mu\text{g}/\text{m}^3$ and the nitrogen critical load is 10kgN/ha/yr for the site.

The farm ammonia process contribution is 0.01 kg/m^3 , which is 1% of the critical level and the nitrogen contribution is 0.05 kgN/ha/yr which is 1% of the relevant critical load.

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

Ranging Plan

We have reviewed the ranging plan (plan titled 'Ranging Plan', unreferenced) which shows the extent of the ranging area, direction of slope and buffers to the watercourses.

Provided the proposal operates in accordance with this plan, it will be unlikely to cause pollution to the wider environment.

Manure Management Plan

We have reviewed the Manure Management Plan ('Manure Management Plan', by Roger Parry & Partners) submitted in support of this proposal. The plan shows manure will be spread on the land of the farm, and correctly calculates the likely quantity of nitrogen which will be produced.

The plan includes a contingency plan for when manure cannot be spread on land. All manures and wash water arising from the development must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 and spread according to the Welsh Government's Code of Good Agricultural Practice.

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

Drainage Plan

We have reviewed the drainage plan submitted in support of the proposal (plan titled 'Location Plan', drawing No. GD-MZ245-01 dated 08/08/2018 by Roger Parry & Partners) which we received directly from the developer by email on 14/09/2018.

The plan shows the clean and dirty water being drained separately. The plan also shows the dirty water will run to a SSAFO compliant underground tank.

Provided the proposal is built in accordance with this plan, the proposal is unlikely to impact the surrounding environment. We are likely to condition the implementation of this plan.

Pollution Prevention Plan

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

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

Should any contaminated water or material enter or pollute the watercourses or groundwater, Natural Resources Wales must be notified on our incident hotline number 03000 65 3000.

Protected Species

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

Care should be taken in the type and location of any external lighting. Lighting must be installed such to minimise light spillage in areas which could potentially be used by foraging and commuting bats (such as tree lines and hedgerows). We advise that should any external lighting be proposed, a light spillage scheme from the proposal will need to be agreed to the satisfaction of the Local Planning Authority.

Environmental Permitting Regulations

The current advice relates to a proposed unit for a 16,000 free-range 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 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

Abstractions

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

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

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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

C P A T

26th Sep 2018

It is clear from the results of the LVIA that the development will not have a significant impact on the landscape due to a combination of factors including its low height profile, designed colour of the buildings, existing and proposed screening in the immediate area of the

proposal (including foliage and existing agricultural buildings/solar farm), wider existing screening in the Caersws basin from foliage, topography and existing buildings. Views from key viewpoints back this up as do the supplied photomontages.

While the ZTV indicates visibility across a number of character areas within the Caersws Basin registered historic landscape this worst case scenario does not take into account existing topographic, structural and foliage screening along with the proposed screening around the new buildings, which will dramatically reduce and soften the visual impact. No key characteristics of any character area will be significantly harmed in terms of direct or indirect impacts. Overall a moderate or lower magnitude of change was predicted from seven viewpoints within the character areas included in the 2km study area. No significant impact to the registered historic landscape is therefore predicted.

Views from the core of Llanwnog village will be extremely limited as demonstrated by the relevant viewpoints and the new buildings will be hidden by existing agricultural buildings, topography and foliage.

There are no significant visual impacts predicted for any of the listed buildings in the study area.

Recommendations:

Additional Consultation Required

Cadw will need to be consulted for their views relating to the visual impacts upon the Wyle Cop Camp scheduled monument (SM MG123). While the new buildings will appear in the foreground from some treeless areas at the southern end of the scheduled monument the ability to understand the monument, including its significance and wider setting, is not harmed. The much wider intended views across the whole basin from the enclosure are not significantly harmed and the intervisibility with sites that may have been contemporary with Wyle Cop Camp remains intact. The foreground setting will only change slightly and already includes large agricultural buildings, dwellings and a solar farm.

Additional Mitigation

We would recommend that to further soften the longer views into the site from the south and east additional native woodland or hedgerow planting is considered on these sides in close proximity to the new buildings.

Overall we have no objection on historic landscape or archaeological grounds to the proposed development.

Cadw

11th Oct 2018

Thank you for your letter inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we are concerned about the impact of the proposed development on the scheduled monument MG123 Wyle Cop Camp. However, we do not object to this impact, as it does not result in a significantly damaging effect upon the setting of the scheduled monument. Our assessment of the application is given below.

Our role

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

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

National Policy

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

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

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

Assessment

The proposed development will be located in the setting of scheduled monument MG123 Wyle Cop Camp. The monument comprises the remains of an earthwork/stone-built enclosure of prehistoric date. It should be noted that the southern boundary of the scheduled area follows a modern field enclosure and does not include all of the area occupied by the historic site.

Hillslope enclosures are sites of settlement which are likely to have had an agricultural focus and as such will have maintained views over a surrounding farmed landscape. In this

case the enclosure was sited to view across the Caersws Basin to the south and this is seen as being a significant view.

The proposed development is located some 310m south of the boundary of the scheduled monument and at a much lower level. The application is accompanied by a Landscape and Visual Impact Assessment, which includes a historic landscape assessment. This states that it follows the methodology outlined in the Welsh Government's document the "Setting of Historical Assets in Wales", but the assessment fails to fully consider and understand the setting of the monument and the effect of the proposed development on it. Most significantly it fails to consider that the monument extends to the south of the scheduled area and that this area is also of national importance. (Planning Policy Wales 6.5.5). Thus the woodland on the designated area does not preclude views from the monument.

Changes across the Caersws Basin may have occurred (such as the addition of railways and roads) but until recently the view south from the monument was entirely pastoral, probably similar to the view when it was in use, although more forest may have been visible. The fields in the area have been enclosed by hedges but it is likely that similar hedges, albeit forming smaller fields, would also have been present when the monument was in use. Small farms and the houses of the village of Llanwnog have also been added to the landscape, but in general these additions have not significantly altered the overall pastoral views.

Recent developments have seen large agricultural buildings being erected at Parc Yr Esgob and also a small solar array. These new buildings are clearly in the view from the monument and the proposed agricultural building will add an additional larger building to the scene, which will further alter the current surroundings of the monument. Consequently the impact of the current proposed development on the setting of the monument should be considered both as a standalone affect and also as a cumulative one.

As a standalone development the proposed building will be clearly visible from the monument, especially in the winter when the screening trees are without leaves. It will add a large modern industrial style building into the view. However, as noted above, whilst local views are important, the identified significant view is across the Caersws Basin and the proposed building will be at a low level and will not significantly intrude into this view.

In our opinion, the impact of the proposed building alone on the setting of scheduled monument MG123 Wyle Cop Camp is slight. However when the proposed building is

considered along with the other large agricultural buildings at Parc Yr Esgob and the solar array, they are seen as a modern, industrial development encroaching on to the fields in the immediate vicinity of the scheduled monument. This will clearly alter the manner in which the monument is appreciated by the observer both in views from the monument and towards it, especially from the minor road to the south of Parc Yr Esgob. Therefore, in our opinion the cumulative impact of the proposed development along with the other modern elements around Parc Yr Esgob will constitute a moderate, but not significant, impact on the setting of scheduled monument MG123 Wyle Cop Camp

Natural Resources Wales (North)

29th Oct 2018

DPAS

Thank you for making NRW aware of the amended plans submitted in support of this proposal. We have no further comments to add, and the advice provided in our letter referenced SO09/GB/CAS-68483-F5K1 dated 27/09/2018 remains valid.

PCC-Environmental Health

22nd Jan 2019

I have now given full consideration to this application and subsequently do not object to the development.

Noise

The applicant has undertaken a noise assessment which demonstrates that noise impact from roof fans at the nearest dwelling approximately 180m away will be 18dB(A). Such a level is significantly below the WHO guidelines for sleep disturbance and would not be deemed to be detrimental amenity of nearby properties.

Manure management

The manure management plan submitted has been compared to our Private Water Supply register and does not raise cause for concern. In relation to odour I do note the close proximity of the spreading areas to the village and chicken manure by its nature is odorous. The applicant has however confirmed that each field will only be spread on once per year and whilst this is likely to be odorous during this period such infrequent impact would not be a grounds for refusal. I also note that the applicant has reduced the spreading area in the revised plans.

Deliveries

I note that the access is opposite residential properties and I would therefore recommend that deliveries of feed and egg removal are limited to reasonable daytime hours. I note that bird delivery and retrieval requires dark conditions for animal welfare, however this would only occur once a year. I would suggest that delivery and retrieval be exempt from the condition.

Dust and Bioaerosol

I note that concerns have been raised about the health impacts and that an objector has raised a research paper concerned with Community-acquired pneumonia and poultry farms. Subsequently Public Health Wales (PHW) have been consulted and in addition have also provided advice direct to me as a consultee.

I have discussed the paper with PHW who inform me that they do not comment on individual scientific papers and base their advice upon the evidence base as a whole. They recognise the need for further research, however at this time state that based upon current evidence there is no need to change the regulatory approach.

Their advice goes on to state:-

"While health effects among farmers exposed to high levels of bioaerosols are well documented, there is also a potential impact on respiratory health among communities, especially children, living near intensive farming operations. The most recent published review of the literature recognised the potential impact on children living near to such sites but also concluded that the current evidence is not sufficient to recommend an increase in the distance required for a risk assessment from 100m to 250m".

In this case as the sensitive residential receptors are beyond 100m there is no need for the applicant to undertake a detailed risk assessment for Bioaerosol. It would however be prudent to include a condition on any application granted requiring a dust management plan, which would ensure good practice onsite.

Please find our assessment of the above planning application. We have consulted with our colleagues in Environmental Public Health Service (delivered collaboratively through Public Health Wales' Health Protection Team and Public Health England's Centre for Radiation, Chemical and Environmental Hazards Wales). We would ask that you send us a copy of your final response for our records.

Proposed Development

The application is for a 90m long free range egg laying shed to manage up to 16,000 hens on an existing farm holding (containing sheep and cattle). Eggs will be collected approximately every 3 days. The birds will remain on site for 13 months before the flock is fully removed and the building cleaned prior to a new flock being introduced. All feeds will be stored in sealed silos. Manure will be disposed of within the holding. Wash water will be collected in a sealed underground tank.

The site is situated within a rural setting located north of Llanwnnog village; nearest residential properties are located within 250m radius of the site.

Overall Conclusion

This is a relatively small unit which should have little impact on public health. However, it should be noted that the application does not contain much information on potential issues such as bioaerosols and odour which may impact on local people. Providing that the local planning authority and environmental health department ensure that the applicant minimises emissions through the application of Best Practice Means and good industry practice, then we see no public health reasons to object to the proposed activities.

We recommend that the local planning authority considers the cumulative impact from other existing or proposed poultry units in the vicinity. We are aware that such farms can cluster in specific locations and we feel it is important that planning considers whether any sensitive receptors, such as local people, may be exposed to cumulative impacts of emissions from several farms.

Any additional information obtained by the planning inspectorate in relation to these comments should be sent to us for consideration. Such information could affect the comments made in response.

Public Responses

The application has been advertised through the erection of a site notice and press advertisements. 28 objections have been received and are summarised below;

- Concerns regarding highway safety, increase in traffic and impact on users of the highway
- Concerns regarding risk to human health, wild birds and animals from the development
- Health risk associated with manure spreading
- The access to the development is close to residential properties and concerns are raised regarding noise of the units and associated transport movements
- Loss of amenity relating to manure spreading
- Concerns regarding manure run-off and impacts on streams and groundwater and potential contamination
- Concerns regarding the cumulative impact of the development with other units in the area
- The location of the unit is too close to residential properties
- Potential detrimental impacts on local ecology
- Concerns regarding odour from the development
- Submitted information do not adequately demonstrate the slope on the land for manure spreading
- Submitted information is inadequate with no consideration of dust
- Concerns regarding landscape and visual impact
- No details provided regarding working/operational hours of the unit

Wildlife Trust

With reference to the above planning application, Montgomeryshire Wildlife Trust objects to this proposal in its current form, as there is insufficient information with respect to the ecological impacts of this proposed development.

Ancient woodland

At least 2% of the land area within 1000m is ancient woodland (Adeyrn Planning Viewer), including areas of ancient woodland immediately adjacent to proposed manuring areas. Ancient woodland is particularly susceptible to air pollution from these sorts of developments. The SCAIL modelling report seeks to assess the impact of the development on this ancient woodland. However, the Local Authority must also consider the cumulative impacts. There are already three consented applications for intensive poultry units (up to 40,000 birds each) within 2km of this site, as well as another application being considered within 1km (18/0645/FUL, Tynyrwtra).

The Local Authority should seek further clarification from Natural Resources Wales on these cumulative impacts to ensure the proposed development is properly assessed.

Additional comments - biodiversity enhancement

No information is provided as to how the development will mitigate for loss to and enhance biodiversity. An ecological consultant would be able to provide the developer with further guidance on this.

Conclusion

As demonstrated above, the documents currently provided as part of this proposed development do not adequately demonstrate how it protects, positively manages and enhances biodiversity. Without the additional appropriate information, the Local Authority would be unable to determine whether this development would unacceptably adversely affect protected and priority species, Section 7 habitats and species and, trees, woodland and hedgerows of significant public amenity, natural or cultural heritage. Should planning application 18/0466/FUL be given approval in its current form, it would be contrary to Powys LDP Policy DM2. Montgomeryshire Wildlife Trust therefore objects to this proposal in its current form.

If there is any other information the Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

Planning History

No relevant planning history

Principal Planning Constraints

Scheduled Monument

Principal Planning Policies

| Policy | Policy Description | Year | Local Plan |
|---------------|---|-------------|-------------------|
| PPW | Planning Policy Wales (Edition 10, December 2018) | | National Policy |
| TAN5 | Nature Conservation and Planning | | National Policy |
| TAN11 | Noise | | National Policy |
| TAN12 | Design | | National Policy |
| TAN15 | Development and Flood Risk | | National Policy |

| | | |
|--------|--|----------------------------------|
| TAN18 | Transport | National Policy |
| TAN23 | Economic Development | National Policy |
| TAN24 | The Historic Environment | National Policy |
| SP7 | Safeguarding of Strategic Resources and Assets | Local Development Plan 2011-2026 |
| DM2 | The Natural Environment | Local Development Plan 2011-2026 |
| DM4 | Landscape | Local Development Plan 2011-2026 |
| DM6 | Flood Prevention Measures and Land Drainage | Local Development Plan 2011-2026 |
| DM7 | Dark Skies and External Lighting | Local Development Plan 2011-2026 |
| DM13 | Design and Resources | Local Development Plan 2011-2026 |
| DM14 | Air Quality Management | Local Development Plan 2011-2026 |
| E2 | Employment Proposals on Non-Allocated Employment Sites | Local Development Plan 2011-2026 |
| E6 | Farm Diversification | Local Development Plan 2011-2026 |
| T1 | Travel, Traffic and Transport Infrastructure | Local Development Plan 2011-2026 |
| SPGBIO | Biodiversity and Geodiversity SPG (2018) | Local Development Plan 2011-2026 |

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

Site Location and Description

The application site is located within an area of open countryside to the north of the settlement of Llanwnog. The application site forms part of the farming complex of Parc yr Esgob and is located to the north east of the main farm buildings and to the east of existing ground mounted solar panels.

The application seeks full planning permission for the construction of a poultry unit to house 16,000 hens for the production of free range eggs. The proposed building will measure approximately 20 metres in width, 80 metres in length, with a maximum height of 5.4 metres falling to 3 metres at the eaves. The building will create an additional 1600 square metres of floor space. The proposed development also includes the provision of two feed silos and highway improvements.

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

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

Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 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.

Officers screened the development and whilst the floorspace of the development exceeded 500 square metres in reviewing the characteristics of development, the location of the development and the characteristics of the potential impact it was considered that the development was not EIA development.

Introduction

The application seeks full planning permission for the construction of a single poultry unit to house 16,000 birds for free range egg laying. Having considered the details submitted

in respect of the proposed free range egg 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 the local amenity;
- The effect of the proposed development on heritage assets
- 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

Parc yr Esgob is an established beef and sheep farm benefitting from a range of modern steel portal farm buildings. The farm seeks to further diversify away from sheep flocks and cattle herds to assist the farm business economically in bringing a new stream of income to counter the loss they have had since the phased reform of the single farm payment scheme. The development will also allow younger members of the family to be involved in the enterprise.

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.

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

Landscape and Visual Impact

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.

The application site comprises of agricultural land located immediately to the north east of the existing Parc yr Escob farm complex. The site is located to the east of existing ground mounted solar panels and to the north of the adjoining highway. The land slopes from north to south and as such the proposed development will be located at an elevated level compared to the highway and settlement to the south.

The proposal, involves the construction of four 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 a larger field, and the encroachment of built development into the open countryside.

The application site is located within the Caersws River Bowl aspect area (MNTGMVS865) as defined by Landmap and is characterised by 'an extensive area of lowland agricultural land - and the upper level of the River Severn (Afon Hafren) valley, enclosed by a ring of higher ground giving a 360 view of upland encircling the viewer. The area is formed by the meeting of the three valleys carrying the Afon Carno, Trannon, Cerist and amalgamation into the Afon Hafren (River Severn) hence its broad flat bowl liked shape... Transport corridors are dominant in the area with the A489(T) and A470(T) meeting at Caersws. Wide angled views prevail with open skies and mid distance views to the surround higher ground.'

The overall evaluation for the area regarding visual and sensory is moderate and the justification for this is given as follows;

'Although the area is unusual in its topography it does not possess a particularly significant aesthetic or scenic quality it is an area that is travelled through rather than a destination functional rather than aesthetic = Moderate.'

The application is also supported by a Landscape and Visual Impact Assessment produced by Viento Environmental Limited which details the view of the site which concluded that the proposal would not individually or cumulatively have an unacceptable adverse effect in landscape character or visual amenity terms on valued characteristics and qualities of the immediate surrounding landscape.

The proposed poultry buildings, whilst being of a large scale, 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. Further landscaping which can be achieved through condition 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 agricultural field, however, 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.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is broadly in accordance with planning policy. Should Members be minded to grant planning permission it is recommended that any consent is subject to appropriate conditions restricting materials, securing the implementation and retention of existing and proposed landscaping whilst also requiring details of existing and proposed ground levels to be provided. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed thereby safeguard the Powys landscape in accordance with policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

Cultural Heritage

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 MG123 Wyle Cop Camp. The proposed development is to be located approximately 310 metres to the south 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 were consulted on the application and whilst they stated they had concerns they did not object to the development. In their assessment they concluded that the impact of the proposed building alone on the setting of scheduled monument MG123 Wyle Cop Camp is slight. However, when the proposed building is considered along with the other large agricultural buildings at Parc Yr Esgob and the solar array, they are seen as a modern, industrial development encroaching on to the fields in the immediate vicinity of the scheduled monument. This will clearly alter the manner in which the monument is appreciated by the observer both in views from the monument and towards it, especially from the minor road to the south of Parc Yr Esgob. Therefore, in our opinion the cumulative impact of the proposed development along with the other modern elements around Parc Yr Esgob will constitute a moderate, but not significant, impact on the setting of scheduled monument MG123 Wyle Cop Camp.

CPAT were also consulted on the application and offered no objection to the proposed development.

In light of the comments received from Cadw, Development Management do not consider that the proposed development would have an 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.

Registered Historic Landscape

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 Registered Historic Landscapes.

The application site falls within the Caersws Basin: Llanwnog historic landscape (HLCA 1179) and is characterised as mixed lowland fieldscapes on the valley bottom and lower hill slopes of the lower valley of the river Garno, between a height of 130-240 metres with several low hillocks in the area between Llanwnog and Caersws representing glacial drumlins which have affected local drainage patterns. The site falls within the Penbedw aspect area for the Historic Landscape valuation in LANDMAP and is evaluated as high. The justification for the evaluation is given as an 'area of irregular fields occupying undulating land at the northern edge of the Caersws Basin. Dominated by medieval and later agriculture with farms and houses, some earlier prehistoric elements (burial and ritual monuments) and later prehistoric defended settlements. The area is crossed by the main Roman road running north east from Caersws.'

Cadw and CPAT have both been consulted on the application and have offered no objection to the proposed development on the basis of its impact on the registered historic landscape. CPAT state that no key characteristics of the any character area will be significantly harmed in terms of direct or indirect impacts. In their assessment CPAT conclude that there is no predicted significant impact to the registered historic landscape.

In light of the comments received from Cadw and CPAT, Development Management do not consider that the proposed development would have an impact on the identified Registered Historic Landscape 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.

Conclusion

Having considered the potential impact of the proposed development on cultural heritage assets, it is not considered that the proposed will have an unacceptable adverse impact on the setting of the scheduled monument or registered historic landscape. 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

Poultry 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 a Plant Noise Assessment and Design and Access Statement that discusses impacts upon residential amenity.

There are a number of residential properties within approximately 200 metres of the development;

- Ty Capel – approximately 160 metres from the development
- 5 Maes y Cwm – approximately 163 metres from the development
- 6 Maes y Cwm – approximately 177 metres from the proposed development
- Tan r Allt – approximately 206 metres from the proposed development
- 10 Maes yr Eglwys – approximately 207 metres from the proposed development
- 12 Maes yr Eglwys – approximately 209 metres from the proposed development
- 7 Maes y Cwm – approximately 212 metres from the proposed development
- 14 Maes yr Eglwys – approximately 213 metres from the proposed development

Noise

As stated above, the submission is accompanied by a Plant Noise Assessment which concludes stating that the proposed development will not result in an adverse noise impact, which will therefore avoid noise from giving rise to an unacceptable degree of disturbance.

Environmental Health were consulted on the application and offered no objection to the development on the grounds of noise. In their comments they state that the noise impact from fans at the nearest dwelling will be significantly below the World Health Organisation (WHO) guidelines for sleep disturbance and would not be deemed to be detrimental to the amenity of neighbouring properties.

In light of the conclusion of the Plant Noise Assessment and the comments from Environmental Health, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Odour

The application considers odour impact within the design and access statement. The design of the building will incorporate a slatted floor and conveyor belt which will remove manure from the building every 3-4 days. The design and access statement states that this will ensure that there will be no long standing manure in the shed that would produce odour.

Given that the Council's Environmental Health department have not objected to the proposal, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Manure Management

A manure management plan has been submitted in support of the application. The plan details area for manure spreading from both poultry and cattle. Areas of land to the east, north east and west of the application site are provided for poultry and cattle manure (approximately 40.5 ha) with an area to the south of the site, nearest the residents of Maes y Cwm being identified for cattle manure only. Other areas, such as land neighbouring Maes yr Eglwys, have been identified as areas where no spreading will occur.

Environmental Health have reviewed the submitted information and confirms that the Private Water Supply register has been reviewed and raises no concern. With regards to odour, the application confirms that each field will only be spread on once a year. Environmental Health therefore offered no objection to the manure management plan stating that whilst it is likely to be odorous during this period, such infrequent impact would not be a ground for refusal.

Given that the Council's Environmental Health department have not objected to the proposal, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Deliveries

The Environmental Health Officer in their response note that the proposed access is opposite residential properties. As such they have requested that a condition be attached requiring deliveries of feed and egg removal to be made within daytime hours. It is noted that bird delivery and retrieval is required in darkness for animal welfare, however as this will only take place once a year it is considered acceptable to exempt this from the condition.

Given that the Council's Environmental Health department have not objected to the proposal, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Dust and Bioaerosols

It is acknowledged that poultry units have the potential to affect air quality through the generation of dust.

Following concerns raised by third parties Environmental Health requested that Public Health Wales be consulted on the application and this has been forwarded to Environmental Health to review.

In their response Environmental Health state that the sensitive receptors are in excess of 100 metres from the unit and as such there is no need for the applicant to undertake a detailed bio-aerosol risk assessment. Environmental Health discussed the submitted concerns from third parties with Public Health Wales who advised that the most recent published review of literature recognised the potential impact on children living near to the site, but that the current evidence is not sufficient to recommend an increase in the distance required for a risk assessment.

In light of this, Environmental Health do not object to the proposed development, however consider that on this occasion a dust management plan be conditioned as part of any consent to ensure good practice on site.

As such, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Conclusion

It is considered that the comments made by Environmental Health and Public Health Wales 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 will utilise an existing access from the adjoining highway (C2066) with an access track to the proposed buildings. Information submitted indicates that the proposed development would generate the following movements;

- Feed deliveries twice a month
- Egg collection every 3 days
- Bird delivery every 13 months

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions requiring the access to be completed to specification, a passing bay to be provided and visibility to be maintained..

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. In the Ecology response it is confirmed that there are no statutory or no-statutory designated sites within 500 metres of the proposed development.

SSSI

NRW confirm that the Llyn Mawr SSSI is located some 3km from the application site.

The application is supported by a SCAIL (Simple Calculation of Atmospheric Impact Limits) Modelling Report. NRW has reviewed the submitted information regarding the potential for the development to impact on the SSSI.

NRW confirm in their response that, with regards to the SSSI, 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.

Ancient Woodland

With regards to ancient woodland, preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified woodland sites. This modelling indicated that the process contribution to ammonia and nitrogen deposition rates would not exceed the precautionary lower threshold of the Critical Level for the site.

Powys Ecology has reviewed this information and has offered no objection to the proposed development.

Biodiversity

A data search was undertaken at the site and identified 12 records of protected and priority species within 500m of the proposed development, no records were for the site itself. The records identified within 500m were for otter, hedgehog, bluebell, pipistrelle bat and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

In their response to the application the Powys Ecologist states that the land affected appears to be an area of improved grassland, a habitat generally considered to be of low ecological value due to its lack of species diversity and management regime.

Whilst no hedgerow is required to be removed for the poultry unit, an area of hedgerow will be removed as part of the access improvements. Whilst it is acknowledged that additional planting and replacement hedgerow is demonstrated on the plans, the ecologist considered it necessary to secure this through an appropriate condition to ensure the landscaping is appropriate and that aftercare measures are put in place.

Drainage

The proposed drainage of the site has been reviewed by both NRW and Powys Ecology. A drainage plan supports the application and demonstrates that the dirty and clean water will be kept separate. Dirty water from wash down will be collected in an underground sealed tank, before being taken off site in a vacuum tanker. Clean water will be drained to stone trenches and directed to a soakaway.

In their response to the application NRW confirm that the drainage plan is acceptable and it is unlikely that the proposal will cause pollution to the wider environment. Ecology are content with the information and offer no objections.

Manure and ranging

The application is supported by a manure management plan and plan detailing the ranging area for the proposed development. The ranging plan provides direction of slope and a 10 metre buffer zone along water courses. Both NRW and Powys Ecology have reviewed the submitted information. NRW confirm that subject to the proposal operating in accordance with the plan then it would be unlikely to adversely impact the surrounding environment.

With regards to the manure management plan NRW have reviewed the submitted information which demonstrates the areas manure will be spread and calculates the likely quantity of nitrogen to be produced. The plan also includes a contingency for when manure cannot be spread on land (number of covered areas available to store). NRW offer no objection to the proposed development provided the manure management plan and ranging area are conditioned as part of any grant of consent,

Conclusion

In light of the comments received from the Powys Ecologist and NRW 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.

Drainage

Details of the drainage for the site has been provided and identifies that dirty and clean water will be kept separately. Dirty water will be collected and stored in a dirty water tank before being removed, clean water will be discharged via stone trenches to soakaways..

Following consultation with NRW, Powys Ecology, Land Drainage and Environmental Health no objections have been raised. Land Drainage have requested a condition requiring a surface water drainage scheme to be submitted and implemented prior to the use of the building.

In light of the above comments it is considered that the proposed development is in accordance with policy DM13 of the Powys Local Development Plan.

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 this parties have raised concerns regarding the potential impact on visitors to the area and users of rights of way, highways etc. Consideration should be given to the technical professional reports submitted with the application and the comments raised by the Environmental Health Officer who offers no objection to the proposed development. Whilst the concerns raised by objectors are noted the evidence submitted and reviewed detail that the development would not have a detrimental impact on amenity.

The impact upon 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.

Third Party Comments

A number of third party comments on the application have raised a number of issues including but not limited to highway safety, amenity and biodiversity impacts. These have been summarised above.

Whilst these comments are noted, it is considered that the information submitted with the application and reviewed by relevant consultees, demonstrate a development that is acceptable in terms of the concerns raised.

Recommendation

Having considered all statutory consultee responses, due consideration has been given to the proposed development and its potential impact upon the amenity and character of the area in this locality.

Having visited the site, Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the decision is one of conditional consent in line with the conditions as set out 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:).
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. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway.

Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9. 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.

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. 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.

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 first beneficial use of 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,

14. Prior to the commencement of the development the existing means of access shown on drawing number GD-MZ245-01 shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

15. 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.

16. All surface water run-off from the access road is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for 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 any works being commenced on the development site the applicant shall construct one passing bay, as shown on drawing number GD-MZ245-01. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site.

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

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

- v. Method Statement Pollution Prevention Plan for Parc yr Escob, Llanwnog produced by Roger Parry & Partners LLP
- vi. Amended Manure Management Plan for Parc yr Escob, Llanwnog produced by Roger Parry & Partners LLP
- vii. Drainage Plan drawing no. GD-MZ245-01 produced by Roger Parry & Partners LLP dated 8th August 2018
- viii. Ranging Plan (unreferenced)

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

21. Installation of external lighting features at the site will be carried out in accordance with specifications identified in the Lighting Design Scheme Section 3.43 of the Design & Access Statement Version 1.3 produced by Roger Parry & Partners LLP dated August 2018, the identified external lighting strategy shall be adhered to and implemented in full and maintained thereafter.

22. Prior to first beneficial use of the development a detailed Ranging Area Hedgerow Protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a written specification clearly describing measures that will be implemented to protect the hedgerows within the identified ranging area. The approved scheme shall be implemented as approved and maintained thereafter.

23. No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (which would also allow for overland flows) without prior permission of the Local Planning Authority.

24. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- iv. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- v. include a timetable for its implementation; and
- vi. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

25. The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall only take place within the hours of 0800 to 1800 hours Mondays to Fridays and 0800 to 1300 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays (this condition excludes bird movements only)

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 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.
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. To comply with Powys County Council's LDP Policies T1 and DM13 in relation to highway safety and to meet the requirements of Planning Policy Wales (Edition 10, 2019) and TAN 18: Transport.
6. To comply with Powys County Council's LDP Policies T1 and DM13 in relation to highway safety and to meet the requirements of Planning Policy Wales (Edition 10, 2019) and TAN 18: Transport.
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18. To comply with Powys County Council's LDP Policies T1 and DM13 in relation to highway safety and to meet the requirements of Planning Policy Wales (Edition 10, 2019) and TAN 18: Transport.
19. 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016
20. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
21. To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
22. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 / LDP Policy DM2 (parts 2, 3 & 5) 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.

23. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design in accordance with DM5 and DM13 of the Powys Local Development Plan.

24. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design in accordance with DM5 and DM13 of the Powys Local Development Plan.

25. 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.

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

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