

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

**Application Number:** 18/0779/FUL

**Grid Ref:** E: 329203  
N: 267049

**Community Council:** Presteigne Community

**Valid Date:** 17.10.2018

**Applicant:** Mr Wilding

**Location:** Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

**Proposal:** Erection of a poultry unit and associated works

**Application Type:** Full Application

### Report Update

Following publication of the Committee Report, Members are advised that additional consultee and third party correspondence has been received by Development Management. The applicant's agent has also submitted additional information responding to the comments received, a copy of which is attached in full.

### Consultee Responses

#### Environmental Health

I have read the third party objections and would respond as follows:-

#### *Noise*

Noise for the site has been modelled correctly and includes an assessment for the worst-case scenario of 10 fans operating, even with 10 fans running the level is below that of the WHO guideline for sleep disturbance. The guideline level is for noise inside a bedroom and takes into consideration attenuation through an open window.

If the inconsistency being referred to is the number of roof fans apparently shown on the drawing against the 10 that have been modelled I would suggest that this be conditioned to ensure no more than 10 roof mounted fans are installed as this is what has been assessed.

Noise impacting upon the applicants dwelling has not been considered in any application that we have looked at previously. Clearly levels will be higher at this property which is nearly always in close proximity. The applicants are however imposing any degradation in amenity upon themselves, as would be the case with any farming activity in close

proximity to the farmhouse. The impact on the applicants property should not in my opinion be considered

### *Dust and Bioaerosol*

I note that concerns have been raised about the health impacts of. Previously Public Health Wales (PHW) advice has been sort on this topic.

Whilst recognising the need for further research, PHW stated that based upon current evidence there is no need to change the regulatory approach.

Their advice states:-

“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.

### *Manure Management*

Full consideration has been given to the manure management plan, which identifies areas of field spreading. Given that individual fields will only be spread upon once every 12months, whilst odorous during this period the frequency of occurrence is not such that it would be of concern.

In addition the applicant has included exclusion zones for spreading around Private Water Supplies known to this department at this time.

As discussed clarification around storage would be useful.

### *Cumulative Impact*

The nearest unit being referred to from our discussion is 1 km from the site. At this distance cumulative impacts from the units in respect of odour, noise and dust would not be relevant and do therefore do not need to be considered further.

### County Ecologist

Supporting info regarding great crested newts is attached – hopefully this plus NRW's response should cover you

With regards to the other comments received:

Lack of ecology survey.

The Powys LDP Biodiversity SPG provides guidance as to what surveys are likely to be required it does not specify that those surveys will definitely be required. TAN 5 Section 4.3.4 identifies *'The information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance.'*, consideration was given to the nature of the habitats impacted by the proposed development and whether it was proportionate to require an ecology survey. In this instance it was deemed by the PCC ecologist that given the nature of the site and current management the potential for the development to impact habitats or protected species was unlikely and that a survey would not be required.

Ammonia assessment

The assessment of the ammonia and nitrogen deposition has been undertaken in accordance with the current guidelines from NRW – GN020 - Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units Technical guidance for determining environmental permit applications or responding to planning application consultations. This guidance identifies that it does not replace existing guidance for assessing the impact of emissions on local nature reserves (LNRs), local wildlife sites (LWSs) and ancient woodland (AW). For these sites the “Intensive farming risk assessment for your environmental permit” should be used which is available on GOV.UK. – the assessment methodology has been carried out in accordance with these guidelines.

Replacement of coniferous woodland with broadleaved

The comment regarding replacement of coniferous woodland with native broad-leaved woodland providing biodiversity enhancements is due to the nature of broadleaved woodland versus coniferous and the generally higher biodiversity value of broad-leaved woodland habitat. In addition mixed native broadleaved woodland is likely to be more resilient to risks from disease as opposed to monoculture coniferous woodland.

Let me know if there is anything else that I have missed or you're not sure about

Natural Resources Wales

I have been advised by the Protected Species team they would not have concerns for the removal of the trees and replanting with native species, provided some of the felled material is retained on the site to form habitat piles.

**Third Party Representations**

A further 5 representations have been received by Officers. The concerns expressed therein can be summarised as follows;

- Disregard and little consideration of third party representations;
- Potential contamination of private water supplies serving Norton Manor Caravan Park;
- Health implications of manure spreading;
- Adverse impact on Ancient Woodland;
- Unacceptable adverse impact on residential amenity – spreading of manure;
- EIA screening opinion fails to examine the likely significant environmental impact of the development;
- No red line boundary to correspond to planning fee or blue line outlining extent of land ownership;
- Insufficient and inconsistent information submitted – number of birds misleading which has implications on highways movements, odour, and quantity of manure produced, noise and possibly other calculations.
- Inadequate presentation of manure spreading – no indication of contours, watercourses or residential properties;
- No detailed hydrological investigations have been undertaken;
- Water quantity – uncertainty regarding capacity given demand of the development;
- Validity of the calculations within the Manure Management Plan (MMP);
- Vague details of manure storage have been provided;
- No dust or odour assessment submitted;
- Ammonia calculations inaccurate – associated impact on the environment;
- No ecological report submitted;
- Cumulative impacts – no assessment of potential impacts upon residents;
- No consideration of Well Being of Future Generations Act;
- Increase in traffic;
- Oversupply of poultry units within Powys;
- Adverse impact on biodiversity;

## **Officer Appraisal**

### Environmental Impact Assessment Regulations 2017

Members are advised that a revised screening opinion has been adopted by the Local Planning Authority.

### Well Being and Future Generations Act

Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is central to achieving sustainable

development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.

In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

Officers note that the proposed poultry development seeks to support an existing agricultural enterprise which in turn will positively contribute to the rural economy. In considering the proposed development and based upon the consultee advice secured, it is not considered that the proposed poultry development will compromise the Well Being Goals as detailed within Planning Policy Wales.

### Residential Amenity

Planning policy seek to safeguard and protect the amenities enjoyed by occupants of existing and proposed properties by reasons of noise and odour.

Additional information submitted by the applicants agent confirms that manure produced by the proposed poultry unit will be spread on land on which imported poultry manure is currently spread whilst the location of the manure store within the existing complex has been identified.

The additional Environmental Health comments received confirm that an assessment of potential impact on neighbouring properties has been undertaken and includes consideration of both odour and dust. Whilst acknowledging the third party concerns expressed, on the basis of the comments received, it is not considered that there is sufficient evidence to demonstrate that the proposed development will have an unacceptable adverse impact on residential amenity contrary to policy DM13 of the Powys LDP.

Notwithstanding the above, it is noted that the assessment of noise impact contained within the Design and Access Statement refers to 10 roof mounted fans however the submitted elevations indicate the provision of 13. As such, should Members be minded to grant consent, it is recommended that a suitable condition is attached restricting the number of fans to 10, consistent with the calculations provided.

Subject to the above and on the basis of the comments received, Officers consider that the proposed development will not adversely affect the amenities enjoyed by existing and

proposed residential properties both on an individual basis and in accumulation with existing/proposed/consented poultry units within the surrounding area.

### Ecology and Biodiversity

Consideration has been given to the potential impacts of manure spreading on biodiversity. It is understood that the land on which the manure will be spread is improved grassland. The majority of the land is either arable, potato or root crop which require annual ploughing whilst others are heavily treated, topped and grazed.

Given the current nature of the spreading areas, it is not considered that the spreading of manure will adversely affect biodiversity at this location compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

### Private Water Supplies

Planning Policy Wales states that water supply and water resources are a material consideration in the determination of any planning application and should be taken into account in identifying land for development (para.6.6.7). Thereafter, paragraph 6.6.9 states that water supply should be considered when proposing development because of the consequential environmental and amenity impact associated with the lack of capacity.

As part of this application process Environmental Health and Natural Resources Wales have been consulted. No objections have been received from either consultee on the application regarding private water supplies in the area. A number of third party objections have been received in relation to the proposed development raising concerns over capacity given the requirements of the building.

Whilst acknowledging the concerns expressed, no evidence has been provided by interested third parties to demonstrate that there is insufficient water supply in the area. Based upon the consultee advice received together with the lack of robust evidence, Officers consider that insufficient weight can be given to this matter to justify a refusal of consent.

### **Recommendation**

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

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: GD-MZ254-01 Location Plan, GD-MZ254-01 Drainage Plan, GD-MZ254-02 and RPP/GD-JO864-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Manure Management Plan and Method Statement Pollution Prevention).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than the rearing of pullets.
5. Notwithstanding the approved plans, prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.
6. Prior to the commencement of development, a Reasonable Avoidance Method Statement – Construction Phase in respect of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
7. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
8. No development shall commence until details of existing and proposed ground levels together with finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
9. Prior to first use, full details of the external finish of the proposed poultry unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.
10. The poultry unit hereby approved shall house a maximum of 37,000 birds.

11. Notwithstanding the approved plans, the number of roof mounted fans shall be limited to a maximum of 10.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2018).
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 (2018).
5. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018)
6. In order to safeguard European Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan, Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
7. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018).
8. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
9. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
10. In order to control the number of birds in the interests of the environment in accordance with policies DM2 and DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
11. In order to safeguard the amenities enjoyed by occupants of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan (April 2018), Technical Advice Note 11 – Noise (2009) and Planning Policy Wales (2018).