

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

**Application Number:** 21/1381/FUL

**Grid Ref:** E: 308008  
N: 253502

**Community Council:** Llanelwedd Community

**Valid Date:** 04.08.2021

**Applicant:** Mr Keri Davies

**Location:** Wern Halog Farm, Llanfaredd, Builth Wells, Powys, LD2 3TE

**Proposal:** Erection of 2 additional broiler rearing units, to include the installation of air scrubbers, air scrubbing units to the 2 existing poultry houses, feed bins, dirty water tanks, and an extension to the concrete apron

**Application Type:** Full Application

### The reason for Committee determination

The application has been called in for determination by planning committee by the local member.

Ward Councillor's comments:

I am writing as the Local County Councillor with regard to the above application, which I wish to 'call in' to be brought before the Planning Committee.

I have received comments and written material from some of my constituents which make it clear to me that there are significant issues which require full and thorough evaluation. I have read the papers currently on the Planning portal and assume that additional information will become available.

### Consultee Responses

Consultee	Received
PCC-(M) Highways	1st Sep 2021

It is recommended the following highway conditions be included within the decision notice

should this application be approved.

- o 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.

- o Prior to the first beneficial use of either building, provision shall be made within the curtilage of the site for the additional parking of not less than 2 cars per and 2 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.

Welsh Water

23rd Aug 2021

## SEWERAGE

We acknowledge that you do not propose to connect to the public sewerage system, any new development will require the provision of satisfactory alternative facilities for sewage disposal.

## CATCHMENT

The development is within a drinking water catchment under Article 7 of the Water Framework Directive, and that Article 7.3 requires the avoidance of deterioration in water quality where this may lead to additional purification treatment being required. We ask the developer to be mindful of this, and to refer to best practice when operating such facility to ensure water quality is not compromised.

## Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response

to SAB consultation.

Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### Advisory Notes

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC-Ecologist

11th Nov 2021

Thank you for the opportunity to comment on planning application 21/1381/FUL which concerns an application for erection of 2 additional broiler rearing units, to include the installation of air scrubbers, air scrubbing units to the 2 existing poultry houses, feed bins, dirty water tanks, and an extension to the concrete apron at Wern Halog Farm, Llanfaredd, Builth Wells, Powys, LD2 3TE.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 2km of the proposed development.

The data search identified 258 records of protected and priority species within 2km of the proposed development. Species recorded within 2km of the proposed development include bat species; soprano pipistrelle, noctule, whiskered bat, brown long-eared bat, and otter, badger, brown hare, common lizard, freshwater crayfish, fairy shrimp, red kite, peregrine and numerous Environment (Wales) Act 2016 bird, insect, plant, lichen and fungi species.

Three statutory designated sites were identified within 2km of the proposed development:

- o Colwyn Brook Marshes (North & South) Site of Special Scientific Interest (SSSI) - approximately 695m from the proposed development
- o River Wye SSSI - approximately 1.1km from the proposed development
- o River Wye Special Area for Conservation (SAC) - approximately 885m from the proposed development

One non-statutory designated site was identified within 2km of the proposed development:

- o Llanelwedd Road Verge Nature Reserve (RVNR) - approximately 1.5km from the proposed development

One or more Ancient Woodland (AW) sites were identified within 2km of the proposed development.

The proposed development is for housing of 90,000 broilers in addition to existing housing on site for 90,000 birds. Therefore, the development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and an Environmental Statement (ES) produced by Ian Pick Associates Ltd., dated July 2021, has been submitted with the application. Chapter 7 concerns potential ecological impacts arising from the proposed development, including from ammonia emissions; a Preliminary Ecological Appraisal (PEA) is provided in Appendix 3 and an Ammonia Emissions Impact Assessment in Appendix 6. Manure management, which also has potential to impact biodiversity, including protected sites, is covered in Chapter 9 and Appendix 2. The ES identifies that the predicted impact of the proposed development on ecological features, including protected sites, is 'Low/Positive (not significant). Mitigation will be required to reduce levels of ammonia emissions, which will be achieved by installation of ammonia scrubbers on both new housing units and both existing units. A European Protected Species (EPS) licence will be required for the construction phase to avoid adverse effects on the local great crested newt population.

The PEA produced by Craig Emms and Dr Linda Barnett dated March 2021 included an Extended Phase 1 Habitat Survey. The survey was conducted at a sub-optimal time of year for vegetation surveys and some animal species would not be active at the time of survey. The desk study was limited to identification of ponds within 500m and a protected sites search; detailed protected and priority species records were not made available to the consultant for the purposes of the PEA. The consultants considered the nature of the site, including previous knowledge, and the scale of the proposal and the constraints were not considered to affect the conclusions of the assessment.

Habitats identified within and immediately adjacent to the proposed development site

include:

- o Semi-improved grassland
- o Species-poor hedge and trees
- o Wooded watercourse (Cnithio Brook)
- o Ponds

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- o Badger
- o Bats
- o Dormice
- o Great crested newts
- o Nesting birds (including barn owl)
- o Otter
- o Reptiles
- o Water vole

Presence of great crested newt (GCN) was confirmed in 2018 from two of the three ponds located within 500m of the proposed development; surveys at the time identified a small population of GCN. Re-assessment of the condition of the three ponds found no notable changes and further surveys were not required. GCN remained excluded from the area of a new attenuation pond installed as part of the previous development on site and it was confirmed that the pond's condition is currently sub-optimal for use by breeding GCN. The proposed development will impact sub-optimal terrestrial habitat where GCN may be present in low numbers. Therefore, an EPS licence will be required for the development. Detailed mitigation, compensation and enhancement measures have been provided (Conservation Strategy & Scheme of Mitigation for Great Crested Newt, by David Clements Ecology Ltd.) to demonstrate that the proposal would not adversely affect the favourable conservation status of the GCN population. The Strategy refers to a plan detailing the location of the existing habitat mitigation area created for 18/0475/FUL and the new additional area proposed but no plan has been provided. It would be helpful to confirm that the area proposed for compensation and enhancement is sufficient and suitably located.

Submission of plans 4 and 5 referred to in the GCN conservation strategy is required to confirm mitigation details and location in relation to the red line boundary.

The site was also inspected for presence of non-native invasive species; none were reported although further assessment was recommended due to the survey season. Given the site's proximity to a watercourse and GCN habitat, submission of a Biosecurity Risk Assessment would be appropriate to ensure that spread and/or introduction of invasive non-native species on site is avoided.

It is, therefore, considered that submission of a Biosecurity Risk Assessment is secured through an appropriately worded planning condition. As further information is required, submission of sufficient information prior to determination of the application would avoid the need for a pre-commencement condition.

It was considered that there was a low potential for presence of reptiles and suitable mitigation measures to avoid impact during construction were provided (also included within the GCN conservation strategy). The site was considered unsuitable for supporting roosting bats, dormouse and water vole. No evidence of badger setts was found. The adjacent Cnithio Brook and associated habitat was considered unsuitable for feeding, resting or breeding otter, although it was considered likely to be used by dispersing or commuting otters. It was recommended that the existing river corridor (outside of the redline boundary) is retained without modification. Hedgerows provided habitat for common species of nesting birds, hedgehog and other small mammals.

Recommended biodiversity enhancement measures include provision of four hedgehog nesting boxes, six bird nest boxes and six bat roosting boxes placed at appropriate locations within the curtilage of the farm. The enhancements are additional to any measures to benefit great crested newt and are welcome, although these are likely to be outside of the red line boundary. Biodiversity enhancement measures are additional to other measures required for mitigation or compensation and should be clearly identifiable as such.

A biodiversity enhancement plan is required to confirm the recommended measures can be secured and implemented within the existing red line boundary prior to determination of the application.

The recent ecological survey identified at least two trees along the eastern development boundary and a hedgerow in the north-eastern corner of the site. The survey did not identify a line of trees/former hedge line in the centre of the site where the two new housing units will be located. These were identified during the survey for the previous application, appear on aerial imagery and are identified on the landscaping plan

submitted for discharge of a planning condition for the previous application (19/1502/DIS). (The eastern boundary hedgerow identified on that landscaping plan is no longer present and was confirmed as post and wire fencing in the previous ecology survey of the site). The proposed extension of the two existing units to accommodate ammonia scrubbers, and both new housing units, will cross this former eastern boundary. The proposed site plan identifies that additional hedgerow planting will create a new eastern boundary extending from close to the southern attenuation pond to the northern hedgerow (approximately 150m), which is welcome. This new hedgerow would also compensate for the 2-3 existing trees that are likely to be lost from here. An additional hedgerow measuring 100-150m is proposed to be planted along the western boundary. (Again, this was shown as an existing hedgerow/tree line in the previously submitted landscape plan but the southern section was post and wire fence.) The recent ecological survey did not identify any of the previously approved landscape planting expected to extend along the entire southern edge of the proposed buildings (approximately 148m). This planting, if present, would be lost to the proposed development. The previous landscaping scheme included 13 trees within the new hedgerow and it is recommended that at least the same number is retained, as a minimum, within the new planting scheme. It is considered that the proposed planting along the eastern and western boundaries would compensate for the lost hedgerow/biodiversity enhancement previously secured and any trees/hedgeline recently lost or to be lost from the site.

It is, therefore, recommended that the proposed compensatory tree and hedgerow planting is secured through an appropriately worded planning condition.

An ammonia modelling report, by AS Modelling & Data Ltd., dated 27th January 2021, has been submitted with the application. (The title page of the report states that it was reviewed on 20th December 2020 - it is assumed that this is an error.) The modelling assessment evaluates potential impact to sensitive receptor sites resulting from the combined predicted emissions from the current application and the approved poultry unit, i.e. up to a total of 180,000 birds.

The Assessment report identified 11 SSSIs and one SAC within 5km of the proposal; several Ancient Woodland (AW) sites were identified within 2km. In addition to the identified designated sites, Afon Irfon SSSI, Duhonw SSSI and Gwern-yfed-fach Quarry SSSI also fall within 5km of the proposal. Both Afon Irfon SSSI and Dunonw SSSI are commensurate with the extent of the River Wye SAC, which is included in the modelling assessment. Gwern-yfed-fach Quarry SSSI is a geological SSSI. Llanellwedd RVNR is located within an area covered by the modelling assessment for AW sites.

The background ammonia concentration in the area of the proposed development was 0.92 ug/m<sup>3</sup>. Background nitrogen deposition rate to woodland was 23.10 kg/ha/yr and to short vegetation was 14.56 kg/ha/yr. Background acid deposition rate to woodland was

1.39 keq/ha/yr. The figure for acid deposition rate to short vegetation was omitted but this does not affect the modelling conclusions. The figures were obtained from APIS in January 2021.

Preliminary modelling predicted that process contributions (PC) to ammonia concentrations from the two existing units currently exceed the 8% critical level threshold at Colwyn Brook Marshes SSSI and River Wye SSSI/SAC. PC to ammonia concentrations exceed 1% of the critical level threshold at Banc Hirllwyn SSSI and Llanelwedd Rocks SSSI. Preliminary modelling based on the inclusion of Inno+ air scrubbers within both existing units and the two proposed units demonstrated that a reduction in the ammonia concentration currently received at Colwyn Brook Marshes SSSI and River Wye SSSI/SAC would still exceed the 8% critical threshold but the level of exceedance is reduced. A reduction was also predicted at Banc Hirllwyn SSSI and Llanelwedd Rocks SSSI, although some parts of the sites would still receive PC in excess of 1% of the critical level threshold.

With regard to AW sites and the RVNR, preliminary modelling predicted that PC to ammonia concentration were below the 100% critical level threshold for 34 out of 39 AW receptors (and the RVNR site). Five receptors for ammonia sensitive AW sites north of proposed development currently receive ammonia concentrations in excess of 100% critical level of 1ug/m<sup>3</sup> from the two existing poultry units. Preliminary modelling based on the inclusion of Inno+ air scrubbers within both existing units and the two proposed units demonstrated that a reduction in the ammonia concentration currently received by the five receptor locations could be achieved. Four out of the five receptor locations would still receive ammonia concentrations exceeding the 100% critical level threshold but the amount will be lower than currently experienced. The PC to the remaining receptor would be reduced to below the critical level threshold.

Detailed modelling confirmed that PC to ammonia concentration would still exceed the 8% critical level threshold at Colwyn Brook Marshes SSSI (outside of the River Wye SAC). Current PC to ammonia concentration at the SSSI is up to 19.5% of the critical level threshold which would reduce to 9.7% if the proposed development with ammonia scrubbers is implemented. For the River Wye SSSI/SAC, detailed modelling predicted that PC were between 1% and 8% of the critical level threshold. In effect, PC to ammonia concentration would reduce from 13.7% of the critical level threshold currently experienced to 6.4% with use of ammonia scrubbers. PC to ammonia concentration at Banc Hirllwyn SSSI and Llanelwedd Rocks SSSI would fall to below 1% of the critical level threshold.

With regard to addition of nitrogen, detailed modelling predicted that PC to nitrogen deposition rates currently exceeds 8% of the critical load threshold at Colwyn Brook Marshes SSSI and River Wye SSSI/SAC. The proposal would result in a reduction to



between 1% and 8% of the critical load thresholds. Nitrogen deposition rate would fall from 10.1% to 5.0% of the critical load threshold at Colwyn Brook Marshes SSSI. The rate would fall from 10.7% to 5.0% at the most affected part of the River Wye SSSI/SAC. Two ammonia sensitive AW receptors would receive nitrogen deposition rates slightly exceeding the 1% critical load threshold if the development is implemented as proposed. Currently, five ammonia sensitive AW receptors receive nitrogen deposition rates exceeding the 1% critical load threshold.

Ordinarily, a modelling assessment of cumulative impact from other ammonia emitting sources would be required given the level of exceedances identified. A letter from Isopleth Ltd, dated 13/05/2021, has been submitted in lieu of a detailed modelling report. The letter identifies one other ammonia emission source within 5km of the proposal. In considering the additional contribution of ammonia to designated sites, it was identified that the current proposal clearly demonstrates a reduction in ammonia concentration and nitrogen deposition at designated sites when compared to the current scenario. A reduction in ammonia concentration and nitrogen deposition rate would still occur irrespective of other PCs from other ammonia sources. It was, therefore, concluded that the proposed development with installation of four ammonia scrubbers would result in betterment compared to the current scenario. (It is noted that figures cited as detailed modelling results for part of the River Wye SAC are actually from the preliminary modelling stage. However, this does not affect the conclusion of the assessment.)

Given the nature of the proposed development and the proximity to the River Wye SAC the Local Planning Authority is required to undertake a Habitats Regulations Assessment Test of Likely Significance as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), to establish whether the proposed development could result in a likely significant impact to the River Wye SAC and/or its associated features. The submitted information has been used to undertake a Habitats Regulations Assessment Screening, this screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out. (This conclusion was reached by assessing the proposed development in the absence of mitigation as required by recent CJEU ruling.) An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would result in betterment compared to the current scenario and so not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives. I have attached a copy of the Habitat Regulations Appropriate Assessment report.

In accordance with the requirements of the Regulations, NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the conclusion of the Appropriate Assessment prior to determination of the application.

The following conditions must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

i) Prior to first beneficial use of the development hereby permitted, evidence (prepared by a suitably qualified industry professional) must be submitted to and approved in writing by the Local Planning Authority to confirm that the ammonia scrubbing equipment as detailed in the report titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Wern Halog Farm, Llanfaredd, Builth Wells, Powys', by AS Modelling & Data Ltd., dated 27th January 2021 have been installed in the two poultry units hereby approved as well as the two existing poultry units on site respectively and are fit for purpose. The air scrubber units shall be operated and maintained thereafter.

ii) All manure and dirty waters generated by the development hereby permitted, and all ammonia scrubber liquor from the four poultry units at Wern Halog, Llanfaredd, Builth Wells, shall be exported to an appropriately licensed anaerobic digester facility. None of the above material shall be spread on any land.

iii) The development shall be undertaken strictly in accordance with the submitted Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land west of Wern Halog, Llanfaredd, Builth Wells, by Ian Pick, dated July 2021. The measures identified shall be adhered to and implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

I have reviewed the submitted Method Statement for Manure Management which identifies that all manure and dirty water generated by the proposal will be exported off-site to a licensed AD Plant. A letter from G Biotec Ltd confirms that the organic material can be accepted in principle. Removal of all manure and dirty water (including ammonia scrubber liquor) from site removes potential for pollution of adjacent surface water features with excessive nutrients.

It is, therefore, recommended that adherence to the proposed manure management strategy is secured through an appropriately worded planning condition.

The submitted Site Drainage Plan confirms that dirty and clean surface waters will be managed separately minimising the risk of pollution. Surface waters from roofs of the two proposed units will be directed to the existing attenuation pond. All waters from the apron at the front of the sheds will be directed to a SSAFO compliant dirty water tank. Used ammonia scrubber liquor will be stored in two separate SSAFO compliant tanks. A Flood Consequence Assessment and Surface Water Management Plan has also been submitted which confirms that the additional surface water can be accommodated in principle through extension of the attenuation pond. Given the size of development, a SAB approved SuDS will be required for the proposal.

It is, therefore, recommended that adherence to the submitted Site Drainage Plan is secured through an appropriately worded planning condition.

I have reviewed the submitted Method Statement and Pollution Prevention Plan, prepared by Ian Pick, dated July 2021, which demonstrates that construction and operation of the site will be undertaken in accordance with best practice and in a manner that minimises risk of pollution impacting the environment and biodiversity.

It is, therefore, recommended that adherence to the identified pollution prevention measures is secured through an appropriately worded planning condition.

Further comment will be provided once the requested information regarding great crested newt mitigation and biodiversity enhancements has been received.

Natural Resources Wales (Mid Wales)  
DPAS

7th Sep 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 06/08/2021, and for allowing more time for us to respond. We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding pollution prevention and Manure Management. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement 1: Protected Sites: Further information is submitted to enable the Local Planning Authority to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application. The HRA should demonstrate that there will

be no adverse effect on site integrity.

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

- The installation of air scrubbers on both the existing and proposed buildings, as set out by the detailed aerial emissions report Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Wern Halog Farm, Llanfaredd, B AS Modelling & Data Ltd dated 20th December 2020.
- The implementation of the GCN Mitigation Strategy (reference Anon. (2021) Conservation Strategy & Scheme of Mitigation for Great Crested Newt. David Clements Ecology. Unpublished), subject to the issuing of an EPS licence.
- The implementation of the pollution prevention plan document titled 'Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land west of Wern Halog, Llanfarred, Builth Wells' by Ian Pick, dated July 2021.
- The implementation of the Method Statement for Manure Management, Proposed Broiler Unit at land west of Wern Halog, Llanfarred, Builth Wells' by Ian Pick, dated July 2021

#### Protected Sites and Habitat Regulations Assessment - River Wye SAC

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

Requirement 1: Protected Sites: Further information is submitted to enable the Local Planning Authority to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity. The drawing states that the dirty water tanks will be complaint with The Water Resources (Control of Agriculture Pollution) (Wales) Regulations 2021.

1. Please could the statement above be demonstrated in the form of a diagram. The dirty water tanks for washing down appear to be near a small watercourse.
2. Clarification is required on whether any part of the drainage system will be within 10m of any watercourse. We will provide further advice upon receipt of further information.

## Aerial Emissions

Agricultural units have the potential to impact protected sites through aerial emissions of ammonia. We consider the need for assessment of the air quality impact a unit may have on sites of the National Site Network and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the proposal site.

We have reviewed the detailed modelling report (document titled 'A Report on the modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Wern Halog Farm, Llanfaredde Bulth Wells, Powys', by AS Modelling & Data Ltd dated 20th December 2020) submitted with this proposal.

The report confirms two poultry sheds will be built at the farm, and that there are two existing poultry houses at the farm. As part of the proposal, the proposed buildings will be fitted with Inno+ ammonia scrubbers, and the two existing poultry buildings will be retrofitted also with Inno+ ammonia scrubbers. The resulting development would provide accommodation for up to 180,000 broiler chickens.

There are 11 SSSI within 5km of the development. We advise the ammonia critical levels and nitrogen critical load figures which have been used in the assessment are acceptable. The report provides the results of detailed aerial modelling assessments of the development and existing scenarios in tables 5a and 5b respectively.

Table 5a shows the predicted process contribution of the proposed units and the retrospective installation of ammonia scrubbers on the existing units. The results show the as proposed scenario would emit a considerably lower process contribution to the protected sites within 5km of the unit.

The predicted process contributions are lower than the existing scenario. However the figures are at a level of significance, and must be considered for the River Wye SAC. We would therefore advise an in-combination assessment is required.

An in-combination assessment by Matt Stoele of Isopleth dated 13th May 2021 referenced 01.0217.001 v1 has been submitted with the proposal. We have reviewed this document and have no further advice to provide. This Stage 1 HRA for the River Wye SAC.

## Manure Management Plan

We have reviewed the Manure Management Plan, document title Manure Management, Proposed Broiler Unit at land west of Wern Halog, Llanfaredd, Builth The manure management plan states that all litter and all dirty water from wash down and scrubbers will be exported off site to GP Biotec Anaerobic Digester (AD) plant. If any manure/digestate etc will be returned to the site, further information on Nitrogen and Phosphate loading of ALL slurry, Farm Yard Manure and litter will be required. This should take into consideration limits on N application which will be implemented in January 2023 with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. By January 2023 it should be recorded in a Nutrient Management Plan. Application of Nitrogen (by spreading or livestock deposit) should not exceed a max application of 250kg/ha and a holding limit of 170kg/ha. All imported or exported material should be recorded and included in the NMP.

## Pollution Prevention Plan

We have reviewed the document titled 'Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land west of Wern Halog, Llanfaredd, Builth Wells' by Ian Pick, dated July 2021.

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

## Flood Consequences Assessment

We have reviewed the Ltd Flood Consequences Assessment and Surface Water Management Plan Wern Halog Farm by Lidar-Logic. The application site is not considered to be at risk of flooding from a main river and not shown to be within the mapped 0.1% flood outline.

Part of the site lies within zone B on the Development Advice Map (DAM) and the FCA assesses risks from the ordinary watercourse, adjacent to the site, surface water and proposed drainage plans.

These matters will need to be assessed by the Lead Local Flood Authority and SuDS Approval Body within Powys CC.

## Protected Species Great Crested Newts (GCN)

We have reviewed the preliminary ecological appraisal (reference Emms, C and Barnett, L. (2021). Wern Heulog, Llanfaredd, Builth Wells, Powys. Craif Emms andf Linda Barnett Consultant Ecologists . Unpublished Report) submitted with this consultation. We consider it is satisfactory for the purposes of informing the planning decision making

process.

We consider the submitted GCN Mitigation Strategy (reference Anon. (2021) Conservation Strategy & Scheme of Mitigation for Great Crested Newt. David Clements Ecology. Unpublished) to be satisfactory in principle. In terms of detail, we would welcome the following amendments:

- a. Proposed pond construction to include an additional water body (pond); and
- b. A plan is prepared that illustrates the original GCN conservation area together with the proposed extension and this overall area to be provided as a GIS layer to the LPA, local records centre and NRW.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Based on the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal but in line with the 'Dear CPO' letter issued Welsh Government on 1st March 2018, we request that the following informative is

attached to any planning permission granted by your Authority:

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead, [or Natural Resources Wales has informed the applicant in writing that such a licence is not required]. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### Advice for the Developer

Environmental Permit The site currently operates under an Environmental Permit from NRW referenced EPRAB3496HZ. The Applicant must ensure the permit is updated in accordance with the proposed plans.

CPAT

9th Aug 2021

Having checked the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the additional two units to the north of the



existing sheds.

Cadw - SAM

1st Sep 2021

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

#### Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

#### Assessment

RD014 Caer Einon Camp

RD035 Colwyn Castle

RD074 Aberedw Hill Round Barrows

RD075 Fforest Wood Mound & Bailey Castle

RD122 Carneddau Round Cairn

RD123 Cwm Berwyn Camp

RD149 Castle Bank Hillfort

RD164 Caer Fawr Medieval Settlement

RD169 Cwmblaenerw Enclosed Long Hut

RD219 Carneddau, standing stone to SSW of

RD220 Carneddau, round cairn on N end of

RD221 Carneddau, cairn on N end of

RD222 Cwm-berwyn round cairn

RD226 Cilberllan ring cairn\*

RD228 Castle Bank ring cairn

RD235 Carneddau round cairns

RD236 Bryntwppa stone row

RD237 The Gaer hillfort

Eighteen scheduled monuments (identified above) are located inside 3km of the proposed development; however, apart from scheduled monuments RD014, RD122, RD222 and RD226, intervening topography and vegetation is likely to block all views between them. Consequently, the proposed development will not have an impact on the settings of any of these scheduled monuments.

Scheduled monument RD014 Caer Einon Camp is located some 1.3km to the west of the proposed development. It comprises the remains of an Iron Age hillfort located on a south-facing promontory with strong natural defences on the east and west and around the southern tip. The defences enclose an area measuring some 100m north south by some 70m. On the weaker north, a total of three lines of artificial defences can be seen, constructed of stone, which is now partially turfed in places. The innermost of these follows the contours, and, while it stands up to some 2m high across the neck of the promontory, it nonetheless appears to continue in a much slighter form, turf-covered, all the way around the hilltop. There is a simple, slightly inturned entrance in the middle of the more substantial northern stretch. Outside this, to the north, a further bank of similar scale running across the neck of the promontory appears to add complexity to the entrance arrangements; at its western end it curls around towards the south to meet the inner bank near its western end, but then moves gradually northwards away from it, curving round at its eastern end to a north-eastward facing inturned entrance; south of this it again merges with the inner bank at the start of the steeper slopes. About 20m to the north-west a third, rather slighter bank also blocks the easiest approach to the site; this may have been intended to channel approaching traffic towards the north-east facing entrance just described. Several hut positions have been noted in the south-western part of the interior of the fort.

The hillfort was sited to control the valley of the Cnithio Brook and the route between the Edw and Wye Valleys now followed by the A481. As such whilst it has all round views, the significant ones are to the southeast in an arc from north-north-east east to south overlooking the valley and also to the north to observe visitors approaching the entrance.

Scheduled monument RD122 Carneddau Round Cairn is located some 1.33km to the northwest of the proposed development. It comprises the remains a Bronze Age burial cairn, occupying a commanding position with panoramic views. The cairn is some 19m in diameter and some 0.8m high; its upper levels have been disturbed by the construction of a later stone shelter and marker cairn, though its core remains intact.

Bronze Age funerary and ritual monument are thought to have been located so that they had views to and from neighbouring funerary monument, prominent natural features and associated settlement sites. In this case the cairn has all round panoramic views but has specific views to the contemporary funerary monuments the northwest to Carneddau round cairns (RD235), to the north-north-east to the Cwm-berwyn round cairn (RD222) and the Cilberllan ring cairn (RD226) and it is assumed that the associated settlement sites are located in valley of the Cnithio Brook to the southeast in an arc from south to the east. These views are the significant ones from the scheduled monument.

Scheduled monument RD222 Cwm-berwyn round cairn is located some 0.95km to the north of the proposed development. It comprises the remains of a Bronze Age burial cairn, situated in moorland on the summit of the hill on the east side of the Carneddau. The grass-covered cairn is circular on plan and measures about 9.5m in diameter and up to 0.5m in height.

Bronze Age funerary and ritual monument are thought to have been located so that they had views to and from neighbouring funerary monument, prominent natural features and associated settlement sites. In this case the cairn has all round views but has specific views to the contemporary funerary monuments the north-north-west to Carneddau round cairns (RD235), to the south-south-west to the Carneddau Round Cairn (RD122) and to the east to the Cilberllan ring cairn (RD226) and it is assumed that the associated settlement sites are located in valleys of the Cnithio Brook to the south and the Edw Valley to the east. These views are the significant ones from the scheduled monument.

Scheduled monument RD226 Cilberllan ring cairn is located some 1.07km to the north-north-east of the proposed development. It comprises the remains of a Bronze Age ring cairn, situated within open moorland on a southeast facing terrace below the summit of the hill on the east side of the Carneddau. The well-preserved ring cairn is circular on plan and measures about 15m in diameter over a substantial stony ring bank spread to about 3m in thickness and up to 0.6m in height.

Bronze Age funerary and ritual monument are thought to have been located so that they had views to and from neighbouring funerary monument, prominent natural features and associated settlement sites. In this case the cairn has all round views but has specific views to the contemporary funerary monuments west to the Carneddau round cairns (RD235) and the Cwm-berwyn round cairn (RD222), and to the south-south-west to the Carneddau Round Cairn (RD122). It is assumed that the associated settlement sites are located in valleys of the Cnithio Brook to the southwest and the Edw Valley to the east. These views are the significant ones from the scheduled monument.

The proposed development consists of the addition of two new poultry buildings to the north of the existing poultry unit. The scheduled monuments are all located at higher

levels that the proposed units and in views from them the roofs of the buildings will be visible: However, intervening vegetation will provide varying levels of screening of the proposed buildings from the different scheduled monuments and in all cases they will be seen as an extension of the existing poultry units. As such whilst there may be very slight visual changes in the views from the scheduled monuments this will not have any effect on the way that they are experienced, understood and appreciated. Consequently, the proposed development will have no impact on the settings of scheduled monuments RD014, RD122, RD222 and RD226.

Community Council

17th Aug 2021

Llanelwedd Community Council discussed the above application at a meeting held last night.

The Community Council Recommend approval of the application but wish to mention that concerns had been raised by 2 local residents regarding noise, smell and light

The Community Council suggest the planting of trees may reduce some of these issues and suggest some monitoring of their concerns.

The Community Council feel that it will bring work to the area and would be beneficial to the vicinity

Brecon Beacons National Park Authority

22nd Oct 2021

Proposal: "Consultation re erection of 2 additional broiler rearing units, to include the installation of air scrubbing units to the 2 existing poultry houses, feed bins, dirty water tanks, and an extension to the concrete apron"

Address: Wernhalog Farm, Llanfaredd, Builth Wells Powys LD2 3TE

The Authority welcomes feedback from agents and applicants on the quality of the service received. For further information, please visit [www.beacons-npa.gov.uk/lp/anningsurvey](http://www.beacons-npa.gov.uk/lp/anningsurvey) to fill in a brief online survey.

Thank you for your consultation received 21 September 2021 regarding the above full planning application (LPA Ref: 21/1381/FUL) which is accompanied by an Environmental Statement.

We understand the current full planning application is for "erection of 2 additional broiler rearing units, to include the installation of air scrubbers, air scrubbing units to the 2

existing poultry houses, feed bins, dirty water tanks, and an extension to the concrete apron"at Wernhalog Farm, Llanfaredd, Builth Wells. The application site is located 18km away from the Brecon Beacons National Park Authority (BBNPA) boundary but we understand the proposal is located with the River Wye Special Area of Conservation (SAC) catchment area which extends into areas within the BBNPA (as well as Powys County Council). It does not appear that BBNPA has been previously consulted on earlier stages of this planning application.

## Background

### Policy and legal context

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

The Special Qualities of the National Park may be significantly impacted by development proposals on the fringes of the National Park. The Brecon Beacons National Park Management Plan 2015-2020 defines the Special Qualities of the Brecon Beacons National Park as follows:

- A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- A feeling of vitality and healthfulness that comes from enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- A sense of place and cultural identity - "Welshness" - characterised by the use of the indigenous Welsh language, religious and spiritual connections, unique customs and events, traditional foods and crafts, relatively unspoilt historic towns, villages and family farms. The continued practices of traditional skills developed by local inhabitants to live and earn a living here, such as common land practices and grazing.
- A sense of discovery where people are able to explore the Park's hidden secrets

and stories such as genealogical histories, prehistoric ritual sites, medieval rural settlements, early industrial sites, local myths, legends and geological treasures.

- The Park's sweeping grandeur and outstanding natural beauty observed across a variety of harmoniously connected landscapes, including marvellous gorges and waterfalls, classic karst geology with caves and sink holes, contrasting glacial landforms such as cliffs and broad valleys carved from old red sandstone and prominent hilltops with extensive views in all directions.
- A working, living "patchwork" of contrasting patterns, colours, and textures comprising of well-maintained farmed landscapes, open uplands, lakes and meandering rivers punctuated by small-scale woodlands, country lanes, hedgerows, stone walls and scattered settlements.
- Extensive and widespread access to the Park's diversity of wildlife and richness of semi-natural habitats, such as native woodlands, heathland and grassland, natural lakes and riparian habitats, ancient hedgerows, limestone pavement and blanket bogs including those of international and national importance.
- In the context of the UK, geographically rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside with extensive, widespread and varied opportunities to pursue walking, cycling, fishing, water-based activities and other forms of sustainable recreation or relaxation.
- An intimate sense of community where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.

Planning Policy Wales (PPW) (Edition 11) acknowledges the statutory purposes of National Parks and references the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage. PPW states that "planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas"(see para 6.3.5).

The Proposal and comments

Based on the submission details, it is understood that the applicants operate a traditional beef and sheep farming enterprise from Wern Halog.

In 2019 the applicants were granted planning permission to diversify their business into

broiler chicken production through the erection of 2 No. poultry houses and associated infrastructure (18/04 75/FUL) to accommodate up to 90,000 broiler chickens. The poultry unit was constructed in the spring / summer of 2020 and has been operational since October 2020.

The applicants are proposing to expand the poultry unit through the erection of 2 No. additional poultry sheds (99m x 26m and ridge height of 6.5m), and associated infrastructure. The additional buildings will house a further 45,000 broilers and will include air scrubbers to reduce ammonia. 4 no. feed bins and dirty water tanks are also proposed.

#### Landscape and Visual Considerations:

Given the significant separation distance between the BBNPA boundary and the intervening landscape features, the proposal is considered unlikely to be viewable from the National Park boundary. Therefore, the BBNP offer no comment from a landscape and visual impact perspective.

Phosphates: We note that NRW has commented on the planning application and have highlighted that the application site is within the catchment of the River Wye Special Area of Conservation (SAC)

As set out on NRW letter this proposal should be screened through a HRA, to determine whether they are likely to have a significant effect of the SAC (as result of phosphates). As PCC is the competent authority in this regards, we will leave PCC to undertake the appropriate screening and if applicable Appropriate Assessment.

However, BBNPA notes that the submitted Manure Management Plan document by Ian Pick (dated July 2021) states that all litter and dirty water from wash down and scrubbers will be exported off-site to CP Biotec Anaerobic Digester (AD) Plant. This particular AD plant is located within the BBNP at Great Porthamel Faarm, neat Talgaarth - it is also located within the River Wye SAC catchment area. We would expect further information to be submitted to understand how this exported material is to be dealt with by the AD plant in order for the competent authority (powys County Council) to complete their screening and/or Appropriate Assessment. including in-combination effects.

We trust the above comments are of assistance however if you wish to discuss any aspect further, please do not hesitate to contact me.

We have reviewed the Assessment, and have no further advice to provide.

Environmental Protection

11th Feb 2022

#### Noise Assessment

I must advise that Environmental Protection have received several complaints relating to noise from the current operational units, these have been investigated and whilst audible at the property were not found to be a statutory nuisance.

The supplied noise report demonstrates that noise from the units should not cause unreasonable interference at the nearest noise sensitive dwellings, as set out in the noise impact assessment by Paul Smith of Matrix Acoustics (M1609/R02. 23rd February 2021), and in accordance with BS4142 'Methods for Rating and Assessing Industrial and Commercial Sound' and linking to the World Health Organisation's (WHO) standards as set out in BS8233, which refers to 'guidance on sound insulation and noise reduction for buildings'.

To fall in line with the previous granted permission (18/0475/FUL) I would suggest the following conditions also placed on this application:

All deliveries to and from site in connection with this permission shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

#### Manure Management

I note that the applicant is stating that all manure will be exported to offsite to an AD plant and the applicant has obtained a contract offer with GP Biotec to export the manure and dirty water arising from this development. Should an event occur that prevents this from happening, in the short term the applicants can temporarily store the manure within a covered manure store at Wern Halog.

I would suggest that the above be conditioned should the application be granted to ensure that manure is stored undercover.

I would also suggest all vehicles used for the movement of manure off site shall be sheeted and/or fully covered to mitigate odour emissions from the movement of manure.

#### Bioaerosol

I note the use of air scrubbers on the units, both existing and new which provide help to mitigate emissions of dust and therefore bio-aerosol. Given that the closest property to the development which does not belong to the landowner is over 115 meters from the development and therefore does not require a risk assessment of the bioaerosols.

#### Odour

I am satisfied with the odour impact assessment report. Odour dispersion modelling



indicates that none of the properties outside the control of the applicant are likely to experience an unacceptable level of odour from the development..

PCC Conservation Officer

22nd Feb 2022

Background to Recommendation

Designation;

Within 200 meters of grade II listed Hope Chapel.

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comment

The proposal is to construct 2 additional broiler sheds which will be located above and behind the present sheds. This comment is made in relation to the setting of the nearby listed buildings. Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is

often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

The existing sheds (18/0475/FUL) are coloured green, and well screened from the road by trees, which are in the most part taller than the shed. The main visual intervention was the construction of an entrance track and splays onto the highway. This saw the hedge of the lower field removed entirely up to the listed Hope Chapel, and did impact the character to a greater extent that was originally envisaged. It is, however, difficult to see the existing poultry sheds at all from Hope Chapel.

In regards to the present proposal and Hope Chapel, the new poultry sheds are likely to be more visible due to the raised position. Hope Chapel is a small rural religious building, and this is reflected in its architectural design as well as its setting. The building is relatively isolated, in a landscape of fields and farms. It is recognised that the proposed development is agricultural, so not necessarily out of keeping with the history of the buildings. It is, however, a development of a scale that would be historically alien to buildings such as the Chapel.

The level of existing established screening does not extent far enough to the East to completely screen the new buildings from view. It is the case that when looking at the Chapel the development will be seen behind the listed building. Therefore, it may be assessed that there is a negative impact on the setting of Hope Chapel by the development.

This is in part due to the elevated position of the development, and the lack of screening to the East. This could be mitigated against by additional trees planted on the bank between Unit 2 and 3, and addition trees planted alongside the ends of the sheds to the East. The development would then have a neutral impact on the setting.

Recommendation

Approval on condition;

- o That additional screening is planted on the bank between Unit 2 and 3 and also to the East of the development

Natural Resources Wales (Mid Wales) DPAS

7th Mar 2022

For clarity, we provided advice in October in relation to the drainage design. Reviewing the drainage plan again, we can see that the clean and dirty water will be separate

systems and that there will be no diverter valves included. We note that the drawing confirms that the drainage system will be compliant with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. We can see that from page 9 of your HRA that a condition can be applied to any decision notice that will ensure no manure, dirty waters or ammonia scrubber liquor is to be spread on any land. We would concur that this would be an appropriately protective measure for the River Wye SAC.

Lead Local Flood Authority

9th Mar 2022

Thank you 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.

### **Flood Risk**

**Comment:** The Authority holds no historical flooding information relating to this 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 areas with a 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 detention pond area appears to fall within the high-risk flood zone; this is a concern and the applicant will need to demonstrate that the integrity of the structure will not be affected and that its function is not compromised during an extreme flood event.

Other areas of concern are along the western boundary of the site, where the flood mapping also shows an area at a high risk of surface water flooding. Within this flood risk area is located the proposed dirty water tank for waste washout. The applicant is advised to reposition the dirty water tank and associated drainage system from this flood risk area or demonstrate that the system will not be compromised and lead to potential pollution if it were to remain as currently positioned.

The applicant will need to ensure that there are no changes to contours within the surface water flooding areas as this could lead to unacceptable flooding elsewhere.

The LLFA believes the wrong Climate Change baseline for peak rainfall intensity has been used within the drainage analysis for the site. It is stated that there is a 50 year design life, which would take it to the 2070-2115 timeline period, meaning that the central estimate would be 20% and the upper estimate 40%. The drainage design should be revised to take this into account.

## **Surface Water Drainage**

Having assessed the Planning Application, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 827465 or via email [sab@powys.gov.uk](mailto: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>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

We would recommend a SAB pre-app for this site due to its size and the surface water flooding issues.

## **Representations**

There have been 135 representations of objection in relation to this development

### **Summary of the grounds of objection**

- The most common ground of objection is in relation to the potential for the development to cause pollution to the River Wye and the knock on effect this has on local ecology, fishing and tourism.
- There is the feeling that the proposal would be overdevelopment with there already being 'too many' poultry units in Powys with the over production of manure that can be used for agricultural benefit.
- Export of the manure produced to an AD plant will not remove phosphate which will remain in the digestate and will also be spread in a phosphorus sensitive catchment.
- It has been recognised that the River Wye is failing in its water quality targets and there is suggestion that there should be a moratorium on all new poultry development until the effects of such development are fully known by all responsible authorities.
- There is a general dislike of the proposal and a belief that in-combination

effects have been underestimated.

- There is concern that the proposal will result in increased impacts to residential amenity with particular concern that the air scrubber units will be closer than the existing development to a particular residence and that this has not been properly assessed within the noise report submitted with the application.
- There is suggestion that other information submitted in support of the application also has omissions and therefore should be discounted.
- The experience of people living close to such developments is that the impact to residential amenity is appalling.
- There are 4 listed buildings within 500 metres of the development that have not been accounted for within the submitted documents.
- There is the suggestion that existing development has not been managed in accordance with the approved consent so there are concerns that the proposed development will be more of the same.
- Farming on such an industrial scale is unacceptable for animal welfare and is an unsustainable agricultural practice that should not be supported by policy or government targets.
- The development will lead to a significant increase in traffic generation and will result in more slower moving vehicles on an A road which is detrimental to highway safety.
- Concerns that runoff from the attenuation pond will flood the Cnithio Brook.
- Concerns that the submission fails to take into account the manure spreading from the previously approved development and land spreading is a major source of ammonia emissions. The approved documents and previous approvals are inadequate to rely upon to conclude that there would not be an environmental impact as a result of in combination effects from the proposed development.
- The application does not demonstrate that the development can achieve phosphate neutrality.
- Suggestion that the additional information is necessary to ensure satisfactory treatment of roof and apron run off and of adequate storage for manures and dirty waters is required.
- the application does not account for water consumption.
- The Ecology Report provided in support of this application does not identify potential impacts immediately adjacent to the site and it falls very far short of assessing ecological impacts of the development as a whole.
- There is no consideration of the social, environmental and climate change impacts of this heavy additional traffic load on rural roads.
- Ammonia emissions from manure storage and land spreading are likely to be more than double those arising from the housing itself. While housing emissions from the sheds will be reduced by the installation of scrubbers and assuming the full 90% mitigation, the net position is that TOTAL ammonia emissions from the proposed enlarged development, including landspreading, are increased by slightly more than 1/3 over current levels.

- The assessment of impacts on Ancient Woodland fails to take into account likely impacts to this irreplaceable habitat.
- The assessment of landscape impacts is not fit for purpose and should be revisited.
- Assessment of health risks required.
- No conclusions as to the acceptability of noise impacts can be reached without consideration of other sources of noise nuisance.
- No reliance can be placed on any condition which might be imposed regarding hours of operation, since it's entirely likely any such protective condition would be removed post approval.
- Odour implications of manure spreading and peak odour operations need to be assessed and appropriate reports supplied.
- the council must take climate change impacts into account in consideration of this application.
- Cumulative and in-combination impacts have not been properly assessed.

### Planning History

App Ref	Description	Decision	Date
RAD/2002/030 6	Erection of an extension to existing sheep shed SO 05 SE	Insufficient Fee	22nd Aug 2002
AGRI/2009/00 21	Ag Notification: Erection of a sheep building	Approve	22nd May 2009
SC/2017/0003	Request for an EIA Scoping Opinion in relation to 2 no poultry rearing buildings and associated works	EIA Required	28th Sep 2017
P/2018/0284	Householder - Demotion of shed to side of dwelling. Erection of 2x side extensions and front porch	Consent	8th May 2018
18/0475/FUL	Erection of 2 No. agricultural buildings for poultry production, with associated feed bins, hardstandings, drainage attenuation pond and a new highway access to the A481	Approve	5th Apr 2019
19/0742/NMA	Application for a non-material amendment to planning approval 18/0475/FUL in relation to the rewording of condition 28	Approve	18th Jun 2019

19/1502/DIS	Discharge of conditions 5, 12, 13 and 14 from planning consent 18/0475/FUL	Approve	13th Nov 2019
19/1656/DIS	Discharge of conditions 11, 31 and 32 of planning application 18/0475/FUL in relation to lighting, private water supply details and manure management.	Approve	20th Apr 2020
20/0022/FUL	Erection of a covered manure store	Consent	7th Apr 2020
20/0795/FUL	Installation of a steel container comprising a ground source heat pump together with underground pipework and 2 No. boreholes	Approve	30th Sep 2020

### **Principal Planning Constraints**

Ancient Woodland  
Listed Buildings  
Phosphorus Welsh River SACs catchment  
Scheduled Monuments  
Mineral Safeguarding  
Floodzone B

### **Principal Planning Policies**

**Future Wales** - The National Plan 2040 (2021)

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11) 2021		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		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
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
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
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste Within Developments	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
SPG	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape (2019)	
SPG	Historic Environment (2021)	

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### ***Town and Country Planning (Environmental Impact Assessment) Regulations 2017***

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 lists types of development and thresholds to define 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.

The proposed development falls within the definition of Schedule 1 (17a) – ‘*Installations of the intensive rearing of poultry and pigs*’ as it exceeds the threshold of 85000 broilers. Therefore, an Environmental Statement is mandatory to accompany this planning application, which has been processed as EIA development in accordance with the 2017 Regulations.

#### ***Environmental Permitting Regulations***

The operations at the site require an environmental permit issued by Natural Resources Wales. This is required on the basis that the number of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales’ role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution.

It is noted that the site currently operates under a permit and it is the responsibility of the applicant to ensure that the permit is updated in accordance with the proposed plans

With regards to the extent the presence of a permit is relevant to the current planning application, Planning Policy Wales states that *'The planning system should not be used to secure objectives which are more appropriately achieved under other legislation. The aim should be to maintain the principle of non-duplication, wherever possible, even where powers and duties resulting from other legislation may also be the concern of local authorities. This does not mean failing to address issues which the planning system should be properly concerned with'*. It specifically states that *'the granting of other consents should not be used to justify the granting of planning permission'*.

Therefore, whilst it is acknowledged that the development will require an environmental permit, the planning application must be considered on its merits taking account of all material matters, even where they overlap the considerations of a permit, and the presence of a permit cannot be used as a substitute for the full and proper consideration of planning matters.

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

This application has been considered 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.

### ***The Scheme***

The proposed development relates to the addition of two poultry rearing buildings beside a previously consented scheme (reference 18/0475/FUL). The proposal now seeks to double operations, taking the site capacity up to 180,000 birds in total.

The proposed buildings will measure 99.19m x 24.684m with an eaves height of 3m and a ridge height of 6.403m. Buildings containing air scrubbers will be attached the east elevations of both the proposed and previously consented buildings and will measure 7.5m x 24.684m with an eaves height of 4.142m and a ridge height of 7.438m. Four additional feed bins are proposed with a diameter of 3.5m and a height of 8.6m as well as 3 additional water tanks. The hardstanding area will also be extended by 785sq.m.

Access will be taken from the A481 via the existing entrance created to serve the previously approved poultry units.

## ***Site Location***

The application site lies within an area of open countryside within the community of Llanelwedd. The application site is approximately 1.8 miles to the east of the settlement of Llanelwedd and approximately 2.3 miles to the west of the settlement of Hundred House. The application site is bound to the north, east and west by agricultural land and to the south by the A481. The site and surrounding area are rural in character made up of agricultural land with dispersed residential properties and farmsteads.

## ***Policy Context***

Future Wales is the national development plan framework for Wales. Its focus is on national and regional spatial issues and as such, whilst its policies will need to be considered, the Local Development Plan policies provide the detailed development management framework in the vast majority of cases.

Planning Policy Wales Edition 11 (PPW) confirms the key principles for the planning system in Wales. It establishes what development plans and decisions taken by the planning system must achieve and how development should be shaped to deliver the best possible outcomes. It is the Welsh Government's primary statement of planning policy and it is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. In order to achieve this, it requires decision makers to embrace the concept of placemaking. Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Finally, Local Development Plans must be prepared in accordance with national planning policies and provide certainty for developers and the public about the type of development that will be permitted at a particular location. By determining applications in line with the Development Plan and other material considerations, Local Planning Authorities will be promoting the delivery of sustainable development.

## ***Principle of Development***

Planning Policy Wales as well as Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside. Local Development Plan (LDP) policy SP6 regarding the distribution of growth recognises that agricultural development will occur in the open countryside and details that such proposals will be assessed against national policy and all other relevant policies of the plan.

Planning Policy Wales suggests that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. However, it is also recognised that care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

LDP Policy E2 supports proposals for developments that are appropriate in scale and nature to their location and are supported by a business case which demonstrates that its location is justified. It is accepted that poultry rearing is a land-based business that requires purpose built buildings on farms that propose to run them.

In addition, 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 either individually or through cumulative impact. Policy E6 seeks to encourage diversification to take place within existing buildings in the first instance, or adjacent to an existing farm building complex where this cannot be achieved. It is recognised that intensive poultry units will usually require bespoke buildings and due to their scale, there is often site constraints that lead to most appropriate siting of the units being detached from traditional farmsteads, particularly when taking all material matters into account. In this instance, the proposed building will be sited immediately adjacent to a previously consented scheme.

Therefore, subject to all other material planning matters being acceptable, the principle of the development at this location is considered to be acceptable in accordance with the planning policy framework detailed above.

### ***Need and benefits***

It is generally accepted that poultry units on existing farm enterprises are an appropriate form of diversification. The applicants operate a traditional beef and sheep farming enterprise from Wern Halog, Llanfared. In 2019 the applicants were granted planning permission to diversify their business into broiler chicken production through the erection of 2 No. poultry houses and associated infrastructure (18/0475/FUL) to accommodate up to 90,000 broiler chickens. The poultry unit was constructed in the spring / summer of 2020 and has been operation since October 2020. The applicants are proposing to expand the poultry unit through the erection of two additional poultry sheds and associated infrastructure.

This proposal is one for the expansion and diversification of an existing family run agricultural business. The proposal will provide a further diversified income and support the existing traditional livestock farming business. It will make a valuable contribution to

the local and national economy. The proposed development represents an additional investment of approximately £1,500,000 in the construction of the expanded poultry farm. In terms of employment, the site will secure the employment of the existing full-time workers within the farming unit and will support further employment within the associated industries allied to the poultry industry.

### ***Principal Matters***

Taking into account the details submitted in respect of the development, the principal matters relevant to determination are considered in turn below.

### ***Landscape and Visual Impact***

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside of settlements defined in the Settlement Hierarchy will only be permitted where they would not have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape and would be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its topography, development pattern and features, historical and ecological qualities, open views and tranquillity. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where significant impacts are likely on the landscape and/or visual amenity 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 Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

The Environmental Statement includes a Landscape and Visual Impact Assessment which has accompanied the application. Officers consider that the methodology employed sufficiently accords with best practice principles for its use in the consideration of the planning application. The report concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have an overall weighted medium landscape character sensitivity. The proposals would have a magnitude of landscape impact that could be considered negligible as there would be no material change as a result of the development. Therefore, the significance of landscape effect can be considered minor/negligible; i.e. not significant.

With regards to visual impact, the report concludes that the visual effects are minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme. The visual impact of the development on the open countryside has been assessed, at worst case scenario, as moderate. Mitigation in the form of additional tree and hedgerow planting, maintenance of existing vegetation and the colour of the building being green has been suggested. With suitable mitigation measures, the development is considered to have a minor visual impact.

LANDMAP has designated the landscape as follows:

Geological Landscape – Moderate

Landscape Habitat – Moderate

Visual and Sensory – High

Historic Landscape – High

Cultural Landscape – High

Within the visual and sensory layer of LANDMAP, the landscape has been described as having rolling hills and valleys with strong pastoral field patterns. There are wooded watercourses, scattered trees and small woodlands with scattered farms. The landscape is described as being typical of Radnor. The application site and immediate surrounding area fits the description of the aspect area well in terms of its characteristics. LANDMAP considers it to be an attractive traditional pastoral landscape with strong field pattern that typifies Radnor - and results in overall moderate values as it is not unusual or particularly distinctive.

Whilst acknowledging the scale of the proposed poultry units in terms of floor area, the buildings are considered to have a relatively low profile reaching a maximum height of 7.5 metres including the buildings to contain the air scrubbers. The tallest of the ancillary structures will be the feed silos that reach a height of 8.6 metres. Given the location of the development, undulating character of the surrounding landscape together with existing and proposed landscaping, it is considered that the siting of the proposed buildings and associated infrastructure will not adversely affect the character and appearance of the landscape from visual receptors. It is noted that application suggests the use of an olive green colour on the external cladding of the proposed buildings to match the colour of the existing buildings. This is considered to be appropriate in the context of the development and will form a condition of consent to ensure its implementation.

LANDMAP acknowledges that farmsteads are a common feature of the aspect area and whilst Officers accept that a large-scale agricultural development is proposed, it is considered that it's siting and appearance will not significantly detract from the noted landscape qualities. Landscaping and its management, together with earthworks controlled and provided through planning conditions recommended at the end of this report will assist with the neutral assimilation of the development into its surroundings. It is noted that the proposed buildings will be sited where the landscaping proposals approved for the previous scheme has been indicated and therefore will prohibit its implementation. It is anticipated that the landscaping scheme associated with the proposed development will account for this and will serve to mitigate the impact of the development as a whole.

Similarly, with regards to cumulative impacts, whilst there are other approved intensive livestock units in the area, the closest being at a distance of 750 metres, officers do not consider that the proposed development would give rise to any significant cumulative landscape impacts taking account of the nature of the development, the receiving landscape and the extent of other development in the area.

Overall, officers concur with the conclusions of the LVIA and raise no objection with regards to landscape and visual impact also taking account of cumulative impacts.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. It is recommended that any consent is subject to appropriate conditions to secure the implementation and retention of proposed landscaping, proposed earthworks and the coloured finish of the buildings. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13, E6 and DM2 of the Powys Local Development Plan.

### ***Amenity***

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. It is acknowledged that intensive livestock units have potential to generate noise impact from plant/equipment (extractor fans) and general operational activities whilst odour impact may potentially arise at any time during the cycle but particularly from the cleaning of the unit at the end of the bird cycle.

When considering the impact to amenity from intensive livestock units Planning Policy Wales states that the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

The proposed development has been located on a site relatively remote from residential receptors. The closest receptors are the occupiers of Hope Chapel and Lea Hall at distances of around 115 and 180 respectively. The impact to amenity for the occupants of these properties have been considered as detailed below.

### ***Noise***

The main noise emitting plant associated with the development will be the extractor fans. The proposal indicates the use of 14 gable end extract fans per shed which will be linked to the air scrubber system and 3 roof mounted extract fans per shed. A plant noise assessment accompanies the planning application which has assessed the ventilation extract fans (roof and air scrubber system) for the proposed broiler units in accordance with BS4142:2014 and also takes account of the proposed changes to the existing units for the installation of the air scrubbers on these units. The report concludes that the Rating Levels of the roof extract fans and air scrubber will both be below the typical background noise level during both the day and evening, indicating a BS4142 low noise impact in usual circumstances. As a worse case scenario, with both ventilation systems running at 100% capacity, the highest Rating Level has been

determined to be 2dB above the typical background noise level. A 2dB change in noise is imperceptible.

Overall, the report concludes that the proposed development would not have a significant noise impact at the nearby sensitive receptor locations assessed. Environmental Health Officers have considered the report and accept the findings.

It is noted that the Environmental Health Officer has suggested a condition limiting operating hours in accordance with the original approval (18/0475/FUL). However, this condition was amended under reference 19/0742/NMA to allow for the night time collection of birds. Officers acknowledge that night-time removal occurs to benefit the welfare of the birds and as this has previously been accepted by the Local Planning Authority. It is considered appropriate therefore, that the proposed condition aligns with the varied condition.

The development will also generate increased traffic to and from the application site however, for assessment purposes, in accordance with BS4142:2014, this does not need to account for the passage of vehicles on public roads as this could occur irrespective of the development. Given existing usage of the main road, the amount of increased traffic generated and the distance from the closest receptors, it is considered unlikely that there would be any significant additional noise from traffic relating to the development.

The noise assessment has been undertaken on the basis of predicting the likely impact of the development against background noise levels. As such it inherently deals with the issue of cumulative impact with all other existing forms of development. The report has also considered the impact of the changes to the existing operation with the proposed installation of air scrubbing. Therefore, on the basis of the submitted noise assessment it can be concluded that there will be no cumulative noise impacts as a result of this development.

### *Odour*

The application is accompanied by a report that has used computer modelling to assess the impact of odour emissions on the nearest receptors. The modelling predicts that, should the proposed development of the poultry units at Wern Halog proceed, the odour exposure would be below the Natural Resources Wales benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>, at all nearby residential receptors considered.

Given the extent of the predicted odour plume from the proposed buildings which takes into account the previously approved scheme at Wern Halog, the development is not considered to have a cumulative odour impact with any other developments.

With regards to manure management, the application details that the manure will be



exported off site to a third-party licensed Anaerobic Digester Plant and the dirty water will be exported by a third-party licensed waste carrier. Correspondence from these third-party companies has been provided by the applicant and confirms that the organic material can be accepted in principle. As a contingency plan for when manure cannot be exported off site, it could temporarily be stored in an existing building on the holding. The building has not been identified within the application, however, a condition controlling that stored manure be kept undercover on the holding will significantly reduce the chances of the manure storage causing amenity issues and will be an effective enforcement tool if it is not adhered to.

It is acknowledged that manure generated as a result of the previously approved scheme is intended to be spread on the land within the control of the Wern Halog holding and the Planning Authority has received objections about the appropriateness of considering the current proposal in light of potential issues within the previously approved scheme and current regulation. Members should be clear that their role is to determine the current application in line with the development plan and other material considerations. If there is a breach of another consent, enforcement action may take place against that approval but it does not need to affect the consideration of the current application. As far as the current application is concerned, it is proposed that manure and dirty water will be exported from the site and will not be applied to the land at Wern Halog. Therefore, the potential for it to generate amenity concerns for nearby residents has been reduced.

On the basis that the measures set out in the application are adhered to, the proposal is unlikely to cause any unacceptable amenity impacts. In order to secure this, planning conditions have been recommended as detailed at the end of this report.

### *Dust*

Given the distances from sensitive receptors, it is considered unlikely that existing residents will be affected by dust from the development.

### *Amenity Conclusion*

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

### ***Biodiversity, Ecology & The Environment***

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

have an adverse effect on the conservation value of nationally protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

Under section 28G of the Wildlife and Countryside Act 1981 the Council has a duty in so far as the grant of planning permission is likely to affect the flora, fauna, or geological or physiographical features by reason of which a SSSI is of special interest, to take reasonable steps to further the conservation and enhancement of those features.

### *SACs and SSSIs -*

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

There are 14 SSSIs and 1 SAC within 5km of the proposal. The application has been supported by a modelling report by AS Modelling & Data Ltd. NRW have confirmed that the ammonia critical levels and nitrogen critical levels used in the assessment with regards to the Statutory designated sites present within 5km of the proposed development are considered to be correct. The report provides the results of detailed aerial modelling assessments taking account of the existing scenario (two sheds operating without air scrubbing) and the proposed scenario (4 sheds operating with air scrubbing). The results show the proposed scenario would emit a considerably lower process contribution to the protected sites within 5km of the unit. Therefore, despite the prediction that the development would exceed the process contribution thresholds used for assessment purposes for a number of the designated sites, the development is considered to be acceptable as it would result in a betterment from the current situation.

Given the nature of the proposed development and the proximity to the River Wye SAC the Local Planning Authority is required to undertake a Habitats Regulations Assessment. An Appropriate Assessment of the application has been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would result in betterment compared to the current scenario and so not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives.

There have been comments received from third parties noting that the modelling does not take into account the impact to aerial emissions from the process of storing of manure and the practice of manure spreading. Members should note that the submitted modelling has been undertaken in accordance with current NRW guidance for assessment purposes and found to be acceptable. Furthermore, the current application proposes that manure will be exported from the site and used in an anaerobic digester.

The emissions in relation to the storage of feedstock for anaerobic digestion was a matter for the planning application and permit that relate to that facility and not the current application.

On the basis of the responses received from NRW and the Council's Ecologist, it is considered that the proposed development will result in a betterment with regards to its impact on designated and protected sites subject to the use of the proposed air scrubbers. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales. A condition of consent has been recommended at the end of this report regarding the implementation of the air scrubbers.

### *Protected Species*

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

A Preliminary Ecological Assessment produced by Craig Emms and Linda Barnett Consultant Ecologists dated March 2021 has been submitted to inform the application. The PEA included an assessment of the site of the proposed development and surrounding habitats for their potential to support protected and/or priority species. With the exception of potential for Great Crested Newt (GCN), no evidence of protected species was confirmed within or adjacent to the proposed development footprint and additional survey work was not considered necessary.

Presence of GCN was confirmed in 2018 from two of the three ponds located within 500m of the proposed development; surveys at the time identified a small population of GCN. Re-assessment of the condition of the three ponds found no notable changes and further surveys were not required. The proposed development will impact sub-optimal terrestrial habitat where GCN may be present in low numbers. Therefore, an EPS licence will be required for the development. Detailed mitigation, compensation and enhancement measures have been provided (Conservation Strategy & Scheme of Mitigation for Great Crested Newt, by David Clements Ecology Ltd.) to demonstrate that the proposal would not adversely affect the favourable conservation status of the GCN population.

Taking account of the nature of the development combined with the habitats surrounding the development, it is concluded that there is unlikely to be negative impact to protected species as a result of the proposed development subject to adherence to the recommendations identified. Appropriate conditions are detailed at the end of this report as recommended by NRW and the Council's Ecologist.

### *Ancient Woodland*

The biodiversity data search identified the presence of 39 parcels of Ancient Woodland

(AW) within 2kms of the site.

With regard to AW sites, preliminary modelling predicted that process contributions to ammonia concentration were below the 100% critical level threshold for 34 out of 39 AW receptors. Five receptors for ammonia sensitive AW sites north of proposed development currently receive ammonia concentrations in excess of 100% critical level of 1ug/m<sup>3</sup> from the two existing poultry units. Preliminary modelling based on the inclusion of Inno+ air scrubbers within both existing units and the two proposed units demonstrated that a reduction in the ammonia concentration currently received by the five receptor locations could be achieved. Four out of the five receptor locations would still receive ammonia concentrations exceeding the 100% critical level threshold but the amount will be lower than currently experienced. The process contribution to the remaining receptor would be reduced to below the critical level threshold.

In light of the above, the impact on Ancient Woodland as a result of the development is considered to be acceptable.

#### *Road Verge Nature Reserve*

It has been noted by the Council's Ecologist that there is a Road Verge Nature Reserve – Llanelwedd RVNR present within 2km of the proposed development which has not been included in the ammonia and nitrogen deposition modelling. Whilst this non-statutory site has not been included within the assessment, the Ecologist has reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland and considers that this provides sufficient evidence to demonstrate that the predicted process contribution to the RVNR would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site. As such it is not considered necessary in this instance to require additional information to be submitted.

#### *Pollution Control*

Officers acknowledge that the proposal has the potential to pollute the environment through surface water runoff and associated construction and operational activities unless suitable control/mitigation measures are implemented. A number of third party representations have also been made regarding this issue.

The submitted Site Drainage Plan and confirms that dirty and clean surface waters will be managed separately minimising the risk of pollution. Surface waters from roofs of the two proposed units will be directed to the existing attenuation pond. All waters from the apron at the front of the sheds will be directed to dirty water tanks compliant with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. Used ammonia scrubber liquor will be stored in two separate compliant tanks.

A Flood Consequence Assessment and Surface Water Management Plan has also been submitted which confirms that the additional surface water can be accommodated in principle through extension of the attenuation pond.

All manure, dirty water and scrubber liquor is proposed to be exported off site to an Anaerobic Digester. This is necessary not only to protect amenity of neighbouring residents but also to safeguard the environment from pollution as the application has detailed that there is insufficient land available within the applicants' control in order to use the nutrients for agricultural benefit. In order to control these processes, planning conditions have been recommended at the end of this report.

### *Biodiversity Enhancements*

Part 1 Section 6 of the Environment (Wales) Act 2016 requires LPAs to seek to maintain and enhance biodiversity through the planning process. Furthermore, the Welsh Government wrote to all planning authorities in Wales to clarify that '*where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission*'.

It is recognised that the application proposes the loss of a number of trees as well as the loss hedgerow to facilitate the development. Furthermore, the landscaping proposed to mitigate for the previous scheme will not be able to be implemented due to the location of the proposed development. Mitigation in the form of additional planting along the eastern and western boundaries of the newly formed site have been proposed to compensate for this. However, the application also demonstrates a net gain to biodiversity as a result of the proposed development though provision of four hedgehog nesting boxes, six bird nest boxes and six bat roosting boxes placed at appropriate locations within the curtilage of the farm. The Council's Ecologist has recognised that these may be located outside of the application site area, however, as they are on land within the control of the applicant, officers are satisfied that a planning condition can be used to secure their provision. Overall, it is considered that the proposals are sufficient to ensure that the LPA has met its duty under Part 1 Section 6 of the Environment (Wales) Act 2016.

### *Biodiversity, Ecology & the Environment Conclusion*

Having carefully considered the proposed development, it is not considered that the proposed development will have an unacceptable adverse impact on designated sites, protected species or the environment, both in terms of individual and cumulative impact. In addition, appropriate levels of biodiversity enhancements have been included within the application. As such, the proposal is considered to be in accordance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5, Planning Policy Wales and the Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016.

### ***Highway Safety and Movement***

Policy DM13 confirms that applications must demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. In accordance with policies DM13 and T1, development proposals are expected to meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Access to the site will be provided via the existing entrance off the A481 which was constructed to accommodate the existing poultry units at the site. The access has been designed to accommodate HGV traffic with 15m radii and 6m width as well as visibility splays of 2.4m x 215m to the east and west. The Local Highway Authority have suggested conditions relating to parking and turning provision for cars and HGVs both during the construction and operational phases of the development which have been attached to the recommended conditions detailed at the end of this report.

The application is also accompanied by a breakdown of associated traffic movements and the type of vehicles used for each activity. It is indicated that there are likely to be 73 one way movements per flock cycle, totalling 457 in an average year. This is an increase of 225 movements from the existing situation. Officers consider that the report offers a reasonable and realistic assessment of traffic generation and likely highway safety impacts in order for the Local Planning Authority to assess the impact of the development on the highway network and its users.

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions which are detailed at the end of this report. Overall, it is considered that the proposed development will not have an unacceptable adverse impact on highway safety and movement, and there is sufficient capacity within the existing highway network to absorb the traffic created as a result of this development. Officers are 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.

## **Cultural Heritage**

### *Listed Buildings*

The Planning Authority is required have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The grade II listed Hope Chapel is located 150 metres distant from the proposed poultry units and 100 metres from the closest proposed air scrubber on the existing units. Hope

Chapel is currently a residential property but was formally a small rural religious building and this is reflected in its architectural design as well as its setting. The Council's Conservation Officer recognises that the proposed development is agricultural, so not necessarily out of keeping with the history of the building, however, the proposed development is of a scale that would be historically alien to buildings such as the chapel. Furthermore, whilst existing vegetation screens the existing development from the former chapel, the proposed poultry units are likely to be slightly more elevated. In order to mitigate this, it is suggested that additional trees are planted on the bank between Unit 2 and 3 and alongside the ends of the sheds to the east of the development. Subject to the inclusion of this additional planting, which can be controlled via planning conditions, the development would have a neutral impact on the setting of Hope Chapel.

Three further listed buildings are located within 500 metres of the proposed development, these being Neuadd Fach, Neuadd Fach Barn and Maesbryncoch. Neuadd Fach is a cruck frame farmhouse which is grade II listed for its special architectural interest as a well-preserved small C17 farmstead with earlier origins. The barn at Neuadd Fach is also grade II listed and is noted for retaining its C19 character. Together they form a strong farm group and are an example of a well-preserved small farmstead of a type once common in the region. Maesbryncoch is listed for its special architectural interest as a farmhouse retaining definite C19 character in the vernacular tradition, a type once common in the region but now rarely well preserved.

The scheme under consideration is for an agricultural development grouped with an existing development. Whilst the scale of the development is noted and will double the scale of the existing development, it is considered that the overall impact to these listed buildings and their settings will remain unharmed particularly when taking into account the proposed landscaping that will be secured via planning conditions and the colour of the external cladding of the buildings. Having taken special regard of the settings of these listed buildings, including their proximity to the proposed development and the intervisibility between them, officers are satisfied that there would be no harm to the settings of any of the identified listed buildings as a result of the proposed development.

### *Scheduled Monuments*

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. There are 18 Scheduled Monuments located within 3 kilometres of the proposed development. However, for 14 of these there will be no direct views between the site and the assets due to intervening topography and vegetation. Consequently, the proposed development will not have an impact on the settings of any of these scheduled monuments.

The remaining four Scheduled Monuments are RD014 Caer Einon Camp which is located some 1.3km to the west of the proposed development, RD122 Carneddau Round Cairn - located some 1.33km to the northwest, RD222 Cwm-berwyn round cairn - located some 0.95km to the north and RD226 Cilberllan ring cairn - located some

1.07km north-north-east. Whilst it has been noted by Cadw that the roofs of the buildings will be visible from these monuments, vegetation will provide varying levels of screening and in all cases the proposal will be seen as an extension of the existing poultry units. As such, whilst there may be very slight visual changes in the views from the scheduled monuments, this will not have any effect on the way that they are experienced, understood and appreciated. Consequently, the proposed development will have no impact on the settings of scheduled monuments RD014, RD122, RD222 and RD226.

In their consultation response, CPAT confirm that there are no archaeological implications for the proposed development.

### *Cultural Heritage Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is concluded that the proposed will not have an unacceptable adverse impact on the setting of any listed buildings or scheduled monuments. In light of the above, Officers consider the proposed development to be in accordance with policy SP7 of the Local Development Plan, TAN 24 and Planning Policy Wales.

### ***Public Rights of Way***

Local Development Plan Policy DM13 criterion 9 states that proposals will only be supported where the public rights of way network are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary. Policy SP7 lists the public right of way network as a recreational asset and states that development proposals must not have an unacceptable adverse impact on the asset or its operation.

Whilst it is recognised that there are public rights of way within the vicinity of the development, none are to be directly impacted as a result of this development. Furthermore, it is considered that sufficient distance is retained between the proposed development and the public rights of way to ensure that the development would not negatively impact upon any users.

As such the proposed development is considered to be compliant with policies SP7 and DM13 of the Powys Local Development Plan and Planning Policy Wales.

### ***Impact on Tourism Assets***

Policy DM13 of the Local Development sets out that developments must not have an unacceptable impact upon existing and established tourism assets and attractions. The Council is committed to safeguarding tourism in Powys as the significant contribution it makes to the local economy is recognised. As such, new development proposals should not decrease the attraction to assets important to the tourism offer.



It is noted that a number of representations make reference to the development affecting the tourism appeal of the area with particular concern around the effects of the development on the River Wye and what this may mean for fishing and other recreational uses. As has been previously detailed within this report and the associated HRA Appropriate Assessment, providing that the development is managed in accordance with the submitted information, which will also be controlled via planning conditions, it is considered that the proposed development is unlikely to have an effect on the River SAC or its qualifying features. As there is no direct link between the proposed development and the River Wye, it would be difficult to conclude that the proposed scheme would unacceptably affect the asset.

### ***Flood Risk and Surface Water Drainage***

The proposed sheds would be located within Flood Zone A on the Development Advice Map i.e. beyond the 1:1000 year fluvial flood extent (not at risk from fluvial flooding). However, part of the site including the existing attenuation pond is located in Flood Zone B, which is land known to have been flooded in the past as evidenced by sedimentary deposits. In accordance with TAN15, Zone B is used as part of a precautionary approach to indicate where site levels should be checked against the extreme (0.1%) flood level. If site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further. In this instance, the existing attenuation pond borders the 1:1000 year event outline, however, as the scheme does not propose any development in this location that would either be vulnerable from flooding itself or likely to result in additional flooding elsewhere, Officers have concluded that there is no need to consider flood risk further in this instance.

The comments from the Lead Local Flood Authority are noted and highlight certain matters in relation to the dirty water tank and the attenuation pond that will require further investigation before the scheme can gain SAB consent. The application has been supported by a Flood Consequence Assessment and a Surface Water Management Plan which notes that the vulnerability of the land use will remain the same as existing and there are acceptable means for managing run off as a result of the development. Officers are therefore satisfied that flood risk remains low and that satisfactory provision can be made for land drainage through the use of Sustainable Drainage Systems (SuDS). Full details of the proposed drainage scheme can be secured through the use of a planning condition which is recommended as detailed at the end of this report.

To manage surface water effectively on site, clean water from roof and clean surfaces has been identified as being drained to clean water drainage system each side of the buildings which is then discharged to the existing attenuation pond located to the south-east of the proposed poultry sheds that already serves the two poultry units on site. The attenuation pond outfalls into the Cnithio Brook to the south of the attenuation pond through a restricted orifice which limits discharge to the appropriate greenfield rate.

Water used during the cleaning operations and all rainfall over the aprons would drain into dirty water tanks which will be managed separately from clean water. These tanks would periodically be pumped out and their contents transported to a local AD Plant.

Based on the information available, the development would accord with the provisions of the Local Development Plan, in particular, policies DM5 and DM6 as well as Technical Advice Note 15 and Planning Policy Wales.

### ***The Best and Most Versatile Agricultural Land***

It is recognised that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future as set out within Planning Policy Wales (Edition 11). In this instance, the site is on grade 3b land and further consideration does not need to be given to its safeguarding in this respect.

### ***Minerals Safeguarding***

Mineral safeguarding areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal. LDP policy DM8 requires development proposals in mineral safeguarding areas to be subject to additional considerations to ensure that mineral resources are not needlessly sterilised by other development, and they remain accessible to future generations.

According to the aggregate safeguarding maps, part of the site would be over an area of sub-alluvial sand and gravel (category 2). Given the presence of the existing poultry units and other development within the locality, it is considered unlikely that extraction would meet the tests of environmental acceptability or community benefit and the benefits of the development with regards to food production are considered to be an overriding factor in this instance.

### ***Cumulative Impact***

Within a letter to all Chief Planning Officers dated 12<sup>th</sup> June 2018, Welsh Government highlighted the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, it states, *‘while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account’*.

It also states that *‘Intensive agricultural units particularly pig and poultry farms, can affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise.’*

All material planning matters have been considered taking into account cumulative impacts where these are relevant to the development, the site, its context and the issue being considered. It is recognised that there are proposed and operating large scale poultry business within the locality of the proposed unit but it is considered that the development does not give rise to any unacceptable cumulative impacts as has been detailed within the individual sections of the report and summarised below, with specific reference to the issues raised within the chief planning officer letter and Planning Policy Wales.

With regards to cumulative impacts, consideration has been given to similar developments located within five kilometres of the site that have been through the planning system and are operational, permitted or applied for. The following sites have been identified -

Tramaen Farm, Llanfaredde – 0.75km South South West of the site – 1 No. free range egg unit.

Gwernfach, Bettws Disserth – 4.3km North East of the site – 1 No. free range egg unit.

Penarth Farm, Cregrina – 4.4km East of the site – 1 No. free range egg unit.

For some environmental matters, such as noise, odour and dust, the impacts of a poultry unit are localised and are unlikely to act in-combination or contribute to a cumulative impact due to the remote nature of the proposal from another source and the proximity to sensitive receptors. The application has been supported by a noise report that has taken into account the impact of the development in relation to background data and therefore the scheme has been considered against all existing development.

The application has also been submitted with an odour assessment report and given the extent of the predicted odour plume from the proposed buildings; the development is considered to not have an unacceptable cumulative odour impact with any other developments. Similarly, due to the isolated nature of the development and the proximity to a sensitive receptor, the dust produced is not likely to act in combination with any other development.

Manure generated as a result of the development will be exported off site to an anaerobic digester. The anaerobic digester has the benefit of planning permission and must operate in accordance with that permission and any other regulations or permits associated with it. The cumulative impact of nutrient use from the sludge produced as a result of the process was a matter for the consent relating to the AD plant and not this current planning application.

Finally, it is recognised that the development will generate aerial emissions and will contribute to those already present in the atmosphere from various sources. However, the development has incorporated best available technologies (scrubbers) to reduce the development's contribution to a level which is considered to be a betterment from the current situation even when acting in combination with other developments.

A number of representations have been received stating cumulative impact as a ground of objection, however, some of these appear to be a general concern relating to intensive livestock units at a strategic level rather than a specific concern relating to this development in conjunction with another specific unit on any particular individual matter.

### ***Climate Change***

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050 with interim targets set for 2020, 2030 and 2040. Welsh Government also have a legal commitment to net zero by 2050 and an ambition to achieve this sooner if possible.

There are two parts to the issue of climate change within planning, these being the extent a development contributes towards the generation greenhouse gasses and the extent a development has considered and adopted means to make the operation resilient to the effects of climate change.

It is evident that the proposal will make some contribution to greenhouse gas emissions, as do many operations and developments, however, this does not in itself mean that it is unacceptable. It is accepted that there are climate change implications from transportation required to serve the poultry unit but a wider argument could also be put forward in support of the application in that it will contribute to British self-sufficiency in poultry meat production and the principle of reducing imported food stock which will have a significant reduction in carbon emissions from transportation overall. As it currently stands there are no specific planning policy requirements that dictate a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state intensive livestock units should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

With regards to climate change resilience, the environmental statement has detailed that the development will incorporate the use of renewable technologies in the form of a ground source heat pump which will reduce reliance on energy from fossil fuels. Furthermore, mitigation for climate change is factored into the sustainable drainage design proposals which includes the appropriate additional capacity for climate change within the designed system.

Taking account of the information available to Development Management Officers as is reasonable for an individual planning decision, it is believed that the proposal provides a well-considered approach to climate change in so far as it is material to the decision making process.

## ***Planning Balance***

It is recognised that there are arguments both for and against the sustainability of intensive livestock units in the UK as well as the overall impact of the development on the environment and local populations. All development has an impact and it is the role of the planning authority to assess whether the impact is acceptable or unacceptable taking into account material planning matters.

The application is in respect of a development to accommodate an additional 90,000 broilers at Wern Halog, Llanfaredd. Having been assessed by Development Management and taking into account the comments of consultees and members of the public, the development is considered to not unacceptably affect the environment subject to adherence of the information submitted with the application which can be controlled via the conditions detailed below. The development is considered to be compliant with local and national planning policy and it is for that reason that the development is supported.

**The information submitted within the Environmental Statement has been considered in full in reaching the decision made on this application.**

## **RECOMMENDATION**

Conditional consent.

## **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: IP/KD/01, IP/KD/02, IP/KD/03, IP/KD/04, IP/KD/05A, IP/KD/06, Method Statement and Pollution Prevention Plan produced by Ian Pick and dated July 2021 and Method Statement for Manure Management produced by Ian Pick and dated July 2021. The measures identified shall be adhered to, implemented in full and maintained thereafter.
3. Prior to first beneficial use of the development hereby permitted, evidence (prepared by a suitably qualified industry professional) must be submitted to and approved in writing by the Local Planning Authority to confirm that the ammonia scrubbing equipment as detailed in the report titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Wern Halog Farm, Llanfaredd, Builth Wells, Powys', by AS Modelling & Data Ltd., dated 27th January 2021 have been installed in the two poultry units hereby approved as well as the two existing poultry units on site respectively and are fit for purpose. The air scrubber units shall be operated and maintained thereafter.
4. 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 units shall be erected without the consent of the Local Planning Authority.

5. 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.

6. The poultry units hereby approved shall be limited to occupation by 90,000 broilers.

7. No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the 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 and shall be implemented as approved and maintained thereafter.

8. All manure and dirty waters generated by the development hereby permitted, and all ammonia scrubber liquor from the four poultry units at Wern Halog, Llanfaredd, Builth Wells, shall be exported to an appropriately licensed anaerobic digester facility. None of the above material shall be spread directly on any land. Documentary records demonstrating receipt of all exported material by the anaerobic digester facility shall be maintained by the operator of the development hereby permitted and be made available to Local Planning Authority upon request.

9. During such occasions where manure generated by the birds accommodated within the buildings hereby approved cannot be directly exported from the site, it must only be stored undercover within buildings at Wern Halog, Llanfaredd. At no time must this manure be stored externally of the confines of a building.

10. All manure exported off site (Wern Halog, Llanfaredd) must be sheeted or fully covered.

11. All deliveries to and from site in connection with this permission shall be carried out between the following hours – 07.00 – 21.00 (with the exception of live bird transport which can be undertaken outside of these hours).

12. The external cladding of the buildings and the feed silos shall be Olive Green in colour for the lifetime of the development. The external elements of the mechanical fans shall also be Olive Green or Black in colour for the lifetime of the development.

13. No development shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) earthworks showing existing and proposed finished levels;
- ii) any means of enclosure and retaining structures; and
- iii) hard surfacing materials.

The development shall be carried out in accordance with the approved details.

14. No development shall take place until details of landscaping plans have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) planting plans;
- ii) written specifications including cultivation and other operations associated with plant

and grass establishment; and

iii) schedules of plants noting species, plant supply sizes and proposed densities.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

16. No development shall take place until a plan detailing the location of the proposed biodiversity mitigation and enhancement measures as detailed within the Recommendation for Mitigation and Further Survey Section of the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated March 2021 together with a timeframe for their implementation has been submitted to and approved in writing by the local planning authority. The identified measures must be implemented in accordance with the approved details.

17. The development shall be carried out strictly in accordance with the mitigation measures identified in the Recommendation for Mitigation and Further Survey Section of the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated March 2021 (Pages 24 – 26 (inclusive)). The identified measures shall be adhered to and implemented in full and maintained thereafter.

18. The development shall be carried out strictly in accordance with the GCN Mitigation Strategy (reference Anon. (2021) Conservation Strategy & Scheme of Mitigation for Great Crested Newt. David Clements Ecology. Unpublished). The identified measures shall be adhered to and implemented in full and maintained thereafter.

19. No development shall take place until a biosecurity risk assessment to include appropriate measures to control any INNS on site, if present, together with a timeframe to undertake the measures has been submitted to and approved in writing by the local planning authority. The identified measures must be implemented in accordance with the approved details and timescales.

20. No development for the construction of the buildings hereby permitted shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The 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.

21. 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.

22. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development to accommodate livestock and must be retained

in perpetuity.

## **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 Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 4 to 6. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, February 2021).
7. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 8 to 10. In the interests of pollution prevention and amenity in accordance with policies DM2 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11, February 2021).
11. In order to control the development which has the potential to adversely affect the amenity of local residences in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, February 2021).
- 12 to 15. In the interests of amenity and the protection of the settings of listed buildings in accordance with policies DM4, DM13 and SP7 of the Powys Local Development Plan (2018), Technical Advice Notes 12 and 24 and Planning Policy Wales (Edition 11, February 2021).
- 16 to 19. To comply with Powys County Council's LDP Policy DM2 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016
- 20 & 21. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, February 2021).
22. To ensure that the surface water drainage scheme is compliant with Policy DM6 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, February 2021).

Advisory Notes

**Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**



The application is accompanied by an Environmental Statement. The Environmental Statement addresses the significance of the development on the environment in relation to the impact to ecology from ammonia deposition, landscape and visual impact, odour, noise and dust. The information submitted within the Environmental Statement has been considered in full in reaching the decision made on this application and, in the opinion of the Local Planning Authority, the development is unlikely to have a significant effect on the environment subject to adherence of the conditions detailed within this decision.

**Warning: An European protected species (EPS) Licence is required for this development.** This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-needto-apply-for-a-protected-species-licence/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead, [or Natural Resources Wales has informed the applicant in writing that such a licence is not required]. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

The site currently operates under an Environmental Permit from NRW referenced EPBAB3496HZ. The Applicant must ensure the permit is updated in accordance with the proposed plans.

**Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).**

It is an offence for any person to:

- Intentionally kill, injure, or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a license has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk).

### **Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended)**

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt.
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young.
- Damage or destroy a great crested newt breeding site or resting place.
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

### **Reptiles – Wildlife & Countryside Act 1981 (as amended)**

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and/or the Council's Ecologist.

### **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 Schedule1 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.

### **SUDS Approval Body Advice**

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> 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](mailto: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-DrainageApproval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us so we can update our records accordingly.

The requirement for to obtain SAB consent sits outside of the planning process but is

enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

**Dwr Cymru advisory notes**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

---

Case Officer: Louise Evans, Planning Officer  
Tel: 01938 551127 E-mail: [louise.evans1@powys.gov.uk](mailto:louise.evans1@powys.gov.uk)