

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0687/FUL
Grid Ref: E: 321941
N: 301730
Community Council: Forden With Leighton & Trelystan Community
Valid Date: 28.05.2019

Applicant: Powys County Council

Location: Y Ddol, Forden, Welshpool, Powys, SY21 8NH

Proposal: Construction of a slurry lagoon

Application Type: Full Application

The reason for Committee determination

The application is submitted by Powys County Council and therefore in accordance with the Planning Protocol is required to be determined by Members.

Site Location and Description

This site is accessed via a private farm track through the main farm complex off the U2467 unclassified highway, located approximately 0.8 miles north west of the village of Forden. The application site currently forms an area of agricultural land used for the purposes of grazing dairy cattle.

This full application seeks consent for the construction of a new slurry lagoon to measure approximately 60 metres in length and 25 metres in width. The lagoon is to have a depth of 3.5 metres with the excavated material to form an earth bund to the borders of the lagoon 1 metres in height and 4 metres in width.

Consultee Responses

Consultee

Received

Natural Resources Wales

12th Aug 2019

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales on the above application, which we received on 25 July 2019.

We have considered the application and would offer no objection to the proposed development however, we would wish to make the following comments.

We have no objection to the proposed location of the slurry lagoon. However, the

information within the submission is not of sufficient detail to determine if the proposed structure will comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SAFFO) Regulations.

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

To satisfy SSAFO, a soil impermeability assessment must be carried out to determine if sufficient and suitable soil is available for construction and to determine whether there will be sufficient thickness of impermeable material below the structure. Guidance is available in the Construction Industry Research and Information Association (CIRIA) report C759b - Part 2 Design and Construction.

We would advise the applicant that Natural Resources Wales must be informed in writing 14 days before bringing any new or substantially altered or enlarged silage, slurry or agricultural fuel oil store into use. It is a legal requirement to complete form WQE3 prior to using the new structure. This form is available from our website at: <https://www.gov.uk/government/publications/form-wqe3-new-reconstructed-or-enlarged-structures-for-ssafo-notification>.

There are new Agricultural Pollution Regulations due in 2020 which will lay down new government policy regarding agriculture which will require your consideration. The Regulations will apply to all holdings from 1 January 2020, with transitional periods for some elements to allow farmers time to adapt and ensure compliance. The regulations will replicate good practice measures focussed on good nutrient management. Further information on what will need to be done and by when will be provided by Welsh Government in the near future.

Our comments above only relate specifically to matters that are included on our checklist 'Natural Resources Wales and Planning Consultations' (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

I hope these comments are of assistance. If you have any queries, or if you require any

further information, please do not hesitate to contact us at the above address.

County Ecologist

20th Aug 2019

Thank you for consulting me with regards to planning application 19/0687/FUL which concerns a full planning application for the construction of a slurry lagoon at Y Ddol, Forden, Welshpool.

I have reviewed the proposed plans and aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 22 records of protected and priority species within 500m of the proposed development - there are no records for the site itself.

There are no statutory or non-statutory designated site within 500m of the proposed development.

Consideration has been given to the potential for the proposed development 'site' to support Great Crested Newts given that two ponds have been noted within 300m of the proposed slurry lagoon - Great Crested Newts being a European Protected Species.

The nearest record of great crested newt is over 2km from the proposed development site with the presents of major roadways as potential barrier. Having reviewed information available in the form of onsite photographs it is noted that the proposed development will be impacting an area of improved grassland (very short sward) and bare ground -which offers unfavourable habitat for Great Crested Newt terrestrial habitat.

Given the distance of the nearest records of great crested newts, assessment of the surrounding habitats and the habitat impacted by the proposed development it is considered that the proposed development would be unlikely to result in the loss of resting sites for this species or result in a barrier to their dispersal to surrounding suitable habitat - should they be present.

No trees or hedgerows will be impacted by the proposed development.

With regards to other protected and priority species identified as present in the local area by the data search it is not considered likely that the proposed development would result in negative impacts to these species and no surveys are considered necessary.

Therefore, the proposed construction of the slurry store and all associated work are not considered to result in the loss of any features of ecological importance and it is considered the proposed plans will not result in negative impacts to biodiversity in the

wider area.

Highway Authority

7th Jun 2019

Does not wish to comment on this application.

Hafren Dyfrdwy

6th Jun 2019

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Environmental Protection

28th Jun 2019

Re: Construction of a slurry lagoon at Y Ddol Forden Welshpool Powys SY21 8NH.

No objection.

C P A T

4th Jun 2019

Thank you for the consultation on this application.

The proposed slurry lagoon will be erected on land that lies immediately east of a recorded enclosure earthwork recognized from aerial photography in 2006 (PRN 152839 The Grove Enclosure). The date and function of this earthwork is unknown. It may be the location of an Iron Age or Roman period settlement, or the earthen banks may represent wide field boundaries of medieval to post medieval date. The slurry lagoon and its associated earth bund narrowly miss a direct impact on these earthworks and to prevent accidental damage by machinery during construction we would recommend that an exclusion is maintained within which no ground disturbance must occur during construction.

I have indicated an exclusion zone on the attached plan which must be maintained here

using the condition below:

1. Exclusion Zone

Suggested planning condition to facilitate the preservation in-situ of recorded archaeological deposits by demarcation and exclusion:

In order to preserve important archaeological remains listed within the Historic Environment Record no development, including any ground disturbance of any form, shall be undertaken within the area marked on the attached plan without the consent of the Local Planning Authority. Information and advice on this matter can be obtained from the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.org.uk Tel: 01938 553670).

Reason: To secure preservation in-situ of recorded archaeological remains which may be vulnerable to damage during construction.

2. Watching Brief

In addition there may be associated archaeology immediately outside the enclosure and within the slurry lagoon excavation area. We would therefore recommend an archaeologist is present during the removal of topsoil and subsoils in this area to monitor for archaeological features. If archaeology is located that will be destroyed this will need to be fully excavated to the formation level of the lagoon, or natural soils, whichever is encountered first.

In this case the condition would be:

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains which may be

revealed during ground excavations for the consented development.

These recommendations are made in accordance with Planning Policy Wales (Edn. 10 Dec 2018) and TAN 24 (May 2017). I have attached a brief for the watching brief and information on archaeological contractors that the applicant may wish to engage to complete this work. Please forward these documents to the applicant now, or with the decision notice.

Community Council

1st Jul 2019

Customer made comments in support of the Planning Application

Wales & West Utilities - Plant Protection
Team

31st May 2019

Wales & West Utilities acknowledge receipt of your notice received on 30.05.2019, advising us of the proposals for: Ddol, Forden, WELSHPOOL, Powys, SY21 8NH. According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry.

However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Land Drainage Authority

10th June 2019

Planning Department: Could the following be added as an informative for the application.

All: Having assessed the Planning Application Ref 19/0687/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Representations

A public site notice was displayed at this site on the 11th June 2019. No third party representations have been received by Development Management at the time of writing this report.

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
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN23	Economic Development		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
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
E2	Employment Proposals on		Local Development

	Non-Allocated Employment Sites	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
SPGLAN	Landscape SPG	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

Principle of Development

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals. Technical Advice Notes 6 and 23 also accept the principle of appropriate agricultural development within the open countryside.

The proposed development includes the construction of a slurry lagoon. On reviewing the proposed development, Officers consider the principle of development to be acceptable.

Landscape 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. Powys County Council's Landscape SPG indicates that agricultural development where the floor area does not exceed 1000 square metres are less likely to have significant landscape impacts outside of

settlements. Thereafter, the guidance identifies points to consider when determining applications for agricultural buildings including cumulative impact, viewpoints, skylines, profile, colour, materials, grouping and planting.

The application site is located within the Crewgreen to Forden Hill and Scarp aspect area which is characterised as an area which forms the topographical transition between the upland peaks of Breidden Hill and Long Mountain and the floodplain of the River Severn. Largely west facing and typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas. LANDMAP considers its scenic quality to be high with its rarity being low. Its overall visual and sensory evaluation is considered to be moderate.

The proposed application site is located on agricultural land adjacent to the main farm complex which comprises of a range of modern farm buildings. The site is flat in terms of topography and bound by mature hedgerows to the south, agricultural land to the west and north and the main farm complex and building to the east. The proposed slurry lagoon measures approximately 60 metres in length and 25 metres in width. The lagoon is to have a depth of 3.5 metres with the excavated material to form an earth bund to the borders of the lagoon 1 metre in height and 4 metres in width.

Officers consider that that the proposed siting of the slurry lagoon is acceptable being in close proximity to the existing farm complex existing buildings and structures. The proposed development is low lying with no physical building structure on the site and therefore is not likely to have an unacceptable adverse impact upon the wider landscape.

Having carefully considered the proposed development, it is considered that the proposal is fundamentally acceptable in respect of design, scale, massing and materials and therefore will not adversely affect the character and appearance of the local area. Officers therefore consider that the proposed development is in accordance with policies SP7, DM2, DM4, DM7 and DM13 of the Powys Local Development Plan.

Amenity

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

Officers are satisfied that the proposed development will not have an unacceptable adverse impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

In light of the above observations, it is considered that the proposed development is in accordance with planning policy.

Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 state that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

As part of this application process the Highway Authority has been consulted and did not wish to comment on the application. Officers consider that the proposed development will not result in an unacceptable increase in the volume of traffic entering and leaving the site and therefore would not adversely affect highway safety.

Officers consider that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

As part of this application process the Powys Ecologist and Natural Resources Wales (NRW) have been consulted. No objections have been raised by either consultee. Whilst Natural Resources Wales has raised no objection to the planning application, they have indicated that the proposed development must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SAFFO) Regulations in terms of soil porosity of the site. The applicant is aware of this requirement and has confirmed that the ground conditions are suitable to meet the requirements of the regulations.

In light of the above and consultation responses received, Officers consider that the proposed development is in compliance with policies DM2, DM7 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

Archaeology

Policy SP7 of the Powys Local Development Plan states proposals must not have an unacceptable adverse impact on the resources or asset and its operation. Strategic resources and assets in Powys include historic environment designations such as

scheduled ancient monuments, listed buildings and archaeological sites. This policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

As part of this application comments have been received from Clwyd Powys Archaeological Trust (CPAT) who have raised no objection to the proposed development. They have noted that the proposed slurry lagoon will be erected on land that lies immediately east of a recorded enclosure earthwork recognized from aerial photography in 2006 (PRN 152839 The Grove Enclosure). It is understood that the enclosure may be the location of an Iron Age or Roman period settlement or the earthen banks may represent wide field boundaries of medieval to post medieval date.

In order to prevent damage to this area during construction, CPAT has recommended that a buffer zone is implemented to the west of the proposed site to avoid the disturbance of undiscovered potential archaeological earthworks and remains. They have recommended conditions regarding an archaeological watching brief and an exclusion zone be attached to any grant of consent to ensure any remains found during construction works are recorded and 'The Grove' is not disturbed. Officers consider that it is reasonable and necessary to include conditions to the above effect upon any grant of consent.

In light of the above, the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan together with Technical Advice Note 24.

Conclusion

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the recommendation is therefore one of Consent.

RECOMMENDATION

The recommendation is one of consent as per the conditions set out below.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Location Plan, D/001).
3. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. A

copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

4. The development hereby permitted shall not begin until an appropriate fenced area, surrounding The Grove Enclosure archaeological earthworks on the west side of the application site, 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 the installed fencing without the consent of the Local Planning Authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
3. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with Planning Policy Wales (10th edition, 2018), Technical Advice Note (TAN) 24 (2017) and policy SP7 of the Powys Local Development Plan 2018.
4. 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).

Informative

PCC Land Drainage

Having assessed the Planning Application Ref 19/0687/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

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