

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 Land at Rhiwhiriaeth Isaf, Llanfair Caereinion document produced by Roger Parry & Partners LLP;*
- ii. Manure Management Plan produced by Roger Parry & Partners LLP;*
- iii. Drainage Plan drawing no. GD-MZ316-01 produced by Roger Parry & Partners LLP dated 28th September 2018;*
- iv. Ranging Plan produced by Roger Parry & Partners LLP*
- v. Ammonia Mitigation Scheme produced by Roger Parry & Partners LLP*
- vi. Landscaping Plan Drawing no. GD-GJ/01 Rev B produced by Roger Parry & Partners LLP dated 10th May 2019*

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.

The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in Section 6 of the Extended Phase One Habitat Survey – Land at Rhiw Hiraeth Llanfair Caereinion Report produced by Arbor Vitae Environment dated September 2018. 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.

Notwithstanding the details submitted, prior to first beneficial use of the development, a detailed Woodland Management Plan as outlined in Section 4. of the Ammonia Mitigation Scheme produced by Roger Parry & Partners LLP and Section 6.2 of the Extended Phase One Habitat Survey – Land at Rhiw Hiraeth Llanfair Caereinion Report produced by Arbor Vitae Environment dated September 2018 including details of timetable for implementation, initial aftercare and long term management and maintenance measures to benefit biodiversity shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved scheme and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies 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, the Conservation of

Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and 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.

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 10, December 2018), and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.

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.

In addition I recommend inclusion of the following informative:

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

Officer Appraisal

Ancient Woodland

Detailed modelling submitted with the application has identified that the process contribution to ammonia concentrations and nitrogen deposition rates in light of proposed abatement measures would exceed the Environment Agency's upper threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m³ and the Critical

Load of 10.0 kg/ha at 1 ancient woodland receptor - over an area of approximately 0.35ha of Coed Tylissa ancient woodland. The Extended Phase One Habitat Survey included assessment of the area of ancient woodland (referred to as Coed Tylissa), a high percentage of the canopy within the exceedance zone is dominated by sycamore and beech and ground flora was found to be sparse and bare ground or leaf litter made up to 90% of the surface area in places – primarily due to deep shade cast by the non-native sycamore and beech as well as stock grazing in these areas.

Current recognised guidance identifies that where modelling predicts a process contribution greater than 100% of the critical level or load (with regard to NNR, LNR, ancient woodland and wildlife sites) then proposals to reduce ammonia and nitrogen emissions should be identified. Powys LDP policy DM2 Part 3 relates to locally important habitats and states that:

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or*
- ii. The development could not reasonably be located elsewhere; and*
 - a) The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and*
 - b) Mitigation and/or compensation measures are provided where adverse effects are unavoidable.*

The applicant has therefore identified the following mitigation measures to meet the requirement of LDP policy DM2 Part 3, ii, b:

- Reduction in use of fertiliser at the site – no fertiliser will be applied to the 40 acres of ranging area which currently have fertiliser and manure applied;
- 15m of hardstanding areas each side of the buildings and adjacent to the pop holes will be constructed. This 15m of hardstanding will be swept/scraped daily to remove manure from the areas and be stored in a covered container. This will decrease the ammonia contribution of the ranging emissions by 50%
- A woodland buffer is to be planted in the first planting season following the first operation of the unit to the edge of the Ancient woodland and in between the unit and the Ancient woodland, which will cover approximately 0.35ha of land i.e. equal to the area of ancient woodland over which an exceedance has been predicted.
- Prior to first use of the proposed building a woodland management plan will be submitted and approved which will demonstrate the reduction of the dominance of non-native species and to reduce the nutrient status of the woodland.
- Prior to first use of the proposed building, the existing cattle stocking levels will be reduced to further reduce the background ammonia and nitrogen levels in the immediate area.

Based upon the submitted document it is considered by Officers that sufficient information has been submitted in respect of the predicted impact to ancient woodland, compliant with the requirements of LDP policy DM2 and Planning Policy Wales.

Recommendation

Having carefully considered the details submitted together with all statutory consultee responses, 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-MZ316-01 Location Plan, GD-MZ316-01 Drainage Plan, GD-MZ316-02 and GD-MZ316-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Ranging Plan, Manure Management Plan, Method Statement Pollution Prevention and Ammonia Mitigation Scheme).
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. 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. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
7. 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.
8. The development hereby permitted shall not begin until an appropriate fenced area, surrounding the Rhiwhiriaeth Isaf archaeological remains on the east side, has been

marked out in accordance with a specification submitted to and approved in writing by the Local Planning Authority. Throughout the course of the development no works shall be undertaken within the area surrounded by fencing without the consent of the Local Planning Authority.

9. The poultry unit hereby approved shall house a maximum of 16,000 birds.

10. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 08.00 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

11. The development hereby permitted shall be undertaken strictly in accordance with the mitigation and enhancement measures identified in Section 6 of the Extended Phase One Habitat Survey – Land at Rhiw Hiraeth Llanfair Caereinion Report produced by Arbor Vitae Environment dated September 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

12. Notwithstanding the approved plans, prior to first beneficial use of the poultry unit hereby approved, a detailed Woodland Management Plan as outlined in Section 4. of the Ammonia Mitigation Scheme produced by Roger Parry & Partners LLP and Section 6.2 of the Extended Phase One Habitat Survey – Land at Rhiw Hiraeth Llanfair Caereinion Report produced by Arbor Vitae Environment dated September 2018 shall be submitted to and approved in writing by the Local Planning Authority. The Woodland Management Plan shall include a timetable for implementation, initial aftercare and long term management and maintenance measures to benefit biodiversity. The development shall thereafter be undertaken strictly in accordance with the details as approved and maintained thereafter.

13. Prior to first beneficial use of the poultry unit hereby approved, 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 together with an implementation strategy. The development shall thereafter be undertaken strictly in accordance with the details as approved.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (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 Planning Policy Wales (2018)

6. 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).

7. 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).
8. To secure preservation in-situ of recorded archaeological remains which may be vulnerable to damage during construction in accordance with policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2018) and Planning Policy Wales (2018).
9. 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).
10. To protect the local amenities of the local residents by reason of noise in line with LDP policy DM13, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2018).
11. 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).
12. 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).
13. 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).

Informatives:

Advisory notes as recommended by the relevant consultees will be attached to any planning permission granted.