

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1122/FUL

Grid Ref: E: 308109
N: 293941

Community Council: Aberhafesp Community

Valid Date: 04.09.2020

Applicant: Mr Jeff Hopkins

Location: Bank Farm, Aberhafesp, Newtown, Powys, SY16 3LS.

Proposal: Erection of a livestock building for straw-based pig rearing with associated feed bin, hard standing area, landscaping and drainage attenuation pond

Application Type: Full Application

The reason for Committee determination

Given the level of public concern raised over the proposed development the application has been called to be determined before Members of the Committee.

Consultee Responses

Consultee

Received

Natural Resources Wales (Mid Wales)
DPAS

30th Sep 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 2020.

NRW provided comments on this proposal at pre application stage. Our advice on the proposed scheme has not changed although we acknowledge submission of new information in support of the application.

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet requirement 1, and you include the following document within the

condition identifying approved plans and documents on the decision notice:

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

- o Ian Pick Associates Ltd, Drawing IP/JWH/02, April 2020, Site Plan

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment

Requirement 2 - Pollution Prevention Plan

Manure Management Plan

We have assessed the Manure Management Plan (MMP) ('Manure Management Plan' by ADAS, dated 28th May 2020) and the 'Addendum to the Manure Management Plan' document dated 14/07/2020, submitted in support of the proposal.

The MMP states that manure will be spread in accordance with the Code of Good Agricultural Practice (CoGAP), and that no manure will be spread within 10m of surface waters or land drains and 50m of a spring or borehole. The plan includes contingency measures for storing manure when spreading is not possible, but it does not provide information on how contaminated wash water will be dealt with. The dirty water tank needs to be the appropriate size to contain the wash water. In addition, the MMP and its addendum do not clearly describe where any sensitive receptors are located and that must be avoided.

Risk maps of the proposed spreading area including sensitive receptors should be provided to identify and define as no spread zones for the following sensitive receptors:.

- o Boreholes

- o Wells

- o Lakes rivers

- o Other water bodies or habitats that may require assessment under EIA Agriculture

Regulations

o Adjacent designated sites such as SSSIs.

It should be noted that the reference in the Addendum to MMP to the wash water "lightly fouled water" being different to slurry is not correct in either the current Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (the SSAFO Regulations).

Slurry is defined as "liquid or semi-liquid matter composed of excreta produced by livestock while in a yard or building (including that held in woodchip corrals); or a mixture wholly or mainly consisting of livestock excreta, livestock bedding, rainwater and washings from a building or yard used by livestock, and of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process." [Regulation 2 (1) of the SSAFO Wales Regulations]

In our pre application response we stated that the MMP needed clarifications/modifications to ensure sustainable use of manure as a fertiliser. The Welsh Governments Code of Good Agricultural Practice for the Protection of Water, Soil and Air recommends that organic manure applications should be driven by crop requirement not a standard limit for a particular nutrient. Pig manure is generally higher in Phosphorus (P) and Potassium/Potash (K) than it is in Nitrogen (N). The MMP recognises additional artificial nitrogen fertiliser needs to be added to pig manure to balance the P and K elements and the overall levels of N contained in the manure will be very high.

Table 3.2 of the MMP suggests that the area required to spread the pig manure produced over a 12 months period is 30.50 Ha. However, this figure is based on a 250kg/Ha farm spreading limit. Section 3.4 of the plan clearly indicates that due to the high levels of P and K contained in pig manure, the application levels on the farm should be 120Kg/Ha and not 250Kg/Ha. We therefore estimate that the land required to spread the pig manure would be 63.5 Ha, bringing the overall land requirement to 110.23 Ha. This exceeds the overall farm's land availability for spreading manure, which is 82.41 Ha as indicated in Appendix 1.

We have reviewed the Addendum to the MMP document and note the figures used for organic manure storage have been amended to 170KgN/Ha in line with the proposed draft Draft Water Resources (Control of Agricultural Pollution) (Wales) 2020 Regulations.

According to the new calculations, the amount of land required for spreading is 113.57 Ha and it will therefore be necessary to export surplus manure.

The report states that an agreement with Upper Garth farm has been secured to allow spreading on at least 40 Ha of their land, however it is not clear whether the land in question has already been included in the plans illustrating the spreading areas and whether the 40 Ha will be available to the exclusive use of Bank Farm.

The calculations to establish the current land requirement for manure spreading at Upper Garth are based on the housed period only which is inaccurate, as the entire manure production must be considered in order to illustrate the actual N input into the ground. This, combined with the N figures calculated on daily figures which is not in line with the guidelines, will underestimate the amount of N generated.

Furthermore, third party information has been forwarded to NRW which suggests that a number of fields that have been proposed for spreading in the MMP maps are not within the control of the applicant and the owners of the land would not authorise the spreading of manure. We suggest this issue is clarified with the applicant and the plans and area calculations are modified accordingly.

We would like to re-iterate that all applications of manufactured nitrogen fertilisers should be based on a nutrient management plan, integrating fertiliser and manure supply, and accounting for the farm specific soil management plan.

It is NRW's opinion that the details provided in the MMP and its addendum are not sufficient to provide assurance that the application of the manures will not adversely affect the environment. The MMP needs to consider whether the level of P and K contained in the manure would be above that required by the crops grown and whether additional/alternative methods of manure and wash water disposal are needed to reduce significant pollution risk to the environment. As previously stated, with organic manures, phosphate is normally the limiting element not nitrogen.

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment.

We therefore advise your authority that a comprehensive plan is prepared by the applicant to include the following:

- o indicating the amount of P and N produced from the proposed livestock
- o a risk map indicating land available for spreading with all required buffers and no spread areas identified
- o A method statement that details soil sampling (soil indices) will be undertaken at appropriately timed intervals throughout the lifetime of the development to indicate

that the nutrients contained in the manure generated is required for agricultural benefit of the crops grown.

Pollution Prevention Plan

The proposal should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

Requirement 2 - Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction and landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution to controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2010 to cause or knowingly permit a water discharge activity.

Protected Sites and Aerial Emissions

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on European protected sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

We have considered the "Report on the Modelling of the Dispersion and Deposition of

Ammonia from the Proposed Pig Rearing House at Bank Farm, near Aberhafesp in Powys"

by AS Modelling & Data Ltd (21st April 2020) submitted in support of this application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which the Gregynog SSSI, Gweunydd Penstrowed SSSI and Mochdre Dingle SSSI have been designated. Modifications to the scheme as currently proposed may affect our view and may merit a further consultation with us.

Since this livestock unit does not exceed the 1% process contribution, in line with our current guidance, a cumulative assessment for all other relevant proposals in the area will not be required. We do however advise that, in accordance with the aims and objectives of Planning Policy Wales (PPW), due consideration should be given to making sure the resilience of ecosystems and ecological networks is improved. Proposals with the potential to impact on air or water quality which may have adverse consequences for biodiversity and ecosystem resilience, must be identified and considered in the decision-

making process.

Therefore, we advise that the background levels of ammonia at Gregynog SSSI (2.2km to the north of Bank Farm) are already exceeded and we have evidence that lichens in the SSSI are being impacted by ammonia. This finding is presented in the 'NRW Evidence Report 298 Lichen surveys to demonstrate Ammonia impacts' (May 2019) which concludes that current ammonia levels are affecting the lichen feature of the SSSI.

Based on the current situation, we encourage developers to produce and submit plans which are in line with the Environment (Wales) Act 2016 'enhanced biodiversity and resilience of ecosystems duty' (Section 6 Duty). This duty aims to secure development that does not cause any significant loss of habitats or populations of species, locally or nationally and should provide a net benefit for biodiversity.

We therefore advise you that a precautionary approach should be adopted to mitigate the potential impact of ammonia on the sensitive features of the Gregynog SSSI. The current proposal relies on four roof mounted fans for ventilation. The applicant could go further and demonstrate the Best Available Technology is being used to reduce ammonia emissions

e.g. installation of heat exchangers or ammonia scrubbers. An amended detailed modelling report which considers measures to further reduce ammonia emissions from the development would be welcomed.

Drainage Plan

We have assessed the drainage plan ('Site Plan', drawing dated April 2020) submitted in support of the proposal.

The plan shows clean and dirty water being piped separately. A dirty water tank will be installed. The dirty water tank will be built to SSAFO standards, and surface water will drain to an attenuation pond with restricted discharge to a drainage system.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Protected Species

We have reviewed the Preliminary Ecological Appraisal (PEA) report submitted in support of the above application dated May 2020 and we concur with its conclusions and recommendations.

No European Protected Species (EPS) were found present within the area affected by the proposal. Trees and hedgerows within and near the application site are likely to be used by bats for foraging/commuting and the PEA makes recommendations with regards to minimising disturbance of bat behaviour by adopting a wildlife sensitive exterior lighting scheme.

We would refer the applicant to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat

Conservation Trust (BCT), 2018.

We note at least one pond with excellent habitat suitability for Great Crested Newts (GCN) was found present within 500m of the proposal. We have no records of GCN within this radius. We concur with the report's conclusion that due to the nature of the proposal and habitat affected by the works, the risk to this species, if present, would be minimal. The reasonable avoidance measures recommend for reptiles would also minimise impact on amphibians.

We welcome the recommendations for ecological enhancements made in the PEA and we do not consider that the development is likely to be detrimental to the maintenance of the population of any species concerned at a favourable conservation status in its natural range.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales)
DPAS

30th Nov 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 09/11/2020.

Our comments below are with reference to the following documents:

- o ADAS, BAS02407, 20/10/2020, Manure Management Plan.
- o ADAS, October 2020, Letter to NRW

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet requirement 1 and 2, and you include the following document within the condition identifying approved plans and documents on the decision notice:

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment

Requirement 2 - Pollution Prevention Plan

Manure Management Plan

We have reviewed the updated Manure Management Plan (MMP) and the comments made in the letter dated October 2020 in response to the concerns we raised in our letter of 30/09/2020.

We are satisfied the information provided demonstrates there is sufficient land available to accommodate the spreading of the organic manure produced on site. However, there are still some details in the MMP that require clarifications/ modifications to provide assurance that the application of the manures will not adversely affect the environment.

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment.

The MMP needs to be updated to reflect the following comments and observations:

- o The Land included in the MMP is not within a Nitrate Vulnerable Zone so all references

to Nitrate Pollution Prevention Regulations, whole farm limit or field limit are irrelevant to this application and should be removed.

- o The wash water is slurry as defined under the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 (as amended) and therefore the containment tank should comply with the construction and capacity specified under the regulations. Calculations have not been supplied to justify the sizing of a 5m³ tank. Details of wash down procedure and estimated water usage per cycle should be provided to ensure the tank size is adequate.

- o The Risk Maps in appendix 2 do not appear to include a 50m red exclusion zone around some of the wells as included on OS maps (for example wells at Grid Reference SO07779476 and SO07469426).

- o The report states that an agreement with Upper Garth farm has been secured to allow for exclusive spreading on at least 40 Ha of their land. However, it continues to remain unclear whether the land in question has been included in the plans illustrating the spreading areas and this should be made clear.

- o The 'total nitrogen applied from manure' Section 3.1 of the MMP states no spreading should take place where soil phosphorous indices are 4 or above. RB209 Nutrient Management Guide (as amended in 2020) states no spreading above index 3 and latest research is promoting no applications above index 2.

- o The FYM store referred to in section 4 of the MMP will need to meet the construction requirements of the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 (as amended) and its location and construction specification should be added to the plans.

Pollution Prevention Plan

The proposal should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

Requirement 2 - Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction and landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution to controlled waters. It is an offence under Regulation 38 of the Environmental Permitting Regulations 2016 to cause or knowingly

permit a water discharge activity.

Other Matters

Please refer to our previous letter for advice on protected sites, aerial emissions and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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 to the developer

Manure Management Plan

The purpose of a Manure Management Plan (MMP) is to provide details of how the organic manures produced on the holding or imported, will be stored and spread to land for agricultural benefit. It should include a calculation of nutrients contained with organic manures annually, with phosphorus as the limiting factor and not solely assessed using nitrogen contributions.

Storage - Storage provisions should be included on a location map, with details of flow of organic manure through the farmyard area if applicable, construction standards and capacity calculations.

Land-spreading - should include a spreading risk map indicating soil type, slope, sensitive features which require protection and no spread zones. Indication of crops grown, spreading equipment used and if injected or incorporated. This should include all land intending to spread organic manures on.

Agricultural benefit - In order to prove organic manures are being spread to any land for agricultural benefit, details of the current soil nutrient levels, proposed cropping nutrient requirements and nutrients available from the spreading of the organic manures are needed.

We note the calculations used in the MMP are an indication of the minimum area required to spread using the COGAP advisory 250kg/ha. We would like to re-iterate that all

applications of manufactured nitrogen fertilisers should be based on a nutrient management plan, integrating fertiliser and manure supply, and accounting for the farm specific soil management plan. No indication has been given of the crops grown other than at Bank Farm (grass). Section 3.7 of the MMP states how and why soil sampling should be undertaken but not what the soil sample results are for Bank farm and other available land at present. As the method statement is implemented it should consider the crops grown on all land proposed for spreading. The method should include soil sampling tests and crop requirements at regular intervals. This information should be used to provide the baseline on which manure spreading is required and how much manure will need to be exported of site either as a product for another user or as a waste.

We would also like to reiterate that the proposed spreading of the organic manure should take account of all nutrients applied. CoGAP states that "phosphorous in manures should be the limiting factor" not nitrogen. Particularly relevant for manures containing high phosphate content as in this case.

Natural Resources Wales (Mid Wales)
DPAS

11th Feb 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 26/01/2021.

We have reviewed the following:

- o Method Statement and Pollution Prevention Plan for Proposed Pig Rearing at Bank farm (author unknown) (undated)

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet requirement 1, and you include the following document within the condition identifying approved plans and documents on the decision notice:

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

- o Method Statement and Pollution Prevention Plan for Proposed Pig Rearing at Bank farm (author unknown) (undated)

- o Ian Pick Associates Ltd, Drawing IP/JWH/02, April 2020, Site Plan

Requirement 1 - Amendment of Manure Management Plan to demonstrate that the proposed development will not affect the water environment.

Manure Management Plan

Our comments with regards to the Manure Management Plan remain unchanged. Please refer to our previous response letter (CAS-130145-D1J7).

Protected Sites

As stated in our original response letter (CAS-124164-D2F5), the background levels of ammonia at Gregynog Site of Special Scientific Interest (SSSI) (2.2km to the north of Bank Farm) are already exceeded and we have evidence that lichens in the SSSI are being impacted by ammonia. This finding is presented in the 'NRW Evidence Report 298 Lichen surveys to demonstrate Ammonia impacts' (May 2019) which concludes that current ammonia levels are affecting the lichen feature of the SSSI.

The spreading of manures near a protected site sensitive to ammonia deposition with existing exceeded background levels, is likely to increase ammonia contribution and should be considered in line with, but not limited to, Section 6.4.17 of Planning Policy Wales.

Based on the current situation at the SSSI, we are encouraging land users including developers to produce and submit plans which support the Section 6 of the Environment (Wales) Act 2016. The Section 6 Duty confirms that your Authority must seek to maintain and enhance biodiversity and in doing so promote the resilience of ecosystems. We have concerns that the spreading of manure near the Gregynog SSSI is likely to release airborne ammonia and lead to further deterioration of the features of the protected site.

We consider further measures to reduce ammonia emissions associated with manures management should be given due consideration in line with the Code of Good Agricultural Practice Guidance for Wales, in particular the section on 'Application of manures, organic material and mineral fertilisers'.

Pollution Prevention

We have reviewed the Method Statement and Pollution Prevention Plan submitted in support of this proposal and we are satisfied with its recommendations. We advise you secure its implementation via appropriately worded planning condition.

The applicant should be made aware of proposed new Control of Agricultural Pollution Regulations which are supposed to come into force on the 1st of April 2021. We advise your Authority to consider whether the new regulations should be considered as the construction period for this pig rearing unit is likely to be affected by the new regulations.

Other Matters

Please refer to our previous letter for advice on protected sites and aerial emissions and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales)
DPAS

9th Sep 2021

Further to our comments in our letter dated 11/02/21 (ref: CAS-136101-M3S0) we have reviewed the submitted manure management letter and amended Design and Access Statement and offer the following comments.

We continue to 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 Manure Management. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement: Further information is submitted to demonstrate that the proposed manure management, storage facilities and contingency measures will avoid pollution to the water environment.

Manure Management

We note the submission of a manure management letter from Gamber Logistics dated 06/08/21 and amended Design and Access Statement.

The letter submitted in support of the proposal from Gamber Logistics commits to removing the pig manure from the site and exporting it outside of certain river catchments if necessary. The letter confirms that the manure is likely to be taken to an Anaerobic Digester (AD) Plant in Staffordshire.

Whilst the management of manure has been confirmed to be taken off site previously requested information and details have not been provided.

Dirty Water Tank

Whilst the submitted plan illustrated that dirty water is to be directed to a SSAFO certified dirty water tank no details of the capacity and build of the proposed tank have been supplied (as previously requested in our letter dated (30/09/20)). We the following details:

- o Estimate water usage per cycle for wash down along with effluent from daily clean out to ensure tank sized appropriately in order to comply with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Covered manure store

Manure storage should be presented in planning submission documents to demonstrate that the structures/ buildings will be compliant with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Information states this area will be where the manure is stored following its removal from the dunging area, it will be scraped out on a daily basis and stored for collection by contractors. We require information to show how:

- o The storage of the manure and containment of the effluent complies and meet requirements of 'The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021'.

- o No. 6 of the Pollution Prevention Plan Design notes that the manure store and floor of building will drain to tank, is capacity of the dirty water tank suitable (see comments above).

- o Confirm that the concrete apron (east of map) is a clean yard, as no dirty water runoff from this yard should enter the pond.

Contingency Plan

Wash down water is classed as slurry and needs to be managed in accordance with the extant Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Information on the contingency measures of storage of manures when export of manure is not possible is needed to ensure the temporary measures don't cause pollution to the water environment.

Contaminated wash water after disease outbreak is classified as hazardous waste and must be stored separately from other manures and slurry. Further information is required for the contingency measures to be put in place in the event of a disease outbreak or in event that contracted company are unable to collect manure from the site.

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.

Natural Resources Wales (Mid Wales)
DPAS

26th Oct 2021

We continue to 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. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding manure management should be attached to any planning permission granted:

Condition 1 - All manure and slurries produced on site will be exported offsite by a licensed contractor and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of

these documents and condition we would object to this planning application.

- o C. Emms and Dr L. Barnett, contract number 275, May 2020, Preliminary Ecological Appraisal.

- o Method Statement and Pollution Prevention Plan for Proposed Pig Rearing at Bank farm (author unknown) (undated)

- o Ian Pick Associates Ltd, Drawing IP/JWH/02C, August 2021, Site Plan

Manure Management Plan & Pollution prevention

Further to the comments we made in our response letter of 12/02/2021, we have reviewed the email from Ian Pick to your Authority (dated September 2021) and the letter from Gamber dated 6th August 2021.

The information contained in these two documents indicates that all manure produced onsite will be removed by the appointed contractor (Gamber) who specifies the manure is likely to be taken to an anaerobic digester.

On this basis we have no further comments to make with regards to manure management and agree with your ecologist's recommendation that the removal of manure method is secured via condition.

We are also satisfied that the manure store integrated within the eastern end of the proposed structure will have sufficient capacity and will be built in line with BS5502 Part 50: 1993, and therefore meets the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

The September email also provides calculations of the litres of water required at washout stage and confirms that the dirty water tank installed at this site (40,000 litre capacity) more than exceed the 18,000 litres required for each washout operation. We therefore advise that there will be sufficient capacity on site to contain dirty water.

The contingency plan confirms that should there be a disease outbreak the water contained in the tank will be removed from the site as hazardous waste under formal contract.

However, no information has been submitted that includes the proposed routine disposal of dirty water produced on site. Therefore, to inform your decision-making process we recommend that your Authority is satisfied that nutrient and slurry management measures to avoid contamination of ground and surface water if the dirty water be intended to be

spread to land, are secured in an appropriate planning control.

Protected Sites

We note your ecologist's comment with regards to demonstrating the use of Best Available Techniques, such as ammonia scrubber systems, to mitigate impacts on Gregynog Site of Special Scientific Interest (SSSI): 'Further information regarding mitigation of impact to Gregynog SSSI arising from ammonia emissions does not appear to have been submitted to date and would be welcome prior to determination of the application.'

We note that the ammonia assessment report for the development was completed in April 2020, and therefore pre-dates our latest guidance on how assessment should be undertaken. We also note the latest background ammonia concentration exceeds the Critical Level for the SSSI. We therefore advise your Authority to consider the adequacy of extant report to inform your decision-making process.

Other Matters

Please refer to our previous letter for advice on protected sites and aerial emissions and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Natural Resources Wales (Mid Wales) 18th Mar 2022
DPAS

We object to the proposed development as submitted, for the reasons explained below.

Protected Sites and Aerial Emissions

Agricultural units have the potential to impact protected sites through aerial emissions from ammonia deposition. The air quality impacts a unit may have on the SACs and SSSIs should be assessed using the screening distance advised on our Ammonia assessments: initial screening and evidence gathering (GN 020) webpage.

We have reviewed the ammonia modelling report (A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pig Rearing House at Bank Farm, near Aberhafesp in Powys), updated 31/01/2022) submitted in support of the proposal. We understand that this is an updated version of the report originally dated 21/04/2020.

We note that Section 3.4 of the updated report summarises our latest guidance, as issued to our website in May 2021, and retains a summary of our guidance prior to May 2021, which helps to provide longer term context.

The application has now been in process for more than two years. Whilst we did provide substantive comments on the aerial emissions modelling on 30th September 2020, new information has subsequently become available. The background ammonia concentration has changed since the application was submitted and we advise this now needs to be considered in your Authority's planning decision.

Table 1 of the Ammonia Report includes the correct Critical Levels for the protected sites within our guidance search area. The protected sites include Gregynog SSSI, Gweunydd Penstrowed SSSI and Mochdre Dingles SSSI.

At the outset of planning submission, the ammonia assessment identified that it was the Gregynog SSSI that remained of concern following initial modelling. Table 6 of the Ammonia Report provides a prediction that the development is likely to contribute up to 0.007 $\mu\text{g}/\text{m}^3/\text{yr}$, which is equivalent to 0.7% of the Critical Level. The report concludes that the detailed deposition modelling indicates that the development's process contribution to annual mean ammonia concentration at Gregynog SSSI alone would be below 1% of the Critical Level of 1.0 $\mu\text{g}-\text{NH}_3/\text{m}^3$.

We are aware that the background ammonia concentrations information, publicly available, on the Air Pollution Information System (APIS), confirms that the Critical Level for the Gregynog SSSI has been exceeded. The Critical Level is 1 μg and the current background ammonia concentration is 1.57 $\mu\text{g}-\text{NH}_3/\text{m}^3$. As confirmed in the latest Ammonia Report the Critical Level is a means by which a significant effect can be identified as potentially occurring.

Our Evidence Report No. 298 Lichen surveys to investigate ammonia impacts confirms that the Gregynog SSSI is the richest known epiphytic lichen site in Montgomeryshire, the most important parkland for lichens in Powys, and the second richest parkland lichen site in Wales. Section 4.4 of the Report confirms that the features of the SSSI are already known to be affected by ammonia deposition and this is likely to worsen, i.e., the future baseline will see further reduction in the extent, condition, and structure of the habitat for which the SSSI is protected for.

We note that Planning Policy Wales provides multiple references to considering polluting development and would advise your Authority of its contents, particularly Sections 5.6.9, 6.4.17 and 6.7.16, which confirm in relation to intensive livestock units' cumulative impacts resulting from similar developments in the same area should be taken into account and there is a presumption against development where a polluting development is likely to harm the feature(s) of a SSSI.

In a scenario where the background ammonia concentration is already in exceedance of a protected sites' Critical Level, our advice contained in the 'How to interpret the results from your screening or modelling exercise for Ammonia Emissions (GN020)' states:

'If the process contribution plus the background level reaches or exceeds the critical level then abatement must be used to reduce the process contribution to below 1% of the critical level, in order for the application to proceed. Assuming there are no other sources of ammonia to consider.'

No cumulative assessment has been carried out to support the application, however, we are aware of other developments that are not included in the background ammonia concentrations as published on the Air Pollution Information System (APIS), which are within our advised study area for the Gregynog SSSI. This includes 19/1475/FUL (Tyn Yr Wtra) which was consented on 25/09/2020 and P/2018/0580 (Red House, Tregynon) which was consented on 25/09/2020. Considering these two other sources the cumulative emissions will be 1.6% of the Critical Level and the Predicted Environmental Concentration at the SSSI will be more than 50% of the Critical Level. Significant adverse effects on the SSSI feature will be accelerated from the existing baseline defined in Evidence Report No.298.

Therefore, based on the submission documents available, we are unable to advise your Authority that the development, as proposed, will not have significant adverse effects on Gregynog SSSI and we object to this development.

Manure Management & Pollution prevention

We have reviewed the ADAS letter (undated) titled 'Spreading plan for disposal of wash water (lightly fouled water)' that has been submitted in support of this application to address the comments we made with regards to the management of wash water in our response letter of 26/10/2021.

The letter states that Lightly Fouled Water (LFW) derived from washing out the floor of the building between cycles, will be collected in an 18,000-litre tank and spread directly to land throughout the year in accordance with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (The CoAPR 2021).

We have reviewed the proposed site plan (drawing IP/JWH/02B) and note that the interceptor gully and pipes connecting the dirty water tank to the building is located within the covered manure store section. It is therefore unclear how the LFW will be stored separately from any effluent derived from the solid manure (i.e. slurry).

We advise your Authority that as proposed both wash water and effluent from the pig unit appears to discharge to the same tank, the content will not be treated differently to slurry and would need to comply with the storage regulations. Under The CoAPR 2021, from the 1st August 2024, if evidence is provided to show that the wash water contains less than 30% of the total nitrogen content, wash water would not be covered by the closed period for spreading.

If you are minded considering approval despite our objection, we advise that clarification is sought on how the wash water would be stored separately to the effluent produced from the manure/ slurry stored in the covered manure store. If the two are not separated you should satisfy yourself that the site has a 6 month closed period, storage capability

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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

PCC-Ecologist

29th Sep 2021

I have reviewed the revised highway plans that confirm an alternative site access will be created directly off the C2063 removing the need for improvements at the junction of C2063 with U2602. Some widening will still be required part-way along the C2063 and the new access route will require removal of adjacent hedgerows to achieve the required visibility splays and access through another field boundary. In accordance with LDP Policy DM2, where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. However, it is acknowledged that

translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Hedgerow Compensation Scheme is secured through an appropriately worded planning condition.

Potential impact to reptiles and nesting birds arising from road widening and hedgerow removal will still require consideration. As passing bays are also required as part of the scheme, confirmation of these locations and assessment of any potential impact to roadside hedgerows, trees and verge, should be undertaken at the same time.

It is, therefore, recommended that submission of a Reasonable Avoidance Measures Method Statement for reptiles and nesting birds is secured through an appropriately worded planning condition.

It is proposed that all pig manure generated by the proposed development will be exported off-site thereby removing potential pollution risk occurring locally. A letter from Gamber Logistics Ltd, dated 6th August 2021, demonstrates that there is capacity to accept the manure and that future use on recipient sites will accord with best practice and can be undertaken in a manner that prevents environmental harm. Details have also been provided to confirm that temporary storage of manure and of dirty wash-out waters will be stored in compliance with SSAFO Regulations to reduce risk of environmental pollution.

It is, therefore, recommended that export of all manure from the proposal by an appropriately licensed contractor is secured through a suitably worded planning condition.

It is considered appropriate that developments demonstrate use of Best Available Techniques, such as ammonia scrubbers, where damaging impacts on protected and

priority sites have been identified. Further information regarding mitigation of impact to Gregynog SSSI arising from ammonia emissions does not appear to have been submitted to date and would be welcome prior to determination of the application.

Environmental Protection

2nd Aug 2022

I just want to finalise my comments on this application, given that all the information is now in and I understand that you wish to take this one forward shortly. I will comment on each of the relevant topics.

Manure management

Whilst Environmental Protection initially raised concerns about the maps produce for manure spreading, I note that in subsequent update of the information that no spreading of manure is going to take place on the farm and that waste will be transferred to Gamber instead. This being the case I will not comment further on this particular matter.

Noise

In terms of noise I note that applicant has had a report produced by Matrix acoustics. The report carries out a BS41412 assessment, which includes prediction of noise levels at the nearest noise sensitive receptors. I agree that the correct methodology has been used for assessing noise and I am satisfied with its conclusion. The highest aggregate noise level predicted at nearby receptors is 28dB(A) which is below the WHO level for sleep disturbance. Noise would not therefore be a reason for objection.

Odour

The odour modelling report has been AS Modelling and Dat Ltd. The ADMS based model that has been used has used Environment Agency benchmarking levels to predict the impact of odour impact on nearby receptors. The Model predicts odour unit levels well below the benchmark level of 3.0 ouE/m³ set by the Environment Agency. Therefore odour from the premises would not be a reason for objection.

MRSA

I had contact from a member of the public concerned about the potential for MRSA to be spread by the operation and provided me with a link to a Danish study

Livestock-associated MRSA survival on house flies (*Musca domestica*) and stable flies (*Stomoxys calcitrans*) after removal from a Danish pig farm | Scientific Reports (nature.com)

A copy of the study was sent to Public Health Wales for advice and they confirmed that they do not comment on individual studies and provided a link to the following fact sheet LA-MRSA (publishing.service.gov.uk)

From reading the fact sheet it is apparent that those most at risk from MRSA at a pig unit would be those working directly with the animals and as advised good bio-security is required to ensure they stay safe. This is however a matter to be dealt with by Health and Safety Legislation and would therefore not be a matter for consideration under a planning response.

Whilst I do not believe that this would be a grounds for objection I would recommend that any consent require the production of a dust management and pest control plan to be submitted to agreed with the LPA prior to commencement of the activity onsite.

PCC-(N) Highways

22nd Feb 2021

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority objects to the above-named application for the following reasons;

The Highway Authority (HA) has reviewed the revised drawings submitted in support of

the application, and we maintain our previous objection for the following reasons.

We note that the applicant has failed to submit the majority of the missing detail which the HA raised issue in our previous objection. We note that the applicant has failed to include any detail of the proposed access onto the U2602, with the exception of the submission of Drawing Number 23005-02 dated July 2021.

Drawing Number 23005-02 fails to include pertinent detail such as the proposed access visibility splays, radii, width, surfacing, gradient and setback position of any gates. The drawing includes a swept path for an articulated HGV, however, the drawing is based on OS data which is widely known as being up to 1m inaccurate and therefore, the shown swept path is considered inaccurate. Notwithstanding the inaccuracies of the submitted drawing, it does demonstrate that the proposed development boundary is of insufficient area to allow the free flow of two-way vehicle movements in the area of the access, especially larger vehicles. Furthermore, the swept path shows that there is insufficient area to the front of the building for the turning of an articulated HGV without striking the feed hopper.

A revised drawing showing the full access details should be submitted for consideration, a swept path drawing based on a topographical survey should be submitted for consideration.

We previously raised issue with the alignment, width and visibility at the junction of the C2063/U2602. However, we note that the applicant has not submitted any mitigation to the current constraints other than proposed enlargement of the junction radii. The HA do not consider the proposed improvements to the junction shall adequately mitigate the issues previously raised in relation to the junction.

We note that swept path drawings have been submitted in relation to the junctions of the C2063/U2602 & B4568/C2063 and a single pinch point on the C2063. These drawings as above, are based on OS data and therefore considered inaccurate. Notwithstanding the inaccuracy of the swept path drawings, they clearly show areas of overrunning onto the highway verge. Such overrunning would result in damage to the carriageway, creation of compacted and rutted surfaces and dragging mud and debris onto the carriageway, to the detriment of highway safety.

Despite the HA raising issue with the lack of formal passing bays and the over-reliance on informal passing bays, we note that the applicant has not offered any mitigation other than unproven localised widening.

The lack of passing places and restricted width of the highway shall lead to degradation of the highway infrastructure surrounding the site. Informal passing places are created where features allow, for example where field entrances provide a gap between hedgerows onto which vehicles can pull to the side of the carriageway, or where the width of the carriageway is wider than average. Commonly, those passing places are unmade and are formed of compacted earth created by the passage of vehicles.

Should two vehicles meet on any of the lanes it will be necessary for one of them to reverse to an available passing place. The complexity of that manoeuvre will depend on the nature of the vehicle involved. For two cars, it would be relatively straightforward and often it would be possible to pass by mounting the grass verge. If a HGV and a car were to meet, or two HGVs travelling in opposite directions, the manoeuvre would be more complex due to the absence of formal passing places and limited opportunities to pass.

We are also mindful of the distance between the site and the B4568; around 3km on the preferred route. Thus, vehicles are required to travel a considerable distance on what are single width lanes, unsuited to heavy traffic. The longer the distance travelled on narrow lanes, the greater the length of time a HGV will occupy space on those lanes. Consequently, the length of the route increases the likelihood of a HGV meeting a vehicle passing in the opposite direction, if compared to a shorter journey length.

That raises the very real possibility of vehicles meeting at blind bends with limited advance warning with the potential for collisions or the need for vehicles to leave the carriageway and mount the verge, with potential for damage to vehicles and the highway network itself. Alternatively, any vehicle reversing in order to find a suitable passing place will often be required to do so without a clear view of whether an oncoming vehicle is approaching to the rear. That would particularly be the case for HGV and articulated HGV drivers if reversing around a bend with restricted rearward visibility.

Despite previously raising that insufficient detail in relation to vehicle movements had been submitted for consideration we note that the following movements are still absent from the application.

- o Straw deliveries
- o Week 5 feed delivery
- o Tractor & Trailer manure removal

- o Export FYM removal & destination
- o Fallen stock
- o Veterinary care
- o Labour force in relation to pigs in/out and facility cleaning

As submitted the application is contrary LDP Policies DM13 (10) & T1, TAN18 and Manual for Streets 1 & 2.

Policy T1 - Travel, Traffic and Transport Infrastructure

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Policy DM13 - Design and Resources

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

10. 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.

Development proposals should 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.

Community Council

27th Sep 2020

Aberhafesp Community Council had two proposals, one proposal was to support the application, the other was to neither support or oppose, but for it to go before a full planning committee. 3 votes to 2 for this planning application to go before a full planning committee was decided. It was felt that the many technical issues would be better answered by the relevant bodies.

Many residents attended the Community council meeting with their comments and issues and it was felt that this was the best way to go forward.

Many of the residents have already put their issues on the planning portal.

Hafren Dyfrdwy

14th Sep 2020

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

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

To help us provide an efficient response please could you send all responses to APPlanning@hdcymru.co.uk rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

PCC-(N) Highways

20th Oct 2020

The Highway Authority objects to the above-named application for the following reasons;

A full application such as this should include full access details, such as the access visibility splays, access width, setback position of any gates, surfacing detail, gradient, radii and means of draining the access. However, no such detail has been submitted for consideration.

The proposed development gains access off the U2602 which is constrained by its width and availability of adequate passing bays, as is the proposed route along the C2063. The Highway Authority (HA) notes that the applicant has offered no mitigation to this. It is our view that the scheme is over-reliant upon the existing 'Informal Passing Bays' of which, by virtue of their scale, siting and form, fail to mitigate the aforementioned constraints and provide satisfactory refuge for the safe passing of vehicles. Vehicles need to reverse reasonable distances when met by on-coming traffic, including at times when rear visibility is obscured by reason of the vertical and/or horizontal alignment of the highway. We note that the applicant has offered no improvement over the current situation.

The junction of the C2063/U2602 is constrained in terms of narrow width, gradient and visibility to the south east. Furthermore, the junction of the B4568/C2063 is constrained by narrow width and visibility to the south west. The visibility to the south west is around a third of the requisite standard as defined by Manual for Streets.

Due the gradient/vertical alignment of the U2602, it is unlikely that other highway users approaching the junction in an easterly direction would be able to see an HGV turning left into the U2602 from the C2063. Therefore, the suggestion by the applicant in their Design and Access Statement (DaS) is unlikely to be the case due to the vertical alignment of the U2602 and hedgerow on the adjacent land. Whilst we accept that the applicant cannot make any improvement as they do not control the land, they do control the land on the opposite side of the U2602 and therefore, improvement could be made to the junction.

The applicant proposes to route all HGV traffic through the junction of the B4568/C2063 from Aberhafesp, along the C2063 and turning left into the U2602.

We note that the proposed movements submitted in support of the application fails to include many of the movements associated with a development of this nature. The following movement detail is missing from the submission;

- o Straw deliveries
- o Week 5 feed delivery
- o Tractor & Trailer manure removal
- o Export FYM removal & destination
- o Fallen stock
- o Veterinary care
- o Labour force in relation to pigs in/out and facility cleaning

Whilst the U2602 is a no through road, it also gives access to the Fachwen Anglers car park. There is no available passing bay between the car park and the junction of the C2063/U2602, therefore any conflicts either in the area of the junction or between the car park and junction would require vehicles to reverse downhill.

Drawing Number Site Plan A1 shows the proposed access onto the U2602, and parking/turning area. However, no swept path drawing has been submitted which demonstrates that HGV's can enter and exit the site in a forward gear.

No detail of the forward visibility (SSD) has been submitted for consideration in relation to the south eastern visibility splay. Furthermore, no swept path drawing has been submitted in relation the road alignment immediately south east of the proposed access.

The DaS states "The proposed building has been sited to south east of the farmstead at Bank Farm. The location of the development has been selected due to access requirements, as the farm road up to Bank Farm is steep and it is not possible to access the farmstead with an articulated HGV." However, we note that no swept path drawing have been submitted for articulated HGV's accessing the site from the C2063, specifically those maneuvering the junction of the C2063/U2602, and from the car park to the site access.

We note Section 2.5 of the Pre-Application Consultation Report (PAC) which states that the issues raised by the HA have been addressed in the DaS. However, we raised issue with the lack of passing bays, the HGV shown in the footage as overrunning and constrained nature of the highway, the applicant has not offered any improvements. It should be noted that at the time of the PPAE & PAC, the proposed route was Bryn Lane and therefore, no assessment of the U2602 was undertaken by the HA at that time.

The DaS states "All agricultural developments create a requirement for HGV access and

farms are invariably located in the countryside on single track roads. Moderate levels of HGV usage of these types of road is inevitable to enable agricultural businesses to function in the countryside. An average of 1 lorry every 9 days will not impact on highway safety on the access route." However, as above, the farm is not currently accessible by HGV's as stated elsewhere in the DaS, therefore, whilst the HA accepts that the majority of farms have an existing level of HGV movements, that is not the case for Bank Farm.

Summary

The proposed route is constrained in terms of width, vertical & horizontal alignment, infrequent passing bays and two junctions which are constrained by width and visibility.

The applicant states that the farm is currently inaccessible by HGV's, yet no assessment of the suitability of the proposed route to include actual road widths, swept path drawings or access details have been submitted for consideration.

The number of proposed movements submitted in support of the application, fails to detail many of the movements associated with the development.

The HA & public raised issue at the time of the PAC with the constrained nature of the highway network, furthermore, the HA raised concern in their response to the Pre-Application Advice (PPAE).

Despite the constrained nature of the highway network which the proposed development would utilise to gain access, no highway improvements have been offered by the applicant.

The applicant has failed to demonstrate that a safe means of access can be achieved.

Conclusion

As submitted the application is contrary LDP Policies DM13 (10) & T1, TAN18 and Manual for Streets 1 & 2.

Should the applicant wish to submit revised drawings/detail which address the above points, the HA would review any such submission. However, if revised detail is not submitted to address our concerns, we would recommend that the LPA refuse the application for failing to comply with policy requirements, as set out in the LDP and pertinent technical guidance.

Powys Local Development Plan (LDP) Compliance

Policy T1 - Travel, Traffic and Transport Infrastructure

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Policy DM13 - Design and Resources

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

10. 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.

Development proposals should 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.

Environmental Protection

28th Sep 2020

Thank you for the consultation in respect of this application. From an Environmental Protection point of view there are 3 main area I would like to comment upon being noise,

odour and the manure management plan.

In terms of noise I note that applicant has had a report produced by Matrix acoustics. The report carries out a BS41412 assessment, which includes prediction of noise levels at the nearest noise sensitive receptors. The highest aggregate noise level predicted at nearby receptors is 28dB(A) which is below the WHO level for sleep disturbance. Noise would not therefore be a reason for objection.

The odour modelling report has been AS Modelling and Dat Ltd. The ADMS based model that has been used has used Environment Agency benchmarking levels to predict the impact of odour impact on nearby receptors. The Model predicts odour unit levels well below the benchmark level of 3.0 ouE/m3. Therefore odour from the premises would not be a reason for objection.

Unfortunately, the maps which have been provided as part of the manure management plan, are difficult to read and some lack a point of reference which would allow assessment of the impacts of the spreading area. Please could the applicant provide more detail on these maps to allow an assessment of impact to be undertaken.

PCC-(N) Land Drainage

23rd Oct 2020

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/1122/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

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.

PCC-(N) Highways

28th Apr 2021

The Highway Authority objects to the above-named application for the following reasons;

The Highway Authority (HA) has reviewed the additional drawings and detail submitted in support of the application, and we maintain our previous objection. In relation to the additional data submitted we wish to make the following comments.

Drawing Numbers 23005-02 Rev a & IP/JWH/02B fail to demonstrate that there is sufficient space within the development site for the parking of two HGV's/tractors & trailers and two cars, and the turning of an HGV.

It can be appropriate in certain circumstances to attach a negative condition which requires the submission of full engineering drawings which would include a topographical survey. However, the applicant would need to demonstrate at the time of the application that such an improvement is feasible and would overcome any raised issues. In the case of the current application, the detail submitted thus far do not evidence that the proposed improvement is sufficient. In order to demonstrate that the proposed junction improvement overcomes the issues of gradient, width, radii and visibility, we would expect a topographical survey with long & cross sections to be submitted. However, the only detail submitted for consideration is based on inaccurate OS data which fails to demonstrate how the proposed improvement would overcome the issues raised.

We note that the applicant acknowledges the deficiencies of using OS data.

The applicant suggests that if the farm were to operate a dairy unit that the HGV movements would be far greater than for the Intensive Pig Unit. However, we note the Layout section of the DAS states "The location of the development has been selected due to access requirements, as the farm road up to Bank Farm is steep and it is not possible to access the farmstead with an articulated HGV."

It is well-established in law that an alleged fallback position such as that proposed should be considered within the context of the likelihood of such a use resuming should planning consent be refused. No evidence has been submitted that a significant dairy operation

would be imminent should planning permission for the proposed development be refused.

The HA consider that there is sufficient capacity on the Highway Network to accommodate the proposed vehicle movements, however, as above and as previously stated, we are concerned that the existing vertical & horizontal alignment of the proposed route is constrained. Furthermore, the junction of the C2063/U2602/U2604 is constrained by poor vertical alignment, width, radii and visibility.

We note that the Vehicle Routing section of the DAS states "The emerging visibility at the Crossroads when exiting the Bank Farm Road is restricted to the south by the roadside hedge, if measuring from 1.05m above the ground, so the normal splay requirement at a 2.4m setback from 1.05m is not achievable and cannot be achieved due to the hedgerow being outside of the applicants control.

It needs to be borne in mind that the traffic which will be generated by this development is generally limited to HGV vehicles and tractors only, and therefore, if the visibility is measured from the drivers position of a HGV visibility is not restricted. The measurement of visibility splays from a HGV drivers position for developments creating only HGV traffic is something which the Local Highway Authority in Powys has previous accepted in assessing similar planning applications."

Whilst the HA acknowledge that the applicant does not control the land to the southwest of the junction, we note that the applicant controls the land to the northwest, and that improvement to the visibility could be made using that land.

The HA have assessed the application in accordance with Manual for Streets (MfS). In relation to the junction of the C2063/U2602/U2604, Figure 7.17 MfS shows the visibility envelope of an HGV, being 2m to 600mm. No evidence has been submitted that visibility in accordance with MfS to the south of the junction is achievable with the current situation.

Should the applicant demonstrate that sufficient visibility is available to the south of the junction, Notice would need to be served on the adjacent landowner to maintain the hedge to a maximum height in perpetuity. We note that Notice has not been served and therefore, any condition relating to the visibility at the junction would be contrary to WGC 016/2014.

Should the applicant wish to submit revised drawing which address the above points and those raise in earlier responses by the HA, we shall certainly review any such submission. However, should no such evidence be submitted, we advise that the application is contrary to LDP Policies DM13 (10) & T1, TAN 18, Manual for Streets 1 & 2 and WGC 016/2014.

The County Council as Highway Authority for the County Class III Highway, C2063

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority (HA) has reviewed the most recently submitted revised drawings in relation to the application and wish to make the following comments.

We note Drawing Number 23005-02 proposes that access to the proposed development shall now be gained off the C2063. All movements associated with the development shall now pass through the junction of the C2063/U2602/U2604, on the northern and southern arms only. Therefore, the HA are no longer seeking improvement to the western arm of the junction.

The HA reiterate our earlier concerns regarding the width of the junction of the B4568/C2063, availability of suitability sized passing bays and the alignment/width of the 'S' bends on the C2063. However, we are mindful that these points can be dealt with by means of negative condition.

The applicant should be aware that the exiting internal field gate around the location of the proposed access off the C2063, shall need to be relocated to comply with Condition 15 below.

Therefore, on the basis that the following conditions are attached to any consent given, the HA advise that we withdraw our earlier objections.

1. Notwithstanding the submitted details on drawing numbers 23005-01, 23005-02, 23005-02-2, IP/JWH/01C, and IP/JWH/02C the Highway Authority wish the following conditions to be applied to any consent given.

2. Prior to any works commencing on the development site, detailed engineering drawings to include long/cross sections for widening of the junction of the B4568/C2063, relocation of the telegraph pole at the site access and highway realignment as shown on Drawing Number 23005-02-2, and associated works, shall be submitted to and approved

in writing by the Local Planning Authority.

3. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

4. No development 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.

5. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

6. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

7. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 20 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in

writing by the Local Planning Authority prior to the access being constructed.

8. Prior to any works being commenced on the development site the applicant shall construct three passing bays along the C2063 county highway in locations to be agreed in writing by the Local Planning Authority.

9. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

10. Prior to the first operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars/vans and two heavy goods vehicles/tractors & trailers together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

11. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

12. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

13. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

14. The width of the access carriageway, constructed as Condition 5 above, shall be

not less than 6 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

15. Any vehicular entrance gates installed within the application site shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

16. No surface water drainage from the site shall be allowed to discharge onto the county highway.

17. All access to the development hereby permitted shall be gained via the access shown on Drawing Number 23005-02. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

Advisory Notes

The off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020.

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew

the apparatus, change its position or remove it.

2. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

PCC-(N) Highways

20th Sep 2021

The County Council as Highway Authority for the County Unclassified Highway, U2602

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority (HA) has reviewed the most recently submitted revised drawings in relation to the application and wish to make the following comments.

We note Drawing Number 23005-02 proposes that access to the proposed development shall now be gained off the C2063. All movements associated with the development shall now pass through the junction of the C2063/U2602/U2604, on the northern and southern arms only. Therefore, the HA are no longer seeking improvement to the western arm of the junction.

The HA reiterate our earlier concerns regarding the width of the junction of the B4568/C2063, availability of suitability sized passing bays and the alignment/width of the 'S' bends on the C2063. However, we are mindful that these points can be dealt with by means of negative condition.

The applicant should be aware that the existing internal field gate around the location of the proposed access off the C2063, shall need to be relocated to comply with Condition 15 below.

Therefore, on the basis that the following conditions are attached to any consent given, the HA advise that we withdraw our earlier objections.

1. Notwithstanding the submitted details on drawing numbers 23005-01, 23005-02, 23005-02-2, IP/JWH/01C, and IP/JWH/02C the Highway Authority wish the following conditions to be applied to any consent given.

2. Prior to any works commencing on the development site, detailed engineering drawings to include long/cross sections for widening of the junction of the B4568/C2063, relocation of the telegraph pole at the site access and highway realignment as shown on Drawing Number 23005-02-2, and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

3. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

4. No development 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.

5. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

6. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

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

8. Prior to any works being commenced on the development site the applicant shall construct three passing bays along the C2063 county highway in locations to be agreed in writing by the Local Planning Authority.

9. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

10. Prior to the first operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars/vans and two heavy goods vehicles/tractors & trailers 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.

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<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Representations

There have been 172 public representations received in connection with the proposed development, 120 of which objected to the development and 51 in support.

The concerns raised range from effect on local ecology, inadequate access, increased transport movements, increase in pollution, noise nuisance, odour and manure spreading/wash water plan, impacts to human health and contrary to planning policy.

Principal Planning Constraints

Right of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales		National Policy

(Edition 11, February 2021)

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
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

E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area for Aberhafesp and for the purposes of the Local Development Plan is located on land within the open countryside.

The application site is located on agricultural land belonging to the agricultural holding known as Bank Farm. The site is located off a private access road just off the U2602.

Consent is sought for a pig rearing unit. The building proposed measures approximately 80 metres in length by 15.5 metres in width reaching a height of 7.6 metres and will

include a covered manure store.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

Whilst the development does not exceed the threshold set out in Schedule 1, it does exceed the threshold under Schedule 2. Given consideration of the site location, characteristics of the development and potential impact it was considered that the proposed development is not likely to have any significant environmental effects.

Principle of Development

Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Technical Advice Note 6 (Planning for Sustainable Rural Communities) sets out the general requirements applied to all agricultural developments such as this proposal. TAN 6 states that when considering applications for livestock and slurry units, Local Planning Authorities should exercise particular care to avoid potential future conflict between neighbouring land uses. The principal planning considerations relating to this type of development is whether it would cause any unacceptable adverse effects upon Powys' landscape, or upon the natural environment.

LDP Policy DM4 sets out the main considerations in terms of the impact of proposals upon the landscape, which will be assessed below. 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.

Planning Policy Wales and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

Landscape and Visual Impact

Policy SP7 and DM4 of the Powys Local Development Plan indicate that development proposals will only be permitted where they would not have an unacceptable adverse

impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policies SP7 and DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

LANDMAP evaluates the application site as the following:

Geological Landscape- Moderate
Landscape Habitat- Moderate
Visual & Sensory- High
Historic Landscape- Moderate

The Visual & Sensory evaluation identifies the area as "An extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited / insignificant to far distant ridgelines of upland areas. Sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common i.e. hedge laying and few intensive farming practices employed"

The proposed application site for the pig unit is to be located approximately 250 metres from the existing farm holding at Bank Farm along the private access track to the application site. Whilst detached from the existing farmhouse and associated agricultural buildings it is noted that in April 2021 consent was granted for a rural enterprise dwelling which is to be located north-west of the application site and between the proposed pig unit and the existing farmyard and associated buildings.

Whilst the introduction of the additional proposed building will be a noticeable addition within the landscape it is considered that this impact would only be immediately surrounding the site. With the limited height of the development and the levels of existing and proposed mature vegetation it is considered that this would assist in integrating the proposal within to the local landscape.

It is considered following receipt of the information submitted in support of the application that the proposal would not individually or cumulatively have an unacceptable adverse impact on the landscape character or visual amenity on the surrounding landscape, subject to a condition ensuring further landscaping in completed surrounding the application site of native species.

Impact on Amenity, Living Conditions and health of Local Residents

Poultry units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. Policy DM13 Criterion 11 seeks to ensure that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The application is supported by a number of documents to assess the development and the Environmental Health officer has been consulted as part of the application process.

- Manure management

Whilst Environmental Protection initially raised concerns about the maps produce for manure spreading additional information was since sent confirming that no spreading of manure is going to take place on the farm and that waste will be transferred to Gamber instead.

- Noise

The applicant has had a report produced by Matrix acoustics. The report carries out a BS41412 assessment, which includes prediction of noise levels at the nearest noise sensitive receptors. Environmental Health Officers have confirmed that they agree that the correct methodology has been used for assessing noise and are satisfied with its conclusion.

The highest aggregate noise level predicted at nearby receptors is 28dB(A) which is below the WHO level for sleep disturbance. Noise would not therefore be a reason for objection.

- Odour

The odour modelling report has been completed by AS Modelling and Data Ltd. The Model predicts odour unit levels well below the benchmark level of 3.0 ouE/m³ set by the Environment Agency. Therefore, odour from the premises would not be a reason for objection.

- MRSA

Environmental Health Officers were also directly contacted from a member of the public concerned about the potential for MRSA to be spread by the operation.

A copy of which was also sent to Public Health Wales for advise.

From reading the fact sheet it is apparent that those most at risk from MRSA at a pig unit would be those working directly with the animals and as advised good bio-security is required to ensure they stay safe. This is however a matter to be dealt with by Health

and Safety Legislation and would therefore not be a matter for consideration under a planning response.

Environmental Health Officer have therefore concluded that subject to a condition securing a dust management and pest control plan to be submitted they would have no objection to the proposed development.

Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations. This is further emphasised within Technical Advice Note 5.

- Manure Management

Whilst concerns were initially raised by NRW regarding the spreading of manure and the water environment, additional information has since been submitted to confirm that all manure will be exported off site to an anaerobic digester.

Given this amendment, the reason for previous objection has therefore been satisfied.

- Protected Sites and Aerial Emissions

Consideration through modelling reports have been given to the following designated protected sites:

- Gregynog SSSI
- Gweunydd Penstrowedd SSSI
- Mochre Dingle SSSI

Whilst NRW previously advised that the proposed unit would not exceed the 1% process contribution to nearby SSSI, it is noted that the background ammonia concentration levels were then subsequently changed and therefore this new data must be taken into consideration.

At the outset it was predicted that the development is likely to produce 0.7% ammonia contribution to the Gregynog SSSI which alone would be below the 1% critical level.

However, data now publicly available confirms that the critical level for the Gregynog SSSI has and is being currently exceeded. Gregynog SSSI is the richest known epiphytic lichen site in Montgomeryshire and the most important parkland for lichens in Powys. It is therefore reported that the features of the SSSI are already known to be affected by ammonia deposition and any further contribution would only worsen the extent, condition and structure of the habitat for which the SSSI is protected for.

Whilst therefore, initially no objection was raised, based on the new data available to date it is considered that the proposed development and further contribution of ammonia would have a significant adverse effect on the Gregynog SSSI and whilst no cumulative assessment has been completed by the agent, on reviewing nearby recent planning determinations it is considered that this would only further harm the effect, contrary to national and local planning policy.

Highway Safety

Policy DM13, criterion 13 and Policy T1 of the LDP seek to ensure that proposed developments have 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.

Technical Advice Note 18 (Transport) paragraph 3.14 (Farm diversification) states that: *Local authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport (PPW paragraph 7.3.3). This type of small- scale economic development is attached to existing farm businesses that are often situated in relative rural isolation. It is important that a realistic assessment of the transport impacts is made, with a view to reconciling traffic issues with the benefits of encouraging diversification. In the majority of cases, it is expected that any transport problems should be capable of being resolved by appropriate minor junction or other highway modifications. Exceptionally, there may be cases where the anticipated increase in traffic cannot be reasonably accommodated. Such developments are more appropriately located on allocated industrial/ commercial sites, if available in the locality, or in or adjoining local service centres where the highway network is more robust.*

The proposed development will utilise the existing access on site. The Powys Highway Authority have been consulted and subject to numerous amendments including a road widening scheme the highway authority has confirmed that they are now in a position to support the proposal subject to the recommended conditions.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy for highway matters.

RECOMMENDATION

In light of the above it is considered that the proposed development individually but also cumulatively would have a significant adverse effect on the Gregynog SSSI through ammonia contributions, and the recommendation is therefore one of refusal.

Reason

1. The proposed development has failed to demonstrate that there will not be a detrimental impact on the Gregynog SSSI through ammonia deposition and is therefore contrary to policies SP7 and DM2 of the Powys Local Development Plan, TAN 5 Nature Conservation and Planning and Planning Policy Wales (2021).

Case Officer: Gemma Bufton, Principal Planning Officer
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