

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1069/FUL

Grid Ref: E: 316722
N: 292038

Community Council: Kerry Community

Valid Date: 09.07.2019

Applicant: Mr Jones

Location: Land At Upper Maenllwyd, Kerry, Newtown, SY16 4NB,

Proposal: Erection of 2 no. poultry units including silos, formation of vehicular access road and all associated works

Application Type: Full Application

The reason for Committee determination

The application was called in by the Local Member.

Ward Councillor

29th Jul 2019

I am not sure if this sort of application is dealt with by Committee or not if not I wish to call this in on the grounds noise, smell and close proximity to another dwelling.

Ward Councillor

13th Oct 2022

Further to Cllr. Kath Roberts-Jones email dated 29 July 2019; (as attached) posted onto the planning web portal 8 August 2019, I would also like this application to be considered by Committee on the grounds of noise, smell and close proximity to another dwelling. Thank you.

Consultee Responses

Consultee

Received

Hafren Dyfrdwy

22nd Jul 2019

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

PCC-(N) Highways

13th Aug 2019

The proposed site is accessed off the C2053 approximately 185m south east of the B4368. This section of the County Class III highway is narrow and suffers from poor vertical and horizontal alignment, there is also a shortage of formal/informal passing bays.

A landfill site, caravan park and scrap yard are located within 350m of the application site, these businesses have established HGV, LCV and private car movements along the C2053. The additional HGV movements which the proposed development would generate are likely to increase the likelihood of conflicts between the junction of the B4368/C2053.

The junction of the B4368/C2053 suffers from poor alignment, width and visibility in both directions. The visibility to the south in particular is severely sub-standard.

Drawing number RB-MZ359-05 states that the surface water from the access is to be drained to a brook, however, neither the brook nor the proposed method has been submitted for consideration.

The proposed visibility splays have been drawn incorrectly.

The submitted movement detail is inaccurate with much of the calculations being erroneous.

Should the applicant wish to submit revised drawings, we shall certainly review any such submission. Drawings should be suitably scaled such as 1:500 and preferably @ A3.

Environmental Protection

13th Aug 2019

Re: Erection of 2 no. poultry units including silos, formation of vehicular access road and all associated works | Land At Upper Maenllwyd Kerry Newtown SY16 4NB.

Noise impact

The noise impact assessment contained in Chapter 11 of the Environmental Statement is inadequate. It is qualitative and descriptive in nature. Assumptions are made about the existing background noise environment and unsubstantiated estimates have been used for how loud new noise sources at the development will be.

A new noise impact assessment will be required which:

- Identifies all new sources of noise introduced by the development;

- Quantifies the level of noise the new sources create (e.g. by the use of manufacturer's sound data for the model of extractor fans intended for use at the development);
- Identifies all nearby noise-sensitive receptors;
- Compares the amount of noise being created by the development with the existing measured background levels at the various receptors;
- Incorporates noise mitigation measures into the scheme, if necessary.

The assessment should be carried out in accordance with the method specified in the British Standard BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

Without this information I would have to object to the application.

Odour

No odour impact assessment has been submitted; only a management plan. It is necessary to establish whether odour from the development will have a detrimental adverse impact on nearby receptors, and without an odour impact assessment including odour dispersion modelling I would have to object to the application.

I would also like to highlight a discrepancy in some of the information provided. The Environmental Statement, at section 4.5.2 states: "No manure will be stored on site, even for a short period. The applicant farms sufficient land for spreading the manure and away from ground and surface water sources. Any excess manure will be exported off site to AD plants." However, in the Manure Management Plan there are references to storing manure on site in field stores, manure heaps and on a covered concrete pad. In the odour impact assessment, it will be necessary to clarify this matter and, if it is confirmed that there will be manure storage areas on site, to include these in the odour assessment.

Private Water Supplies

Our records indicate that there are seven properties whose private water supply sources are within 50m of the manure spreading areas identified in the Manure Management Plan (Sheepfold, Lump House, Cwmsidwell, Top Gate Farm, Sycamore, Maenllwyd Farm, Maenllwyd Isaf). Please can the agent/applicant confirm that the sources of these private water supplies have all been identified and that there is the requisite 50m no-spreading buffer zone around these areas? The Manure Management Plan spreading maps will need to be amended accordingly.

Dust and bioaerosol

With regard to concerns about the health impacts of dust and bioaerosol, the advice of Previously Public Health Wales (PHW) has been sought on this topic.

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

Their advice states:-

"While health effects among farmers exposed to high levels of bioaerosols are well documented, there is also a potential impact on respiratory health among communities, especially children, living near intensive farming operations. The most recent published review of the literature recognised the potential impact on children living near to such sites but also concluded that the current evidence is not sufficient to recommend an increase in the distance required for a risk assessment from 100m to 250m".

In this case, as the sensitive residential receptors are beyond 100m there is no need for the applicant to undertake a detailed risk assessment for bioaerosol. It would however be prudent to include a condition on any application granted requiring a dust management plan, which would ensure good practice on site.

Artificial lighting

I have no objection to the proposed lighting scheme, from an amenity perspective.

PCC-Built Heritage Officer

23rd Aug 2019

Recommendation No objection

Background to Recommendation

Designation

Cadw ID 17304 Upper Maenllwyd farmhouse included on the statutory list on 12/09/1996

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018
Conservation Principles published by Cadw
TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond

its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Upper Maenllwyd is located at the head of the winding valley of the Afon Miwl, close to the main Glanmule to Abermiwl road, ½km N of the hamlet of Hodley.

Upper Maenllwyd is of the late C18th or C19th and is constructed of brick with hipped slate roof Two storeys and cellar, 2 bays with 2-bay shale-built stone cross wing extended to rear in C20.

The proposal is for a pair of poultry units located in a field to the west of the listed building which is bounded by mature trees on the western boundary. There is an intervening field with agricultural buildings.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity
- o non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact. Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 with advice on how to assess the setting of historic assets. Section 1 of the guidance on Setting of Historic Assets identifies that setting often extends beyond the property boundary of an historic asset and in to the surrounding landscape or townscape. The setting of a historic asset can include physical elements of its surroundings, for instance the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields.

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The pair of poultry units will each be 108.20m in length, 5.5 m to the ridge and 24.8 m wide.

The poultry units will be sited to the north of the road that leaves the B4368 eastwards the field is relatively level and the hedge to the roadside is well maintained so not very high in parts adjacent to the access.

The listed building cannot be seen from the road immediately to the south of the proposed units being sited to the west of the row of mature trees. From the junction of the B4368, the proposed units would be screened by mature trees. The listed building itself has mature trees surrounding it, and is separated from the proposed application site by a field with existing agricultural buildings.

As such it is not considered that there will be any inter-visibility between the proposed poultry units and Upper Maenllwyd and as such it is not considered that the proposal would harm the setting of this listed building.

PCC-Contaminated Land Officer

9th Jan 2020

The following report has been submitted in support of planning application 19/1069/FUL:

- Ashfield Solutions Group 'Phase 1 Environmental Site Assessment: Proposed Poultry Installation on Land at Upper Maenllwyd Farm, Kerry, Newtown, Powys' (ref: 105419-S01) 23/05/2019.

Based on the information submitted, in support of planning application 19/1069/FUL, the following advice is provided for the consideration of Development Control.

Advice

1. Section 1.3 'Information Sources', of the 'Phase 1' report (ref: 105419- S01), lists the information sources used to prepare the report. The following documents, submitted in support of planning application 19/1069/FUL, were not used to prepare the report:

- Roger Parry & Partners 'Design & Access Statement: Full Planning Application for a Poultry Unit and All Associated Works at: Land at Upper Maenllwyd, Kerry, Newtown, Powys' February 2019.

▪ Roger Parry & Partners 'Scoping Report: Planning Application for a Poultry Unit at: Land at Upper Maenllwyd, Kerry, Newtown, Powys' February 2019.

The sections 'Planning Application Proposal' and 2.1 'The Proposal' of the above referenced documents, respectively, identify that the planning application for the proposed poultry units will include the following:

Generator Store, Office, Shower Room, Control Room, Tool Room and W.C. These elements of the proposed development have not been identified in the preliminary investigation or Preliminary Risk Assessment (PRA), presented in the submitted 'Phase 1' report (ref: 105419-S01).

In addition to the above, the recently revised Roger Parry & Partners 'Location Plan' (ref: RB-MZ359-01), dated 09/12/2019, displays that the proposed development will include a ground source heat pump. This element of the proposed development should be identified in the preliminary investigation and PRA.

Furthermore, no search request was submitted to this Section in respect of the potential land contamination sources located on and adjacent to the application site. It is recommended, during the undertaking of a preliminary investigation, that a search is progressed with this Section for any relevant land contamination information.

2. Table 1 'Site Physical Characteristics', of the 'Phase 1' report (ref: 105419- S01), states: "Based on the Google Earth™ elevation tool, the topography of the site is sloping from the north west to the south east from 148m Above Ordnance Datum ("mAOD") to 139mAOD." However, no supporting plans or data has been provided, in the report (ref: 105419-S01), to confirm the existing site levels, topography or slope direction. The recently submitted Roger Parry & Partners drawings 'Section Plan' (ref: RB-MZ359-09) and 'Section Plan' (ref: RB-MZ359-10), both dated 09/12/2019, display that the existing site levels across the footprints of the proposed poultry units are predominantly circa 146 to 149mAOD, the exception being toward the Western end of the proposed units (circa 142 to 145mAOD).

3. Section 2.3 'Historical Land Use', of the 'Phase 1' report (ref: 105419- S01), identifies that a large clay pit, at its closest point, was present 10m to the East of the application site. Furthermore, section 2.4 'Landfilling Activities', of the report (ref: 105419- S01), details that the former clay pit operated as a landfill between 1940 to 1996. Closed landfill sites are considered a potential high risk source of land contamination; the Department of the Environment, Industry Profile 'Waste Recycling, Treatment and Disposal Sites: Landfills and Other Waste Treatment or Waste Disposal Sites' (1996) provides guidance on the potential sources of contamination associated with these land uses.

4. Under section 2.4 'Landfilling Activities of the 'Phase 1' report (ref: 105419-S01), in respect of the adjacent closed landfill site, it is stated: "Wastes deposited comprise predominantly construction wastes such as hardcore, brickwork etc. amongst other inert

wastes. The maximum input 3 rate of the landfill was small (“equal to or greater than 10,000 and less than 25,000 tonnes per year”).”

Furthermore, it has been concluded that the identified closed landfill, located 10m to the East of the application site, is unlikely to have a negative impact on the proposed development, based on the following:

- i. The gradient of the land surrounding the landfill is falling away for the site in a south easterly direction, mitigating any potential for contaminant migration on to site.
- ii. Due to the undeveloped history of the site impermeable glacial soils are still present underlying the site, as described in section 3.1 of the report (ref: 105419-S01), preventing any transmission of contaminants.
- iii. The landfill was formerly operated under the regulation of the EA, with recorded volume and waste restrictions such as biodegradable putrescible. It is likely that, as part of the license surrender upon closure, that a period of aftercare and capping of wastes would have been undertaken.

In respect of the above points the following is advised:

- i. As discussed in point 2 above, no supporting plans or data have been provided, in the ‘Phase 1’ report (ref: 105419-S01), to confirm the existing site levels, topography or slope direction – for the application site or adjacent closed landfill site. Furthermore, recently submitted drawings (see point 2 above) display that the existing site levels across the footprints of the proposed poultry units is predominantly circa 146 to 149mAOD. Data available to Powys County Council (PCC) identifies that levels across the closed landfill site range between circa 140 and 150mAOD i.e. within a similar elevation range to that of the application site, and the gradient across both sites, to the North and West, orientates towards the river Mule.
- ii. Under section 3.1 ‘Geology’, of the report (ref: 105419-S01), it is stated: “Please Note: Following a review of the BGS GeoIndex Service, no borehole records are available on site or within the surrounding area. Therefore, this review is based solely on published BGS geological mapping” i.e. the on-site strata, soil permeabilities/porosities and ground conditions have not been confirmed.
- iii. Powys County Council records identify that during its operation, between 1940 and 1996, the adjacent closed landfill received inert, industrial (deposited prior to 1993) and household wastes. The dates of operation (1940 to 1996) of the closed landfill pre-date both the Control of Pollution Act 1974 and the Waste Management Licensing Regulations 1994. Therefore, the landfill was operating prior to there being any control over the types of waste deposited in landfill sites (1940 to 1974), and the landfill will likely have only been regulated by the EA

during 4 its final years of operation (potentially 1994 to 1996) – it has not been confirmed what types of waste or what volumes of waste were deposited in the landfill over the entirety of its operational lifetime. Furthermore, no details have been provided, in the report (ref: 105419- S01), in the respect of the requirements prior to the surrender of the waste management licence, the actual surrender of the licence, aftercare provisions (monitoring/mitigation) or the capping of the wastes.

5. Under section 4.3 'Preliminary Risk Classification', of the report (ref: 105419-S01), it is stated: "The overall land contamination risk in the context of the proposed redevelopment of the site is low."

In the consideration of the development proposal (see point 1 above) and the available information (see point 4 above) it is not possible to accept the conclusions of the PRA, presented in the submitted 'Phase 1' report (ref: 105419-S01).

Appropriate investigation and assessment of the potential land contamination risks, to the proposed development from the adjacent closed landfill, will be required.

Summary

In consideration of the development proposal and the available information, see above, it is recommended that planning application 19/1069/FUL should not be determined until an appropriate land contamination investigation and risk assessment has been submitted in support of it.

Under chapter 6 'Distinctive and Natural Places' of the Welsh Government 'Planning Policy Wales' document it is stated: "Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land [...]."

As a minimum, a revised preliminary investigation and preliminary risk assessment must be submitted in support of planning application 19/1069/FUL. The preliminary investigation and preliminary risk assessment should be revised based on the points detailed above.

PCC-(N) Land Drainage

17th Jul 2019

All: Having assessed the Planning Application Ref 19/1069/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.

PCC-Countryside Services Manager

17th Jul 2019

Countryside services have no comment to make on this application.

Natural Resources Wales (Mid Wales)

5th Aug 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 16/07/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Requirement 1: Protected Sites: Revised detailed modelling to be undertaken.

Requirement 2: Foul Drainage: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

Requirement 3: Revised Drainage Plan

Requirement 4: Revised Manure Management Plan

Protected Sites and aerial emissions

Intensive 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.

The detailed atmospheric modelling report submitted in support of the proposal ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Upper Maenllwyd, near Kerry in Powys by Howse. S. AS Modelling & Data Ltd. dated 27 December 2018) indicates that the poultry unit will exceed the 1% process contribution.

The background ammonia concentration (annual mean) in the area around Upper Maenllwyd is 1.78 $\mu\text{g-NH}_3/\text{m}^3$. The background nitrogen deposition rate to woodland is 30.24 kg-N/ha/y and to short vegetation is 18.90 kg-N/ha/y. The source of these background figures is the Air Pollution Information System (APIS, December 2018).

The detailed modelling predicts that the process contribution of the proposed extended poultry house to ammonia concentrations would not exceed the 1% threshold of the relevant Critical Level at Montgomery Canal SAC/SSSI. The detailed modelling predicts exceedance of the 1% threshold percentage of the relevant Critical Load at Montgomery Canal SAC/SSSI.

However, it should be noted that there is a discrepancy of the number of birds on site between documents that will need to be clarified/revised prior to undertaking any in-combination/cumulative assessment.

It is stated that there will be 110,000 birds on site within the Scoping Report, Design and Access Statement, Manure Management plan. Within the Environmental Statement Sections 4.2, 12.7.6 and 12.7.9 it states 112,000 birds. However, within the Detailed Ammonia Modelling report it is noted in section 2. Background Details that "the proposed poultry houses would provide accommodation for up to 112,000 broiler chickens...". It states within section 3.6 Quantification of ammonia emissions Table 2. Details of poultry numbers and ammonia emissions rates - that the animal numbers are 100,000.

Requirement 1: Protected Sites: Revised detailed modelling to be undertaken.

Therefore, we require that a revised Detailed modelling report is undertaken in order to reflect the proposed number of birds on site. We will review and provide comment on the next steps that need to be taken upon receipt of the revised detail modelling report.

Foul Drainage

Requirement 2: Foul Drainage: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

We understand that the development is not served by the public foul sewer and that the application form indicates that foul drainage is Unknown although a WC is noted to be utilised within the Design and Access Statement (DAS). In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. In this instance, no information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

In particular, the submitted application fails to show that disposal of foul effluent from a proposed package treatment plant/septic tank would be effective at this location. The developer has not submitted any porosity/percolation testing results. Nor are there calculations for the specific size of any proposed soakaway(s) or the location of the discharge of foul effluent.

Therefore, we request that details of the location and size of the soakaway(s)/drainage field along with percolation test results, are submitted prior to the determination on the application.

The developer should ensure there is sufficient space to install the drainage field as set out in BS 6297:2007+A1:2008>. On receipt of the above information we will review our position and advise the local Authority accordingly.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Site Drainage Plan

The drainage plan (ref: RB-MZ359-04 dated 26/06/2019) shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards. The surface water will be directed through stone filled infiltration trenches to a balancing pond then to the watercourse with use of a hydro brake. We note further to our comments that the balancing pond location been revised to ensure that it lies outside of the flood risk Zone C2.

Requirement 3: Revised Drainage Plan

The revised drainage plan should detail any location and size of any soakaway of the proposed package treatment plant/septic tank that will be used to dispose of foul effluent arising from the W.C on site.

Manure Management Plan

With regards to the Manure Management Plan and spreading maps we are generally satisfied with the level of detail; however, we require that the plan is amended to reflect the below point.

Requirement 4 - Revised Manure Management Plan

As noted above within regards to requirement 1 - it is stated that there will be 110,00 birds on site within the Scoping Report, Design and Access Statement. Within the Environmental Statement Sections 4.2, 12.7.6 and 12.7.9 it states 112,000 birds. For the manure management plan two figures are given of 110,000 birds within the text, and a figure of 112,000 stock numbers is given within tables 1 and 2 of the Manure Management plan. Therefore, we require that the Manure Management Plan is undertaken in order to reflect the proposed number of birds on site.

The manure management plan maps show that the 10m standoff distance has been applied to surface water and that private borehole wells and springs have been considered. NRW note and are satisfied with the submitted Manure Contingency plan has been submitted.

Flood Risk

Our Flood Risk Map, which is updated on a quarterly basis confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15. Given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

The Lead Local Flood Authority (as cited in the Flood and Water Management Act 2010) is normally the appropriate body to provide advice on existing surface water flood risk and the management of surface water drainage from new developments.

We would note that the proposed built development is indicatively quite close to the minor watercourse which runs along the western field boundary. The LLFA should also comment on whether the watercourse corridor that is proposed is adequate.

Protected Species

We have reviewed Section 10 and note that it considers ecology. We note and welcome references to conservation status.

In respect of protected species, no reference appears to have been given to who carried out detailed protected species surveys. This may mean that surveys may not have been carried out in accordance with the provisions of nature conservation legislation.

- Bats

Bats and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

We note the conclusions in respect of bats. Based on the limited information provided, we concur with the suggested conclusions.

- Great Crested Newts

Great Crested Newts (GCN) and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

We have also assessed the provisions of the report in respect of GCN. Although the submission lacks detail, based on the information provided and when assessing our GIS data, we agree with the conclusions

In these circumstances, we have no objection to the proposal from an EPS/GB 'fully' protected species perspective.

Geoscience

We have reviewed the submitted Phase 1 Site Assessment report and note the conclusions that the "overall land contamination risk estimation in the context of the proposed redevelopment of the site is Low." NRW agree with these conclusions.

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution"

Pollution Prevention Plan

NRW note the submission of the Method Statement and Pollution Prevention Plan and are generally satisfied with the level of detail.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=13181925684000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice to Developer/Applicant:

Environmental Permitting Regulations

The site will accommodate a maximum of 110,000 birds, this is over the threshold of 40,000 birds, therefore, an Environmental Permit under the Environmental Permitting Regulations 2016 is required from Natural Resources Wales.

We recommend you submit a Permit application as soon as possible, so that it can inform the decision-making process in planning. Where possible, permit and planning application should be made at the same time to avoid delays.

We note from the DAS that an application for a permit is to be submitted.

Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance documents: Guidance Note 21: Poultry Units: planning permission and environmental assessment and Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a.

A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Cadw - Planning

8th Aug 2019

Thank you for your letter of 16 July 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments listed in our assessment of the application below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection

in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

MG054 Bryn-Derwen Mound and Bailey Castle

MG080 Tomen Madoc Castle Mound

MG112 Giant's Bank Camp

MG136 Sibwll Wood Camp

MG168 Camp SW of Great Cloddiau Farm (revealed by aerial photography)

MG169 Great Cloddiau Camp

MG172 Site 450m NW of Glan Mule (revealed by aerial photography)

MG177 Camp Pen-y-Gelli (revealed by aerial photography)

MG208 Wantyn Dyke

MG237 Mount Pleasant Enclosure

The above scheduled monuments are located within a 3km buffer of the application area. However, intervening topography and vegetation block all views between the proposed development and the scheduled monuments. Consequently the proposed development will not have any impact on the setting of any scheduled monument.

Community Council

1st Aug 2019

Council wishes to support this application but draws your attention to the fact that the access point to the site is within very close proximity to the junction of the B4368.

Council again suggests as stated in the pre application consultation, the widening of the access point to improve visibility.

The manure storage in existing buildings close proximity to residential properties. Council is concerned of the gradient of some of the allotted ground for spreading manure is not suitable for spreading and ploughing

Wales & West Utilities - Plant Protection Team

16th Jul 2019

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Cadw - Planning

24th Apr 2020

Additional plans and information have been submitted in support of this application. The information included in these documents does not change our previous response dated 8 August 2019.

Natural Resources Wales (Mid Wales)

15th Apr 2020

Thank you for consulting NRW to inform of additional information submitted in support of this proposal. None of the additional documents relate to the requirements set out in our previous advice letter referenced CAS-106175-P5B1 dated 15/01/2020, therefore the advice in this letter remains valid.

PCC-Contaminated Land Officer

5th May 2020

A detailed proposal for the ground gas monitoring investigation, including a scale plan of the proposed locations for the ground gas monitoring wells, should be submitted for review once the design of the investigation has been finalised. The detail proposal for the ground gas monitoring investigation should be submitted in support of planning application 19/1069/FUL.

Concerning the ground gas investigation design, as BS876:2013 - monitoring should be sufficient to allow prediction of worst case conditions and should be continued until it is unlikely that additional data will change the interpretation of the data, the outcome of the risk assessment and any proposed remedial actions.

Full detailed guidance in respect of deciding on the appropriate number and locations of monitoring installations, design of response zones, and the timing and frequency of ground gas monitoring is provided in BS8576:2013

Environmental Protection

18th Feb 2021

In addition, the email from Ian Pryce Property Services, dated 20/01/2021, is now one of several submissions that have been made, on behalf of the planning applicant, in an attempt to avoid submitting the required information in support of the application for planning permission.

I have advised, again, that the application should not be determined until the appropriate investigation and assessment has been submitted in support of it. However, it may be useful to advise the applicant that if the requested information is not submitted the application may be refused.

PCC-(N) Highways

15th Apr 2020

Wish the following recommendations/Observations be applied

The Highway Authority (HA) has reviewed the revised drawings submitted 6th April 2020. We note that no revised drawing showing the access visibility splays and means of disposing of the access surface water has been submitted for consideration. We further note that the proposed junction improvement is not included within the redline application site.

Should the Local Planning Authority be minded to approve this application, we suggest that the following Conditions be applied to any such consent. The HA suggests that a negative Condition (5) be applied to the access in relation to how the SW is to be dealt with, however, should the applicant wish to submit a revised drawing at this stage, we shall certainly review any such submission.

The development shall be carried out in accordance with drawing numbers RB-MZ359-08B & RJC/RB/JONE053/01.

Notwithstanding the submitted details on drawing numbers RB-MZ359-08B & RJC/RB/JONE053/01 the Highway Authority wish the following conditions to be applied to any consent given.

Prior to any other works commencing on the development site, detailed engineering drawings for the junction improvement to the junction of the B4368/C2053 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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.

1. 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.

2. 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 43 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.

3. 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.

4. 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.

5. Prior to the commencement of any works on the development site, detailed drawings for the method of intercepting and disposing of access surface water adjacent to the C2053 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
6. Prior to any works being commenced on the development site the applicant shall construct one HGV passing bay shown on the approved drawing RJC/RB/JONE05301.
7. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
8. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
9. 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 or (a suitably bound material which is to be approved in writing by the LPA) 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.
10. The gradient of the access shall be constructed so as not to exceed 1 in 15 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.
11. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. 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.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. 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

Thank you for your letter of 16 July 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments listed in our assessment of the application below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

MG054 Bryn-Derwen Mound and Bailey Castle
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MG177 Camp Pen-y-Gelli (revealed by aerial photography)
MG208 Wantyn Dyke
MG237 Mount Pleasant Enclosure

The above scheduled monument are located within a 3km buffer of the application area: However, intervening topography and vegetation block all views between the proposed development and the scheduled monuments. Consequently the proposed development will not have any impact on the setting of any scheduled monument.

Community Council

8th Jan 2020

Council does not wish to comment on this application

Hafren Dyfrdwy

30th Dec 2019

Further to your enquiry, in accordance with drawing no. RB-MZ359-04 and RB-MZ359-05 I have no objections for the drainage related planning condition being discharged.

Drawing no. RB-MZ359-04 shows foul water will be discharging to an underground sealed tank and then tankered out. Surface water will be discharging to infiltration trenches/balancing pond/watercourse at a restricted rate via a hydrobrake. At the wash down stage, clean water will be switched to the underground dirty water/foul tank which is acceptable.

Drawing no. RB-MZ359-05 shows this will be discharged to an acco drain to prevent surface water drainage entering county highway discharge to brook which is acceptable.

Our statutory sewer records do not show any public sewers in the area.

Natural Resources Wales (Mid Wales)

15th Jan 2020

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met, and you include the following documents within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement 1: Protected Sites: Revised detailed modelling to be undertaken.

Requirement 2: Foul Drainage: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

Requirement 3: Revised Drainage Plan

Approved plans and documents condition:

- o Manure Management Plan ('Manure Management Plan' February 2019 - submitted 20/12/2019)
- o Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners)

Protected Sites and Aerial Emissions

Intensive 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.

The detailed atmospheric modelling report submitted in support of the proposal ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Upper Maenllwyd, near Kerry in Powys by Howse. S. AS Modelling & Data Ltd. dated 27 December 2018) indicates that the poultry unit will exceed the 1% process contribution.

The background ammonia concentration (annual mean) in the area around Upper Maenllwyd is 1.78 $\mu\text{g-NH}_3/\text{m}^3$. The background nitrogen deposition rate to woodland is 30.24 kg-N/ha/y and to short vegetation is 18.90 kg-N/ha/y. The source of these background figures is the Air Pollution Information System (APIS, December 2018).

The detailed modelling predicts that the process contribution of the proposed extended poultry house to ammonia concentrations would not exceed the 1% threshold of the relevant Critical Level at Montgomery Canal SAC/SSSI. The detailed modelling predicts exceedance of the 1% threshold percentage of the relevant Critical Load at Montgomery Canal SAC/SSSI.

However, it should be noted that there remains a discrepancy of the number of birds on site between documents that will need to be clarified/revised prior to undertaking any in-combination/cumulative assessment.

It is stated that there will be 110,000 birds on site within the Scoping Report, Design and Access Statement (DAS), and Manure Management Plan (MMP). Within the Environmental Statement Sections 4.2, 12.7.6 and 12.7.9 it states 112,000 birds. However, within the Detailed Ammonia Modelling report it is noted in section 2 (Background Details) that "the proposed poultry houses would provide accommodation for up to 112,000 broiler chickens...". It states within section 3.6 (Quantification of ammonia emissions Table 2. Details of poultry numbers and ammonia emissions rates) that the animal numbers are 100,000.

Requirement 1: Protected Sites: Revised detailed modelling to be undertaken.

Therefore, we require that a detailed modelling report is submitted in order to reflect an accurate proposal for the number of birds on site. We will review and provide advice on the next steps that need to be taken upon receipt of an updated detailed modelling report.

Foul Drainage

Requirement 2: Foul Drainage: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

We understand that the development is not served by the public foul sewer and that the application form indicates that foul drainage is unknown; although a WC is noted to be utilised within the DAS. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 in order to justify the use of private sewerage. In this instance, no information has been submitted.

Therefore, the information provided in the application does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment. In particular,

the application fails to show that disposal of foul effluent from a proposed package treatment plant/septic tank would be effective at this location. The developer has not submitted any porosity/percolation testing results. Nor are there calculations for the specific size of any proposed soakaway(s) or the location of the discharge of foul effluent. Details of the location and size of the soakaway(s)/drainage field along with percolation test results must be submitted to ensure that there is sufficient space to install the drainage field as set out in BS 6297:2007+A1:2008. This information is required prior to the determination on the application. On receipt of this information we will review our position and advise the local Authority accordingly.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Site Drainage Plan

The drainage plan (ref: RB-MZ359-04 dated 26/06/2019) shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards. The surface water will be directed through stone filled infiltration trenches to a balancing pond then to the watercourse with use of a hydro brake. We note further to our comments that the balancing pond location been revised to ensure that it lies outside of the flood risk Zone C2.

Requirement 3: Revised Drainage Plan

The revised drainage plan should detail any location and size of any soakaway of the proposed package treatment plant/septic tank that will be used to dispose of foul effluent arising from the W.C on site.

Manure Management Plan

We note the revised MMP ('Manure Management Plan' February 2019 - submitted 20/12/2019) has been submitted in light of our previous comments (ref CAS-94560-J6D8 dated 05/08/19) and a figure of 112,000 stock numbers is given. With regards to the MMP and spreading maps we are generally satisfied with the level of detail.

The manure management plan maps show that the 10m standoff distance has been applied to surface water and that private borehole wells and springs have been considered.

NRW note and are satisfied with the submitted Manure Contingency Plan (MCP).

However, as noted in the 'Protected Sites and aerial emissions' section above there remains a discrepancy of the number of birds on site between documents that will need to be clarified/revised. Once we have received confirmation of the number of birds including the updated detailed modelling report we will review and provide advice on any next steps required.

Flood Risk

Our Flood Risk Map, which is updated on a quarterly basis confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15.

Given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

The Lead Local Flood Authority (as cited in the Flood and Water Management Act 2010) is normally the appropriate body to provide advice on existing surface water flood risk and the management of surface water drainage from new developments.

We would note that the proposed built development is indicatively quite close to the minor watercourse which runs along the western field boundary. The LLFA should also comment on whether the watercourse corridor that is proposed is adequate.

Protected Species

We have reviewed Section 10 and note that it considers ecology. Great Crested Newt (GCN) and all UK bat species and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

- Bats

We note the conclusions in respect of bats. Based on the limited information provided, we concur with the suggested conclusions.

- Great Crested Newts

We have assessed the provisions of the report in respect of GCN. Although the submission lacks detail, based on the information provided and when assessing our GIS data, we agree with the conclusions

In these circumstances, we have no objection to the proposal from an EPS/GB 'fully' protected species perspective.

Geoscience

We have reviewed the submitted Phase 1 Site Assessment report and note the conclusions that the "overall land contamination risk estimation in the context of the proposed redevelopment of the site is Low." NRW agree with these conclusions.

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular, the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution" Pollution Prevention Plan

NRW note the submission of the Method Statement and Pollution Prevention Plan and are generally satisfied with the level of detail.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

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, including environmental interests of local importance.

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 Developer/Applicant:

Environmental Permitting Regulations

The site will accommodate a maximum of 110,000 birds, this is over the threshold of 40,000 birds, therefore, an Environmental Permit under the Environmental Permitting Regulations 2016 is required from Natural Resources Wales.

We recommend you submit a Permit application as soon as possible, so that it can inform the decision-making process in planning. Where possible, permit and planning application should be made at the same time to avoid delays.

We note from the DAS that an application for a permit is to be submitted.

Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance documents: Guidance Note 21: Poultry Units: planning permission and environmental assessment and Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a.

A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use.

PCC-Built Heritage Officer

2nd Jan 2020

No objections to amended plans

PCC-Contaminated Land Officer

14th Apr 2020

In respect of amended information notification 19/1069/FUL, the advice provided previously in the memorandum (ref: WK/201925457) dated 9 January 2020 - see attached - is still considered to be appropriate.

Environmental Protection
Noise

18th Feb 2020

A noise impact assessment by Matrix Acoustics, in accordance with BS4142, has been submitted. The report concludes that the development will have a low impact on the nearest noise-sensitive receptors. I am satisfied with the conclusion of the report.

Odour

I am satisfied with the odour impact assessment report. Odour dispersion modelling indicates that none of the properties outside the control of the applicant are likely to experience an unacceptable level of odour from the development.

Private Water Supplies

I am satisfied that the amended manure management plan has identified the sources of local private water supplies in the area, and has incorporated a 50m no-spreading buffer zone around these supplies.

Therefore, I have no objection to the application.

PCC-(N) Highways

23rd Jan 2020

Wish the following recommendations/Observations be applied
Recommendations/Observations

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

Having reviewed the revised drawings in support of this application, we are still concerned that the movements associated with the proposed development are likely to result in conflicts with vehicles of a similar size that currently use this road.

The proposed junction improvement to the B4368/C2053 is certainly of benefit, however, the C2053 is of an insufficient width to allow the free flow of two-way vehicular movements. The section of the Class III between the junction and the proposed site access is also narrow with no possible passing opportunities for HGV's.

The proposed visibility splays shown on drawing number RB-MZ359-05 are drawn incorrectly.

Drawing number RB-MZ359-05 states that the SW from the access is to be discharged to the brook, but fails to detail the location of the brook or how the SW is to get there.

Should the applicant wish to submit revised drawings which address the above made points, we shall certainly review any such submission. Drawings should be appropriately scaled, such as 1:500 preferably @ A3.

PCC-(N) Highways

30th Sep 2020

The Highway Authority (HA) has reviewed the revised drawings submitted in support of this application and the HA object to Drawing Number 4576-CAU-XX-XX-DR-C-1500 for the following reasons;

The engineering drawings for a junction improvement and swept paths should be based on a topographical survey, however, the submitted drawing is based on OS data. OS data is widely known for being inaccurate and can be as much as 1m inaccurate. Furthermore, no key has been included with the swept path drawing.

The swept path drawings fail to show two HGV's in the junction.

The road markings proposed are not the correct standard.

No detail of the proposed gradients, batters or Berms have been submitted for consideration.

Detail of the service cover protection in the wheel runs should be submitted for consideration.

The proposed 6m radii to the southern radius is not considered appropriate given the type/size of vehicles that the improvement is being designed for.

Should the applicant wish to submit revised drawings which address the above points we shall certainly review any such submission. However, our previous response

dated the 15th April 2020, includes a suggested condition for the submission of full engineering drawings for the improvement of the junction.

Natural Resources Wales (Mid Wales)

19th Feb 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/01/2021, and for allowing more time for us to respond. Further to our previous letter referenced CAS-106175-P5B1 dated 15/01/2020, we have the following advice to provide.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met. Otherwise, we would object to this planning application.

Requirement 1 - Revision of detailed modelling report

Requirement 2 - Amendment of manure management plan to include more detail

Requirement 3 - Amendment of drainage plan

Protected Sites and Aerial Emissions

Intensive 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 reviewed the detailed modelling report ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Upper Maenllwyd, near Kerry in Powys' by AS Modelling & Data Ltd 27th December 2018) submitted in support of the proposal.

The email dated 20 April 2020 10:21 by Rosina Bloor of Roger Parry & Partners clarifies the numbers of birds at the site. The email confirms the number of birds proposed for the site is 112,000.

Requirement 1 - Revision of detailed modelling report

As explained in our previous letter, there is a discrepancy in the detailed modelling report. Section 2 (Background Details) states "the proposed poultry houses would provide accommodation for up to 112,00 broiler chickens..." Section 3.6 of the same report (Quantification of ammonia emissions Table 2. Details of poultry numbers and ammonia emissions rates) states that the bird numbers are 100,000. We are aware an Environmental Permit has been issued for this proposal under the Environmental Permitting Regulations (2016) under reference EPR-BB3590FS.

As the report is dated 2018 and contains the above discrepancies, a revised report must be submitted which includes its assessment on current levels of background ammonia. We will review and provide advice on the next steps that need to be taken upon receipt of an updated detailed modelling report.

Manure Management Plan

We have reviewed the Manure Management Plan (MMP) (document titled 'Manure Management Plan', Client Gwyn Jones & Partners dated February 2019, uploaded to your Authority's website on 20 Dec 2019) submitted in support of this proposal.

Requirement 2 - amendment of manure management to include more detail

The manure management plan must be updated to address the following points:

1. The Nitrogen calculations show the proposed units would result in 24,463 kg N exported to an AD plant each year. The plan states excess manure will be exported to an AD plant. There is insufficient information on this section. A robust and detailed agreement must be given to evidence that an anaerobic digestion plant or a third party will accept the manure and store/use appropriately as per the relevant regulations.
2. The farm proposes to spread all other manure on the holding at a spreading rate of 250 kg N/hectare each year. The 250 kg N/ha is the recommended upper limit in the Code of Good Agricultural Practice (CoGAP) and is not the recommended requirement for all land. Nutrient management planning is needed to show agricultural benefit.
3. NRW guidance GN021 states a MMP needs to include 'calculation of nutrient loading (Nitrogen and Phosphate) per hectare of land available for spreading.' No evidence of phosphate loading has been provided. The document must include this information.
4. There is no evidence of how the increased nutrients produced by the development will be used for agricultural benefit. To demonstrate the nutrients are being used for agricultural benefit it is important to plan nutrient use according to crop requirement. This will reduce the chance of diffuse pollution entering the water environment. Nutrient planning must consider all sources of nutrient including all organic manures produced by the farm and imports such as inorganic fertiliser, digestate, waste materials or sewage sludge.
5. We have reviewed the spreading risk maps. The following matters must be addressed:
 - a. We could not locate the fields in the first map (Page 5). Please provide the grid references for these locations.
 - b. The maps are unclear. We advise the maps must be made clear and are reviewed and updated.
 - c. The watercourse on the field boundary of SO 1692 5974 & SO 1692 6968 is not buffered. This must be amended to include the appropriate buffer.

d. Some parts of the fields appear to have significant slopes and therefore should be excluded from the spreadable zones.

6. Clarification is required to confirm the existing manure storage facilities on the farm meet the manure storage standards and size requirements in the 'Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010' and 'The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021'

We shall provide further advice upon receipt of an amended plan.

Drainage Plan

We have reviewed the drainage plan (plan titled 'Drainage Plan', drawing no. RB-MZ359-04 dated 17/03/2020) submitted in support of this proposal.

Requirement 3 - Amendment of drainage plan

We advise the drainage plan must be amended to address the following points:

1. The plan states and underground dirty water storage tank will be installed to comply with the SSAFO Regulations (Wales) 2010 Standards. To verify whether the tank will comply with The Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 (as amended), we advise that predicted quantities of dirty water are calculated and provided to confirm whether the tank will be large enough to achieve compliance.

2. The plan states "At the wash down stage the clean water system around the yard will be switched to the underground dirty water tank." We advise that the clean and surface water drainage systems to be kept separate so to avoid the potential pollution of the surface water systems. The plans must be amended accordingly.

We understand from the email by Rosina Bloor (20 April 2020 10:21), uploaded to your Authority's website on 07 Jan 2021 that the proposed WC has been removed from the application.

Other Matters

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

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

Advice for the Developer To be aware; The introduction of 'The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021' will put a regulatory limit of 170 kg N/ha and therefore to comply with the regulations the holding would be producing an excess of manure compared to land area and therefore the proposed unit will need to export more manure.

If you have any queries on the above, please do not hesitate to contact us.

Hafren Dyfrdwy

19th Jan 2022

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.

PCC-(N) Highways

7th Feb 2022

Whilst the Highway Authority (HA) has been reconsulted on the application we note that no further highway detail has been submitted following our response of the 30th of November 2020.

In absence of revised highway drawings, the HA are unable to make any further comment at this stage.

PCC-Contaminated Land Officer

11th Feb 2022

Based on the submitted information, the following advice is provided for the consideration of Development Control.

Advice

1. Section 1.2 'Objectives' of the 'Ground Gas Investigation Report' gives reference to the following:

- o Contaminated Land (England) (Amendment) Regulations 2012 and Contaminated Land Statutory Guidance (DEFRA, April 2012).
- o National Planning Policy Framework (HCA, February 2019).

For information, in Wales the equivalent guidance is:

- o The Contaminated Land (Wales) (Amendment) Regulations 2012 and Welsh Government (WG) 'Contaminated Land Statutory Guidance - 2012 (ref: WG19243).
- o Planning Policy Wales (WG, February 2021).

2. Under section 1.6 'Previous Investigations' of the 'Ground Gas Investigation Report' it is stated: "A previous investigation report and other relevant information has been provided by the Client for the site and should be read in conjunction with this report." In addition, reference has been given to the following report:

- o Ashfield Solutions Group 'Phase 1 Environmental Site Assessment: Proposed Poultry Installation on Land at Upper Maenllwyd Farm' (ref: 105419-S01) 23/05/2019.

As advised previously, in the memorandums dated 9 January 2020 and 5 May 2020 (referenced: WK/201925457), the conclusions of the Preliminary Risk Assessment (PRA) presented in the Ashfield

Solutions Group 'Phase 1 Environmental Assessment Report' were not accepted.

Therefore, any subsequent investigations and assessments based on the Ashfield Solutions Group PRA would also not be accepted.

3. Table 2.2 'Site Description' of the 'Ground Gas Investigation Report' includes information about the ecology of the application site, and it has been stated: "These comments on the ecology are for initial preliminary assessment. They are based on the assessment of personnel who are not trained ecologists [...]."

In respect of the surveying for the presence of protected animal and amphibian species, and invasive plant species, it is recommended that Development Control consult with an ecologist to confirm any requirements.

4. Under section 3.2 'Monitoring Strategy' of the 'Ground Gas Investigation Report' it is stated: "The ground gas monitoring is in accordance with BS8576 : 2013 and comprised six visits over six weeks [...] The gas monitoring schedule has been agreed with the client and local council as sufficient for the proposed development [...]."

There is no record of the gas monitoring schedule having been, as stated, agreed with the local council as being sufficient for the proposed development.

It was advised previously, in the memorandum (ref: WK/201925457) dated 5 May 2020, that a detailed proposal for the ground gas monitoring investigation should be submitted for review once the design of the investigation has been finalised - no detailed ground gas monitoring investigation proposal was submitted in support of planning application 19/1069/FUL.

The information provided in the 'Ground Gas Investigation Report' does not provide sufficient justification in support of the design of the completed ground gas monitoring investigation.

As advised in the memorandum (ref: WK/201925457) dated 9 January 2020, closed landfill sites are considered a potential high-risk source of land contamination.

In addition, concerning the ground gas monitoring investigation design, it was outlined in the memorandum (ref: WK/201925457) dated 5 May 2020 that BS8576:2013 'Guidance on Investigation for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)' advises that monitoring should be sufficient to allow prediction of worst-case conditions

and should be continued until it is unlikely that additional data will change the interpretation of the data, the outcome of the risk assessment and any proposed remedial actions.

An appropriate investigation and assessment of the ground gas risks, to the proposed development, from the adjacent (potential high-risk) closed landfill site will be required.

Ground gas risk assessments and investigations should be designed, justified and completed in accordance with current guidance and industry best practice e.g., the Environment Agency 'Land Contamination Risk Management' (LCRM) guidance and BS8576:2013.

Detailed proposals for any ground gas monitoring investigation should be submitted for approval prior to the investigation being undertaken.

5. Section 4 'Fieldwork' of the 'Ground Gas Investigation Report' provides outline factual details concerning the installation of the 5no. monitoring wells.

Further supporting information and justification should be provided concerning the chosen number and locations of the monitoring wells, and concerning the design and construction of the wells e.g., design/selection of the response zones and construction of the well fittings (taps/bungs/caps).

The number, locations, design and construction of ground gas monitoring wells should be justified in accordance with current guidance and industry best practice e.g., BS8576:2013.

6. Section 4.3 'Monitoring' of the 'Ground Gas Investigation Report' states: "Ground gas monitoring was carried out in accordance with BS8576:2013 [...]".

Full details of the on-site monitoring methodology and protocol followed will be required. It should be demonstrated how the BS8576:2013 guidance was followed during each of the monitoring rounds.

7. Concerning the groundwater and gas monitoring data, presented in Appendix E 'Gas Monitoring' of the 'Ground Gas Investigation Report', details of the duration/timings of the monitoring undertaken at each well, during each monitoring round, should be provided - specifically in respect of determining/recording steady state flows and ground

gas (methane and carbon dioxide) concentrations.

In addition, if recorded, the nitrogen concentrations for each of the monitoring wells, for each of the monitoring rounds, should also be provided.

8. Under section 6.2.2 'Ground Gas Assessment' of the 'Ground Gas Investigation Report' it has been stated: "[...] it is considered that the worst-case temporal conditions may not have been measured during the monitoring period. However, as gas concentrations were measured at atmospheric pressures of 988 and 997mbar, it is anticipated that the worst-case temporal conditions will not be worse than those presented [...]"

Appendix F 'Current Guidance for Ground Gas Risk Assessment' includes the following statements:

"[...] it is vital that sources of methane and carbon dioxide are identified prior to the commencement of any work on a construction site, and that the ground gas regime is characterised at the worst temporal conditions a site may experience. From this, a risk assessment is carried out to identify the risk at the site from ground gases so that suitable protection measures can be designed and incorporated into a development to prevent a dangerous build-up of gas occurring."

"[...] the assessor should be confident that the ground gas monitoring results are representative of the likely worse case ground gas regime on a site and that the data collected from the site is sufficient."

In addition, the ground gas monitoring data, presented in Appendix E 'Gas Monitoring', identifies that the trends in atmospheric pressure during all but one of the monitoring rounds was 'Steady' - during the monitoring round dated 12/10/21 the atmospheric pressure trend was identified as 'Slight Fall'.

The submitted information does not sufficiently demonstrate that the ground gas source (adjacent closed landfill site) has been appropriately risk assessed, or that the application site's ground gas regime has been appropriately characterised or that worst-case conditions can be predicted.

The following advice is included in BS8576:2013:

- o Monitoring should be sufficient to allow prediction of worst-case conditions.
- o Gas monitoring should be continued until it is unlikely that additional data will change the interpretation of the data, the outcome of the risk assessment and proposed remedial actions.
- o Gas emission rates are likely to be at their highest when there are sharp

falls in atmospheric pressure.

o The generation of carbon dioxide, methane and other ground gases is not affected by atmospheric pressure. However, their migration, and hence concentrations at particular locations away from the source might be. In addition, the CL:AIRE Technical Bulletin TB17 'Ground Gas Monitoring and Worst-Case Conditions' provides guidance on the critical barometric pressure conditions that influence gas monitoring results and provides a framework for determining when sufficient gas monitoring data has been obtained to evaluate and manage ground gas risks.

9. Under section 7.2 'Environmental Risk Assessment' of the 'Ground Gas Investigation Report' it has been stated: "The results of the risk assessments indicate that there is no significant source of ground gas on the site or migration of ground gases onto the site so there is a negligible risk to all receptors [...]".

Based on the available information, it is not possible to accept the conclusions of the risk assessment presented in the 'Ground Gas Investigation Report'. It has not been demonstrated that the ground gas source (adjacent closed landfill site) has been appropriately risk assessed, or that the application site's ground gas regime has been appropriately characterised or that worst-case conditions can be predicted.

An appropriate investigation and assessment of the ground gas risks, to the proposed development, from the adjacent (potential high-risk) closed landfill site will be required.

Ground gas risk assessments and investigations should be designed, justified and completed in accordance with current guidance and industry best practice e.g., the Environment Agency 'Land Contamination Risk Management' (LCRM) guidance and BS8576:2013.

Summary

The submitted 'Ground Gas Investigation Report' has not provided sufficient assessment or justification in support of the completed ground gas monitoring investigation.

As advised previously, in the memorandums dated 9 January 2020 and 5 May 2020 (referenced: WK/201925457), the conclusions of the Preliminary Risk Assessment (PRA) presented in the Ashfield Solutions Group 'Phase 1 Environmental Assessment Report' were not accepted.

In addition, the submitted 'Ground Gas Investigation Report' does not sufficiently demonstrate that the ground gas source (adjacent closed landfill

site) has been appropriately risk assessed, or that the application site's ground gas regime has been appropriately characterised or that worst-case conditions can be predicted.

An appropriate investigation and assessment of the ground gas risks, to the proposed development, from the adjacent (potential high-risk) closed landfill site will be required.

Ground gas risk assessments and investigations should be designed, justified and completed in accordance with current guidance and industry best practice e.g., the Environment Agency 'Land Contamination Risk Management' (LCRM) guidance and BS8576:2013.

Based on the submitted information and in consideration of the proposed development, it is recommended that the following conditions and note, to the applicant, are attached to any permission granted for planning application 19/1069/FUL:

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

A desk study

A site reconnaissance

Formulation of an initial conceptual model

A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 4. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

PCC-(N) Land Drainage

17th Jan 2022

PCC Land Drainage would like to make the following comments:

- o A section of the proposed site lies within the Flood Map for Planning - Surface Water and Small Water Courses Flood Zones 2 and 3, and Rivers Flood Zones 2 and 3.
- o A section of the proposed site lies within the Development Advice Maps - Zones B and C2.
- o Developments should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

Natural Resources Wales (Mid Wales)

30th Mar 2022

Further to our previous letter referenced CAS-134463-H3R1 dated 19/02/2021, we have the following advice to provide.

We have significant 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.

Manure Management

We have reviewed the document titled 'Manure Management Plan' (MMP) by Roger Parry & Partners dated December 2021, uploaded to your Authority's website on 17/01/2022.

We have identified inconsistencies in the submitted documents which we advise these be amended to ensure the documents are robust for implementing with the proposed development.

The applicant has now changed their proposal with MMP a statement on page 1 confirming all manure (and assumed to include dirty water) will be exported from the farm by Gamber Logistics Ltd. Items 1, 2, 3, 4, 5a, b, c and d, 6 in our previous letter advised your Authority to query and clarify issues to inform your decision making process. If all manure and dirty water is to be exported off site, then these queries and clarifications are no longer needed. However, there are contradictions in the submission documents. In the Environmental Statement and in the MMP it states: 'No manure will be spread upon the land at Upper Maenllwyd. All manure is to be sold off farm (see Appendix 1).' However, in the MMP it states that 43,680kg N will be produced by the broilers per annum, however only 33,183kg N will be exported. These inconsistencies need to be resolved - if there is to be spreading of any poultry manure or dirty water on land, the advice in our previous letter (items 1, 2, 3, 4, 5a, b, c, and d, 6) remains valid.

Drainage Plan

We have reviewed the plan titled 'Drainage Plan', drawing No. RB-MZ359-04 dated

15/12/2021 by Roger Parry & Partners submitted with this consultation, uploaded to your Authority's website on 17/01/2022.

It states in the drainage plan 'as a worst case scenario, the potential production of dirty wash water at the close of each crop will be 88.3 cubic metres. The tanks will be emptied during the day.' This converts to 88,300 litres. The proposed tank is 10,000 litres. As confirmed in the manure management plan referenced above, the proposal indicates is for Gamber Logistics Ltd to collect the dirty water. This would seem unrealistic, given the number of times the tank would need emptying per washdown period. We advise clarification is sought, to ensure the risk of pollution to the environment is minimised.

Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions of ammonia. For a proposal of this type, the assessment distance for protected sites is 5km from the proposal location.

A detailed aerial emissions modelling report has been submitted ('A Report on the Modelling

of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Upper Maenllwyd, near Kerry in Powys' by AS Modelling & Data Ltd. dated 2nd February 2019.

Section 2 confirms the proposal is for a 112,000 broiler rearing enterprise, and the buildings 'would be ventilated by high speed ridge or roof fans.'

Section 3.2 'Background ammonia levels and nitrogen acid deposition' of the report states the background levels of ammonia are $1.60\mu\text{g}/\text{NH}_3/\text{m}^3$ and claims the source of these figures

are the Air Pollution Information System (APIS) of March 2021. We have reviewed the latest available information available on the APIS and can advise that the background ammonia concentration has increased to $2.17\mu\text{g}/\text{NH}_3/\text{m}^3$.

Table 1 lists the protected sites and the Critical Levels which the report has used, and we can confirm that these are appropriate to inform your decision making process.

Table 6 demonstrates that the process contribution from the development in addition to the background ammonia concentration at the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) will not exceed the Critical Level. As such, the development alone is unlikely to have significant effects on the feature of the SAC and SSSI.

We note that no information has been made available to consider whether there is likelihood of a significant in-combination effect to the Montgomery Canal SAC & SSSI with other sources of ammonia. Therefore, we advise that your Authority considers whether there are any other developments within 5km of the receptor locations in Table 6 for which the process contributions are not currently included in the background concentration.

We understand that the APIS presents the latest three-year average background concentration for 2017 to 2019. Therefore, any developments that started operating or are currently in the planning process as of 1st January 2020 will not be in the background concentration.

If the process contribution and background levels do not exceed the critical level and there are no other sources to consider we would advise that provided the development is constructed with the measures included in Ammonia Report Section 2 that we would not remain to hold further concern.

We are aware a Permit was issued by NRW's Permitting Team referenced EPR/BB3590FS which was issued on 06/01/2020. As such the permit was based on evidence which has now been superseded as described above.

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.

Cadw - Planning

31st Jan 2022

Additional information has been submitted in support of this application. The information included in the documents does not change Cadw's previous advice.

Community Council

1st Feb 2022

Kerry Community Council Support planning application 19/1069/FUL

Natural Resources Wales (Mid Wales)

5th May 2022

Thank you for re-consulting NRW regarding the additional information submitted in support of planning application 19/1069/FUL. The latest information uploaded to your Authority's website does not address the concerns raised in our previous letter referenced CAS-179428-L8H2 dated 30/03/2022 remains valid.

Please re-consult NRW when the requested information has been submitted.

Natural Resources Wales (Mid Wales)

8th Jul 2022

Further to our previous letter referenced CAS-179428-L8H2 dated 30/03/2022, we have the following advice to provide.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding pollution prevention and aerial emissions. 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 the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these documents, we would object to this planning application.

- o Manure Management Plan, document titled 'Manure Management Plan' by Roger Parry & Partners dated April 2022, uploaded to your Authority's website on 27/05/2022.

- o Plan titled 'Drainage Plan', drawing No. RB-MZ359-04 dated 20/05/2022 by Roger Parry & Partners, uploaded to your Authority's website on 27/05/2022.

- o Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners) Protected Sites and Aerial Emissions - Habitat Regulations Assessment Intensive agricultural units have the potential to impact protected sites through aerial emissions of ammonia. For a proposal of this type, the assessment distance for protected sites is 5km from the proposal location.

A detailed aerial emissions modelling report has been submitted ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing

Houses at Upper Maenllwyd, near Kerry in Powys' by AS Modelling & Data Ltd. dated 2nd February 2019.

Section 2 confirms the proposal is for a 112,000 broiler rearing enterprise, and the building 'would be ventilated by high speed ridge or roof fans'.

Section 3.2 'Background ammonia levels and nitrogen acid deposition' of the report states the background levels of ammonia are 1.60µg/NH3/m3 and claims the source of these figures are the Air Pollution Information System (APIS) of March 2021. We have reviewed the latest available information available on the APIS and can advise that the background ammonia concentration has increased to 2.17 µg/NH3/m3.

Table 1 lists the protected sites and the Critical Levels which the report has used, and we can confirm that these are appropriate to inform your decision making process.

Table 6 demonstrates that the process contribution from the development in addition to the background ammonia concentration at the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) will not exceed the Critical Level. As such, the development alone is unlikely to have significant effects on the feature of the SAC and SSSI.

A document titled 'In-Combination Assessment' by Roger Parry & Partners, uploaded to your Authority's website on 27/05/2022 has been submitted, which provides details on potential effects on the Montgomery Canal SAC & SSSI with other sources of ammonia. We advise your Authority uses this information to consider whether there are any other developments within 5km of the receptor locations in Table 6 for which the process contributions are not currently included in the background concentration. This assessment must form part of your Authority's Appropriate Assessment in relation to this proposal and the Montgomery Canal SAC.

We understand that the APIS presents the latest three-year average background concentration for 2017 to 2019. Therefore, any developments that started operating or are currently in the planning process as of 1st January 2020 will not be in the background concentration.

If the process contribution and background levels do not exceed the critical level and there are no other sources to consider we would advise that provided the development is constructed with the measures included in Ammonia Report Section 2 that we would not hold further concern.

We are aware a Permit was issued by NRW's Permitting Team referenced EPR/BB3590FS which was issued on 06/01/2020. As such the permit was based on evidence which has now been superseded as described above. We advise the Applicant must assess whether any variations are required to their Permit.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Manure Management

We have reviewed the latest manure management plan, document titled 'Manure Management Plan' by Roger Parry & Partners dated April 2022, uploaded to your Authority's website on 27/05/2022.

The document confirms that all manure will be exported from the site, and the figures show the total quantity produced is equal to the sum to be exported.

This document does not state what will happen to the dirty water from the dirty water tank, but it is assumed this will also be exported. The document states 'No manure from the broiler unit will be spread upon the land at Upper Maenllwyd...'

Provided the development operates in accordance with this plan, it is unlikely to cause pollution to the wider environment. We advise this document must be listed to be implemented on any consent granted for this proposal.

Drainage Plan

We have reviewed the plan titled 'Drainage Plan', drawing No. RB-MZ359-04 dated

20/05/2022 by Roger Parry & Partners, uploaded to your Authority's website on 27/05/2022.

The plan confirms that the dirty water tank size has a capacity of 40,000L and will comply with the regulations. As such, provided the proposal is built in accordance with this plan and in compliance with the Regulations, it is unlikely to cause pollution to the wider environment.

We advise this plan must be listed to be implemented on any consent granted for this proposal.

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

PCC-Ecologist

3rd Jan 2023

Holding objection - further information is required

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:
 - DM2 - The Natural Environment
 - DM4 - Landscape
 - DM7 - Dark Skies and External Lighting
 - DM14 - Air Quality Management
- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 2km:

- o None

Non-statutory sites within 2km:

- o Llanmerewig Glebe Wildlife Trust Reserve (WTR) - approximately 1.1km from the development
 - o Multiple Ancient Woodland (AW) sites are located within 2km of the development
- Records of protected and/or priority species identified within 2km? Yes

Comments:

The application is informed by the following information:

- o Bloor, R. (December 2021) Environmental Statement, Version 2.0. Planning application for a poultry installation at: Land at Upper Maenllwyd Farm, Kerry, Newtown, Powys, SY16 4NB. Roger Parry & Partners LLP (Uploaded to PCC Planning 17/01/2022)
- o Howse, S. (27/12/2018) A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Upper Maenllwyd, near Kerry in Powys. AS Modelling & Data Ltd.
- o Howse, S. (02/02/2019) A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Upper Maenllwyd, near Kerry in Powys. AS Modelling & Data Ltd.
- o Anon (undated) In-Combination Assessment, Planning application for a poultry installation, Upper Maenllwyd Farm, Kerry, Newtown, Powys, SY16 4NB. Roger Parry & Partners.
- o Anon (October 2022) Manure Management Plan, Erection of a Poultry Unit including silos and associated works, Land at Upper Maenllwyd, Kerry, Newtown, Powys, SY16 4NB. Roger Parry & Partners LLP.
- o Anon (Undated) Method Statement Pollution Prevention, Erection of a poultry unit including silos and all associated works. Roger Parry & Partners LLP.
- o Anon (February 2019) Lighting Design Scheme, Erection of a poultry unit including silos and all associated works. Gwyn Jones & Partners, Land at Upper Maenllwyd, Kerry, Newtown, Powys, SY16 4NB. Roger Parry & Partners LLP.

The proposed development is for housing of 112,000 broilers in two poultry units. As the development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 an Environmental Statement (ES) has been submitted with the application. Chapter 6 (Air Quality) and Chapter 10 (Ecology) concern potential ecological impacts arising from the proposed development, including from an Ammonia Emissions Impact Assessment in Appendix 7.

Protected and priority species and habitats

Chapter 10 of the ES includes a summary of an ecological survey undertaken on the site. It is not clear whether the survey was undertaken by a suitably experienced ecologist. The date and timing of the survey is also unknown. Due to uncertainty regarding the validity of the information contained within section 10.6, the following comments are based on review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 2km of the proposed development.

The development appears to be located on an area of improved agricultural grassland/arable land, which is of relatively low ecological value. A managed native hedgerow borders the road along the southern boundary. The northern, eastern and western boundaries comprise trees/outgrown hedgerows. Two watercourses are located

adjacent to the development site. The Afon Mule runs past the northern boundary of the site and a second watercourse follows the western boundary. It's considered that the hedgerows and trees are suitable for supporting breeding birds and commuting and foraging bats. According to the ES, construction will take place outside of the nesting season to avoid disturbance of breeding birds, which is considered appropriate.

Regarding hedgerows, the ES asserts that 'No hedgerow trees will be affected by the proposal.' It is proposed that protective fencing 'or other indicative measures as appropriate' will be used to avoid accidental damage to trees and hedgerows. It's unclear what 'other indicative measures' refers to. The original Location Plan identifies hardstanding at the eastern end of the poultry unit extending right up to the western boundary which appears to directly impact the root zones of boundary trees/outgrown hedgerow shrubs. The revised Location Plan, Drawing no. RB-MZ359-01, dated 23/06/2022, identifies that both poultry units have been re-sited westwards and the end of the northern unit is 5m from boundary trees. The southern unit is similarly close, and one corner directly abuts the trees/outgrown hedgerow shrubs. Ground and construction works required to establish the development appear likely to result in damage and potentially early loss of these habitat features. Evidence in the form of an Arboricultural Impact Assessment will be required to demonstrate how the development will not impact the root zones of the adjacent trees/hedge-line. Alternatively, it is recommended that consideration is given to re-siting the development to avoid loss and damage to woodland and hedgerow features (priority habitats).

Following comments by PCC Highways, improvements at the junction of C2053 and B4368 are required which will impact the southern roadside hedgerow along the C2053.

Where impacts to trees and hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Appropriate replacement tree and/or hedgerow planting 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 trees and/or hedgerow location, length and species. Species should be native and reflect the trees and 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 Tree and Hedgerow Compensation Scheme is secured through an appropriately worded planning condition. If the development of the housing units cannot be undertaken without significant impact to the root zones of the adjacent trees/hedge-line and re-siting of the units within the field is not possible, the Scheme must identify appropriate compensation for the impacted section of hedgerow and trees parallel to the western elevations of the two units.

In addition to timing of works to protect breeding birds and unclear measures to protect adjacent trees, the ES includes a number of proposed mitigation and compensation measures not supported by submitted plans or documents and not necessarily justified by the submitted ecology information:

Creation of earth bunds adjoining the development and village and alongside the Slurry Stores which will provide a habitat for a number of species. It's unclear to which village this is referring to, none are located nearby, and there are no slurry stores proposed. No bunds are identified on any submitted plans.

Creation of woodland planting and conservation strips surrounding the site. No woodland planting or conservation strips are identified on any plans.

Create new species-rich hedgerows to west of development. There is no space to create hedgerows west of the development and the proposal will impact negatively on the existing western trees/hedge-line.

Allow surrounding boundary hedgerows to grow up to 3.5 metres and maintain at 2 metres width. The boundary hedgerows along the west, north and east already comprise outgrown trees. The eastern hedgerow does not appear to have been managed as a hedgerow for years. To increase width additional planting will be required but it's unclear if this is being proposed.

Pollution Prevention

The western construction footprint is located 6m from the adjacent watercourse. Best practice is that no excavations take place within 10m of a watercourse due to the increased pollution risk. The submitted 'Method Statement Pollution Prevention' was written in accordance with 'national guidance with regard to national legislation and especially that of the Environment Agency's Pollution Prevention Guidelines (PPG5 & PPG6 - 2007).' The correct guidance to be used is GPP 1: Understanding your environmental responsibilities - good environmental practices and GPP 5 Works and maintenance in or near water, which can be found at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-and-replacement-series/>

The Method Statement identifies that features such as hay bales at the top of slopes will be used to prevent silty water from reaching watercourses. Based on the submitted information it is not clear that it will be possible to site bales or silt fencing effectively between the construction site and the watercourse due to the close proximity of the construction footprint to the adjacent hedgerow/trees, which extend to the watercourse.

An amended method statement will be required prior to determination of the application to demonstrate that effective pollution prevention measures based on current guidance can be implemented at the site.

Ammonia emissions

Section 6.3 of the ES refers to use of the Environment Agency's screening tool for ammonia emissions and the assessment of environmental permits by the Environment Agency. This is irrelevant given that the application site is in Wales, not England. The ammonia modelling criteria described pre-dates NRW's 2017 guidance in place at the time the application was submitted and was not used to inform the ammonia modelling. This section of the ES has therefore been disregarded.

ES Appendix 7 comprises the ammonia modelling assessment report, which has been prepared using NRW's 2017 guidance valid at the time the application was submitted. The first version of the report (2018) contained an error in Table 2 regarding the number of birds used to inform the modelling. The subsequent report (2019) corrected the error and also updated the figures provided for background concentration of ammonia. Background ammonia concentration around Upper Maenllwyd was 1.60 µg/m³ (source APIS, March 2021, although the report remains dated February 2019), nitrogen deposition to woodland was 28.00 kgN/ha/yr and to short vegetation was 17.36 kgN/ha/yr. (It's noted that the 1.60 µg/m³ figure is the mid-year average of the data range 2016-2018, not 2017-2019 as stated by NRW on 30/03/2022.)

Preliminary modelling identified receptor locations at the Montgomery Canal SSSI/SAC where predicted process contributions (PCs) to ammonia concentrations exceeded 1% of the critical level, that is, damage to the protected site is considered possible.

Preliminary modelling also identified that PCs to the closest AW sites would exceed the 100% critical level threshold based on a precautionary 1ug/m³ critical level. Llanmerewig Glebe WTR is commensurate with AW receptor locations included in the modelling. PCs at the WTR are below the 100% critical level threshold considered appropriate by the guidance, that is, significant damage to habitat features is not expected.

Detailed modelling was undertaken for the two Montgomery Canal SSSI/SAC receptors which identified that, on its own, the PCs from the development were below the 1% critical level threshold. However, NRW in accordance with its 2017 guidance, have repeatedly advised that the detailed modelling also needs to consider cumulative impacts from other sources of ammonia emissions. Unfortunately, this has not been provided.

It's considered appropriate that if additional modelling is to be submitted it should be re-run using up-to-date background data (2018-2020). The modelling assessment is required to inform a Habitat Regulations screening assessment, which should be based on the most up-to-date information available. APIS advise that 'Typically, emission sources are considered to be in APIS background if they were operational by 31 Dec of the mid year within the three-year average dataset.' Therefore, the in-combination assessment needs to consider all potential emission sources from i) consented planning applications decided on or after 1st January 2020, ii) relevant unconsented planning applications and iii) applications consented before 1st January 2020 but not fully operational by this date.

Contrary to the submitted 'In-combination Assessment' document the following additional sources of ammonia relevant to the two receptor locations on the Montgomery Canal SSSI/SAC have been identified. Details of all of these developments are available on the PCC Planning Portal.

Sensitive sites	Applications within 5km screening distance of sensitive site receptors
Decision date	Reason for consideration
Montgomery Canal SSSI/SAC	P/2016/0756 13/01/2017 Date of first operation, i.e. stocking of live birds, is unconfirmed. No recent aerial imagery of site. One or more pre-commencement conditions not yet discharged.
	P/2017/0941 28/02/2018 Date of first operation, i.e. stocking of live birds, is unconfirmed. No recent aerial imagery of site. One or more pre-commencement conditions not yet discharged.
	P/2018/0385 21/11/2019 Not operational prior to 01/01/2020. Decision date only 6 weeks before 12/12/2020. One or more pre-commencement conditions not yet discharged.
	19/0710/FUL 06/03/2020 Not operational prior to 01/01/2020. Decision date after 01/01/2020
	19/2069/FUL pending Not operational prior to 01/01/2020. Unconsented application
	20/0765/FUL 06/07/2022 Not operational prior to 01/01/2020. Decision date after 01/01/2020

Where the operation date of a consented development is unconfirmed a precautionary approach should be taken (in accordance with the principles of the Habitats Regulations) unless the LPA has appropriate evidence confirming the operation date to be prior to 1st January 2020.

In the absence of an in-combination ammonia modelling assessment, the LPA is unable to undertake the required Habitat Regulations Assessment and conclude that the proposal

would not result in a likely significant effect on the designated features of the Montgomery Canal SAC. Consequently, granting of planning consent in the absence of a Habitat Regulations Assessment, or where a HRA concludes that an adverse effect on the integrity of the SAC cannot be ruled out, risks contravention of The Conservation of Habitats and Species Regulations 2017 (as amended), and would be contrary to Powys LDP Policy DM2, Planning Policy Wales, TAN 5 and The Environment (Wales) Act 2016.

Drainage

The Drainage Plan, drawing no. RB-MZ359-04, dated 20/05/2022, identifies separate management of dirty waters and clean surface waters, which minimises pollution risk to adjacent watercourses. The dirty water tank will be constructed to the necessary legal requirements and has been confirmed to be of sufficient capacity for the proposal.

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

Manure management

All poultry manure will be exported from site for use in an anaerobic digester. The revised Manure Management Plan does not state how dirty waters will be disposed of, which should be confirmed prior to determination of the application.

Lighting

The ES and Lighting Design Scheme confirm that external lighting will be limited to access locations at the gable ends, restricted to working hours only and designed to minimise impact to nocturnal wildlife. However, given the proximity of the western gable ends to the adjacent hedgerow/treeline it is likely any lighting installed above the door (which is at a height of 3m) will probably result in light spill reaching the boundary vegetation. It is recommended that an amended Lighting Design Scheme be submitted demonstrating how installation and/or luminary design will avoid indirect illumination of the boundary vegetation and potentially the adjacent watercourse.

Landscaping

The Landscaping Plan, drawing no. RB-MZ359-06, dated 28/02/2019 identifies the existing boundary hedgerows and trees. No new planting is identified on the Plan and its purpose is unclear.

Biodiversity enhancement:

No information has been provided to demonstrate that the proposal will provide a net biodiversity gain. The Chief Planning Officer for Wales has confirmed that 'where biodiversity enhancement is not proposed as part of an application, significant weight will

be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' Therefore, details are required regarding incorporation of features to enhance biodiversity and ensure the development provides a net benefit for biodiversity.

The applicant is advised to consider whether some of the proposed mitigation/compensation measures mentioned above could be implemented as biodiversity enhancement measures. Additional tree and scrub planting would be very welcome, and the roadside hedgerow is one that could be improved through management and additional planting to increase its height and width.

Further information required prior to determination:

- i. Arboricultural Impact Assessment undertaken in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations, or sufficient evidence to demonstrate how the housing units and hardstanding will not impact the root zones of adjacent trees/hedge-line
- ii. Revised ammonia modelling assessment to include an assessment of cumulative impact, as detailed above
- iii. Revised Manure Management Plan confirming how dirty waters will be disposed of
- iv. Biodiversity Enhancement Plan

PCC-Ecologist

6th Jan 2023

Recommendation:

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

DM14 - Air Quality Management

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Comments:

Previous comments provided 07/12/2022.

The following additional information has been provided:

- o Anon (undated) In-Combination Assessment v2, Planning application for a poultry installation, Upper Maenllwyd Farm, Kerry, Newtown, Powys, SY16 4NB. Roger Parry & Partners.
- o Anon (Undated) Method Statement Pollution Prevention v2, Erection of a poultry unit including silos and all associated works. Roger Parry & Partners LLP.
- o Anon (December 2022) Lighting Design Scheme, Erection of a poultry unit including silos and all associated works. Gwyn Jones & Partners, Land at Upper Maenllwyd, Kerry, Newtown, Powys, SY16 4NB. Roger Parry & Partners LLP.
- o Landscaping Plan, Drawing no. RR-MZ359-11, dated 22/12/2022

Ammonia emissions

The submitted document 'In-combination Assessment v2' provides process contributions for each development identified for the cumulative impact assessment but no further evaluation has been made. The NRW guidance asks 'Is the process contribution (PC) or sum of the process contributions (sumPCs) (i.e. the livestock unit + other sources) above 1% of the appropriate ammonia critical level / nitrogen critical load?'

PC of proposed development:	0.011 µg/m ³
Sum PCs of other ammonia sources:	0.033 µg/m ³
Total PCs:	0.044 µg/m ³

Ammonia concentration critical level for Montgomery Canal SSSI/SAC is 3ug/m³ - 1% of the critical level is 0.03 µg/m³. The 1% ammonia critical level is exceeded.

Background ammonia concentration at the relevant part of the Montgomery Canal SSSI/SAC is 1.5 µg/m³. Total PCs added to the background ammonia concentration gives a Predicted Environmental Concentration (PEC) of 1.544 µg/m³, which is below the 3ug/m³ critical level for the protected site. In accordance with the NRW guidance no further assessment is required as the development in combination with other ammonia sources is not considered likely to result in damage to the Montgomery Canal SSSI/SAC.

Having reviewed the information provided by the applicant in line with relevant NRW guidance, it has been determined that the proposed development would not result in a likely significant effect to the Montgomery Canal and/or its associated features. I have attached a copy of the Habitat Regulations Screening Assessment for your records.

Pollution Prevention

The revised Method Statement makes reference to current national guidance which is welcome. No additional information has been provided to demonstrate that sufficient and effective silt prevention measures are achievable. In reviewing the submitted section plans the ground level at the western end of the site will be raised and so 'placement of hay bales

at the top of the slope' is not relevant. It should be possible to install suitable measures prior to ground works commencing and, therefore, it's recommended that adherence to submission of detailed silt prevention measures is secured through an appropriately worded planning condition.

Trees and hedgerows

An Arboricultural Impact Assessment has not been provided, however, it is understood that the ground of the construction area is raised above the western tree/hedgeline and that whilst excavations would take place immediately adjacent to the habitat feature, this will be to increase ground levels and impact to root zones would be avoided, which is welcome.

External Lighting

Luminary specification has been included in the revised Lighting Design Scheme. Providing the luminaries are installed as described and the installation height at the western gable ends is restricted, the measures are considered acceptable to avoid minimise disturbance of nocturnal wildlife.

Manure Management

No further details regarding disposal of dirty waters appear to have been provided. It's advised that all dirty waters are exported off-site unless it can be demonstrated that management and spreading will not result in excessive application of nutrients and/or potential run-off to adjacent watercourses. The revised Landscaping Plan identifies the addition of a muck store that is not evident on other plans and as the submitted Manure Management Plan states additional storage is not required it's assumed that this is an error.

Landscaping and Biodiversity Enhancement

The amended Landscaping Plan is welcome and confirms that the roadside hedgerow will be managed to a minimum height of 3m and minimum width of 2m. Additional planting will take place to fill gaps and create width; an appropriate species list, planting specification and aftercare measures are provided. The grassland between the housing units and the roadside hedgerow and eastern hedgerow/treeline will be maintained as rough grassland, which will provide improved habitat for insects and small mammals. The enhancement measures are very welcome. The remaining hedgerows/tree lines will be maintained at their current height although it's not entirely clear if additional planting will increase their bases to 2m width.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting for the C2053 junction improvements and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

2. The development shall be undertaken in strict accordance with the following

- i) Method Statement Pollution Prevention v2, Erection of a poultry unit including silos and all associated works (undated), by Roger Parry & Partners LLP
- ii) Drainage Plan, Drawing no. RB-MZ359-04, dated 20/05/2022
- iii) Landscaping Plan, Drawing no. RR-MZ359-11, dated 22/12/2022

The measures identified shall be adhered to and implemented in full.

3. Notwithstanding the details submitted, prior to commencement of development, a detailed Silt Prevention Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the type of silt prevention measure(s), timing of implementation and installation locations in relation to land levels, construction footprint and the adjacent watercourse. The approved measures shall be adhered to and implemented in full.

4. The development shall be undertaken in strict accordance with Lighting Design Scheme, Erection of a poultry unit including silos and all associated works (undated), by Roger Parry and Partners LLP, (uploaded to PCC Planning 04/01/2023). No luminary on either western gable end of the approved buildings shall be installed at a height above 3m from ground level. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM7, DM14 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate
Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted by phone at 0300 065 3000.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Public Responses

Representations from 6 members of the public have been received. The grounds for objection are

- Affect local ecology
- Close to adjoining properties
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Potentially contaminated land
- Information missing from plans
- Not enough info given on application
- Out of keeping with character of area
- Over development

In addition, one letter of support has been received and the following comments have been made by Powys Ramblers -

'The proposed development would not seem to have adverse effects on the nearby right of way. In the event of permission being granted can the applicant please be advised of the importance of making sure that the right of way is not obstructed during any development works and is kept open throughout'.

Planning History

None relating to the application site.

Principal Planning Constraints

National Floodzone 2
National Floodzone 3

Principal Planning Policies

Future Wales - The National Plan 2040 (2021)

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11) 2021		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy

SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape (2019)	
SPG	Historic Environment (2021)	

Other Legislative Considerations

Crime and Disorder Act 1998
Equality Act 2010
Planning (Wales) Act 2015 (Welsh language)
Wellbeing of Future Generations (Wales) Act 2015
Marine and Coastal Access Act 2009

Officer Appraisal

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 lists types of development and thresholds to define where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations; Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

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

Environmental Permitting Regulations

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

It is noted that the applicant has been granted an Environmental Permit for the operation of this proposal under reference EPR/BB3590FS on 06/01/2020.

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

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

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

This application must be considered in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Scheme

The proposed development relates to the provision of two poultry rearing buildings on a greenfield site. The sheds will provide accommodation for up to 112,000 broiler chickens. The chickens would be reared from day old chicks to up to around 38 days old and there would be approximately 7.5 crops per year. The proposed buildings will measure 113.995 metres by 24.684 metres with an eaves height of 2.9 metres and a ridge height of 5.58 metres. Each shed will be ventilated using 6 high velocity ridge extract fans as well as gable end fans. The ridge fans will reach a height of 5.75 metres from ground level.

The development will also consist of the siting of four feed bins and a hardstanding area for the parking and turning of vehicles.

Access will be taken from the C2053 via an improved agricultural field entrance. Further highway works are also proposed and consist of junction improvement works between the C2053 and the B4368.

Site Location

The development will be located approximately 100 metres south east of the main farmstead at Upper Maenllwyd, with the ridgelines of the buildings running generally north west to south east in orientation. The buildings are proposed to occupy an area of land within an existing agricultural field parcel which is bound to the north by the Afon Mule watercourse and to the south by the C2053 county highway. The site and surrounding area are rural in character made up of agricultural land with dispersed residential properties, farmsteads and holiday accommodation. The site is located approximately

1km from the closest village of Llanmerewig. Abermule is approximately 2.5 km to the north.

Policy Context

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

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

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

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

Principle of Development

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

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

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

In addition, policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses either individually or through cumulative impact. Policy E6 seeks to encourage diversification to take place within existing buildings in the first instance, or adjacent to an existing farm building complex where this cannot be achieved. Whilst it is noted that the proposal is for new development, it is recognised that intensive poultry units require bespoke buildings and there are no suitable buildings at the site which could accommodate the development. Furthermore, whilst it is also noted that the proposal would be an isolated form of development, it is recognised that intensive poultry units require bespoke buildings, and due to their scale, there are often site constraints that lead to the most appropriate siting of the unit being detached, particularly when taking all material matters into account.

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

Need and benefits

It is generally accepted that poultry units on existing farm enterprises are an appropriate form of diversification. The applicant currently operates a sheep, cattle and arable enterprise within Powys which extends to 155 hectares of owned land.

Although actual job creation has not been detailed within the application, it has been noted that employment will be created via both the construction and operational phases of the development.

Principal Matters

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

Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals 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. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

The Environmental Statement includes a Landscape and Visual Impact Assessment which has accompanied the application. The assessment concludes that *'the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity. The measures factored into the site selection and design process will reduce, minimise and even improve any potential adverse effects. Therefore, on balance it is considered that the proposed development would be acceptable in this context with regard to the potential effects on landscape character and visual amenity'*.

LANDMAP has designated the landscape as follows:

Geological Landscape – Moderate

Landscape Habitat – Moderate

Visual and Sensory – Moderate

Historic Landscape – Outstanding

Cultural Landscape – High

The site falls within the River Severn Flood Plain visual and sensory aspect area of LANDMAP. The landscape has been described within LANDMAP as a significant open valley with a patchwork of medium to large field parcels many displaying established field

boundaries of managed and overgrown hedgerows with numerous hedgerow trees. The land use is predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent within the aspect area from farmsteads to significant urban areas such as Welshpool and Newtown. LANDMAP also notes that smaller areas within the aspect as a whole display some and outstanding qualities however this is lessened by the association with urban areas and a heavily used road corridor.

The outstanding and high evaluations for the historic and cultural layers are justified by the area of the Upper Mule being dominated by medieval and later agriculture with high status farms and houses and minor settlements, but also a large numbers of earlier prehistoric burial monuments and later prehistoric defended settlements (hillforts and enclosures) as well as medieval defensive works. The aspect area has been described as being of exceptional interest.

The site itself is located within a narrow small valley along a section of the mule with the opposite side of the valley being lined by the Fron Heulog Wood. Whilst acknowledging the scale of the proposed poultry units in terms of floor area, the buildings are considered to have a relatively low profile reaching a maximum height of the approximately 5.58 metres. The tallest of the ancillary structures will be the feed silos that reach a height of 8 metres. Given the location of the building, undulating character of the surrounding landscape together with existing trees and hedges, it is considered that the siting of the proposed buildings and associated infrastructure will not adversely affect the character and appearance of the landscape from visual receptors. LANDMAP acknowledges that farmsteads are a common feature of the aspect area, as is evidence of agricultural practices throughout the ages, and whilst Officers accept that a large scale agricultural development is proposed, it is considered that it's siting and appearance will not significantly detract from the noted landscape qualities. Officers concur with the conclusions of the LVIA and raise no objection with regards to landscape and visual impact.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. It is recommended that any consent is subject to appropriate conditions restricting the external cladding colour of the building as well as securing the implementation and retention of existing and proposed landscaping. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13 and E6 of the Powys Local Development Plan.

Amenity

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

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

The proposed development has been located on a site relatively remote from residential receptors. The closest dwellings are Swn Y Nant, Upper Maenllwyd Cottage and Middle Maenllwyd - at distances of around 160 metres. In addition, Ty Nant, Dolerw, The Holt, Claymore View, Goetre Villa and Goetre Caravan Park are also located within 500 metres of the proposed development. The impact to amenity for the occupants of these properties have been considered as detailed below.

Noise

The main noise emitting plant associated with the development will be the extractor fans. The proposal indicates the use of 24 gable end extract fans and 6 roof mounted extract fans. A noise assessment accompanies the planning application which has predicted the noise emissions that are likely from the ventilation extract fans and vehicle manoeuvring within the application site associated with the proposed broiler units in accordance with BS4142:2014. The report concludes that the proposed development is unlikely to result in an adverse noise impact at the nearest dwellings. The report has been considered by an Environmental Health Officer who has accepted the findings of the report and has not requested the imposition of any planning conditions relating to this matter. That being said, Officers note that the proposed elevation drawings indicate the use of a greater number of chimneys on the units which is assumed to be an error. To ensure that the development can only be constructed with the assessed amount of fans, a planning condition will be used to control this matter.

The noise assessment has been undertaken on the basis of predicting the likely impact of the development against background noise levels. As such it inherently deals with the issue of cumulative impact with all other existing forms of development. Therefore, on the basis of the submitted noise assessment it can be concluded that cumulative noise impacts are unlikely as a result of this development. Furthermore, there are no other

permitted or proposed but not built developments (including intensive agricultural development) that are likely to have a cumulative impact with regards to noise in proximity to this development.

Odour

The application is accompanied by a report that has used computer modelling to assess the impact of odour emissions on the nearest receptors. The modelling predicts that, should the proposed development of the poultry unit at Upper Maenllwyd proceed, the odour exposure would be below the Natural Resources Wales benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³, at all nearby residential receptors considered.

With regards to manure management, the application details that the manure will be exported off site to be used as a feedstock at an anaerobic digester plant in Shropshire. Correspondence from the owner of the plant has been provided by the applicant and confirms that the organic material can be accepted in principle. As a contingency plan for when manure cannot be exported off site, it could temporarily be stored in an existing building on the holding. Ensuring that manure is stored undercover on the holding will significantly reduce the chances of the manure causing amenity issues.

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

Given the extent of the predicted odour plume from the proposed buildings, the development is not considered to have a cumulative odour impact with any other developments.

Dust

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

Private water supplies

It is considered that the development would not unacceptably affect private water supplies given that manure and dirty water from the unit will not be spread on land at Upper Maenllwyd Farm and that the development has been designed with pollution control measures in place for its operation.

Amenity Conclusion

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

Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain and enhance biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat or species including locally important site designations. Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

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

SACs and SSSIs

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

There are 2 SSSIs and 1 SAC within 5km of the proposal, these being the Montgomery Canal and Hollybush Pastures (the Montgomery Canal is designated as both a SSSI and a SAC). The application has been supported by a modelling report by AS Modelling & Data Ltd. The report provides the results of preliminary and detailed aerial modelling and concludes that the predicted process contributions of the development to the protected sites would be below the 1% test for insignificance.

An in-combination assessment of other sources of ammonia within the vicinity of the sites likely to be affected has also been undertaken by the applicant's agent, Roger Parry and Partners. This has been reviewed by the Council's Ecologist who has been able to conclude that in accordance with the NRW guidance the development in combination with other ammonia sources is not considered likely to result in damage to the Montgomery Canal SSSI/SAC.

On the basis of the responses received from NRW and the Council's Ecologist, it is considered that the proposed development is unlikely to have an unacceptable impact on designated and protected sites. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species and Habitats

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

Chapter 10 of the Environmental Statement provides the only ecological assessment in support of the application. It highlights that the development site is a grazed agricultural field bound by trees and hedgerows that provide the only suitable habitat for protected species, however, as no loss of habitat is proposed, there will be no impact to protected species. This information has been considered by the Council's Ecologist and NRW who have been able to conclude that additional survey work will not be necessary, and that protected species are unlikely to be impacted by the development. It is recognised that some works to hedgerows will be necessary to facilitate highway works, however, the Council's Ecologist is satisfied that hedgerow replacement or translocation details can be secured via a planning condition.

Mitigation has been proposed as detailed in the ES such as works taking place outside nesting bird season which is considered to be a suitable precautionary measure. However, some of the measures detailed do not seem to relate to the proposed development (a bund, woodland planting and a new hedgerow) and these have been discounted from consideration.

Therefore, taking account of the nature of the development combined with the habitats surrounding the development, it is concluded that there is unlikely to be negative impact to protected species as a result of the proposed development subject to further details being secured regarding the works to the hedgerows to facilitate access improvements. An appropriate condition is detailed at the end of this report as recommended by the

Council's Ecologist.

Ancient Woodland

The biodiversity data search identified the presence of numerous parcels of Ancient Woodland (AW) within 2kms of the site.

With regard to AW sites, preliminary modelling indicates that the predicted process contributions of ammonia and nitrogen would be below the Natural Resources Wales lower threshold percentage of Critical Level and Load for the designation of the sites.

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

Locally Important Sites

It has been noted by the Council's Ecologist that locally important sites, notably Llanmerewig Glebe Wildlife Trust Reserve (WTR) has not been identified within in the ammonia and nitrogen deposition modelling. Whilst this non-statutory site has not been included within the assessment, the Council's Ecologist has reviewed the results of the modelling that has been undertaken and considers that this provides sufficient evidence to demonstrate that the predicted process contribution to the locally important sites would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site.

Pollution Control

Officers acknowledge that the proposal has the potential to pollute the environment through surface water runoff and associated construction and operational activities unless suitable control/mitigation measures are implemented.

The submitted Site Drainage Plan confirms that dirty and clean surface waters will be managed separately minimising the risk of pollution. Surface waters from roofs of the two proposed units will be directed to a proposed balancing pond. All waters from the apron at the front of the sheds will be directed to a dirty water tank compliant with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The Environmental Statement indicates that the dirty water will be taken from the site by Gamber Logistics.

All manure produced within the proposed units is proposed to be exported off site to be

used as a feedstock at an anaerobic digester plant located in Shropshire. The AD plant has been subject to its own planning consent with the relevant Local Authority and is required to comply with a number of planning conditions relating to amenity and pollution control.

Biodiversity Enhancements

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

A Landscaping Plan has been submitted which identifies retention of all existing boundary hedgerows. The plan indicates that the roadside hedgerow will be managed to a minimum height of 3m and minimum width of 2m. Additional planting will take place to fill gaps and create width. Furthermore, the grassland between the proposed units and the roadside hedgerow will be maintained as rough grassland, which will provide improved habitat for insects and small mammals. The Council's Ecologist has stated that sufficient tree/hedgerow planting details have been provided and the habitat enhancements are welcome. Overall, it is considered that the proposals are sufficient to ensure that the Local Planning Authority has met its duty under Part 1 Section 6 of the Environment (Wales) Act 2016 and the enhancements will be secured via a planning condition as detailed at the end of this report.

Biodiversity, Ecology & the Environment Conclusion

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

Highway Safety and Movement

Policy DM13 confirms that applications must demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times,

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

The application as submitted indicates that the existing field access off the C2053 will be improved in order to appropriately serve the development. Furthermore, a HGV sized passing bay will be provided as well as junction improvement works between the C2053 and the B4368.

It is recognised that the C2053 is a single width highway and the increased traffic associated with the development will increase the likelihood of conflict with existing road users, however, the Local Highway Authority are satisfied that the local highway network can absorb the additional traffic generated as a result of the development without significant detriment to highway safety. Mitigation has been proposed with the provision of a HGV sized passing bay at the approximate midpoint of the C2053 between the development and the B4368. The applicant has also proposed a significant improvement to the C2053/B4368 junction to facilitate the turning of articulated HGVs. Officers note that these improvements can be secured on land within the existing highway or on land within the applicant's control, so although they are located outside of the application site area, they can be controlled through a negatively worded planning condition.

The application is also accompanied by a breakdown of associated traffic movements and the type of vehicles used for each activity. It is indicated that there are likely to be 898 traffic movements in a year. Officers consider that this offers a reasonable and realistic assessment of traffic generation in order for the Local Planning Authority to assess the impact of the development on the highway network and its users.

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions which are detailed at the end of this report. Overall, it is considered that the proposed development will not have an unacceptable adverse impact on highway safety and movement, and there is sufficient capacity within the existing highway network to absorb the traffic created as a result of this development. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

Cultural Heritage

Listed Buildings

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

The closest listed building to the proposed development will be Upper Maenllwyd Farmhouse, a grade II listed structure included as a well-detailed late C18- early C19 farmhouse of some architectural refinement. There will be approximately 175 metres between the poultry units and this listed building. The Council's Conservation Officer has considered the impact of the proposal on the setting of this listed building and has noted that there will be no intervisibility between them.

There are a further 7 listed buildings within 1.5 km of the development including: Lower Maenllwyd, Bridge at Fronfraith Mill, The Old Rectory, Church House, Church of St Llwchaiarn, Hodley United Reformed Church and Cefn Maenllwyd.

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

Scheduled Monuments

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. Cadw have identified that there are 10 scheduled monuments within a 3km buffer of the proposed development, however, intervening topography and vegetation block all views between the proposed development and the scheduled monuments. On that basis, Cadw have concluded that the proposed development will not have any impact on the setting of any scheduled monument.

Cultural Heritage Conclusion

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

Contaminated Land

Land contamination can present risks to human health, property and the environment. In accordance with policy DM10 of the Powys Local Development Plan development proposals are assessed to ensure that any risks are acceptable and addressed. Planning Policy Wales reinforces this approach and recognises that the planning system should be the preferred means of addressing potential land contamination.

The proposed application site is located within 10 metres of a closed landfill site. As a consequence of this former land use, there is potential for the presence of land contamination within the application site area.

The application has been accompanied by the following reports with regards to land contamination

- Phase 1 Environmental Site Assessment Report Reference 105419-S01 by Ashfield Solutions Group dated May 2019,
- Ground Gas Management Strategy by Ashfield Solutions Group dated February 2020,
- GROUND GAS INVESTIGATION REPORT Number: 16-05471-000-GEO-R001 by Byrne Looby dated 22nd October 2021.

Throughout the processing of this application, the Contaminated Land Officer has made it clear that the conclusions of the documents produced by Ashfield Solutions Group have not been accepted as they have not been justified and completed in accordance with current guidance and industry best practice. Likewise, the Ground Gas Investigation Report by Byrne Looby does not sufficiently demonstrate that the ground gas source (the adjacent landfill site) has been appropriately risk assessed, that the application site's ground gas regime has been appropriately characterised or that worst case conditions can be predicted.

That being said, Planning Policy Wales states that *'Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their*

implementation, including provision for remediating any unexpected contamination which may arise during construction’.

Therefore, despite the issues raised with the current reporting by the Contaminated Land Officer, which will need to be addressed within future reporting, Officers are satisfied that sufficient information has been considered in order to conclude that remediation could occur, so the planning application is able to proceed subject to the use of planning conditions which have been detailed at the end of this report.

The conditions are drafted so that they require the agreement of any remediation prior to the commencement of development to ensure that no on site works can proceed without this matter having been fully assessed and addressed. The conditions also require the submission and agreement of a verification report to ensure that any remediation has been completed in accordance with best practice and guidance.

Therefore, subject to the use of the recommended planning conditions, it is considered that land contamination can be addressed and the proposed development is acceptable in accordance with policy DM10 of the Powys Local Development Plan and Planning Policy Wales.

Public Rights of Way

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

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

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

Impact on Tourism Assets

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

It is noted that some of the representations make reference to the development affecting the tourism appeal of Goetre Caravan Park, which is located around 350 metres from the proposed development. As has been previously detailed within this report, providing that the development is managed in accordance with the submitted information, which will also be controlled via planning conditions, it is considered that the proposed development is unlikely to have an unacceptable impact on either visual impact or amenity. That being the case, it would be difficult to conclude that the proposed scheme would unacceptably affect any tourism asset.

Flood Risk and Surface Water Drainage

Both NRW and the Lead Local Flood Authority have identified that the part of the application site is within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15. Furthermore, part of the site is also within the Flood Map for Planning – Surface Water and Small Water Courses Flood Zones 2 and 3. However, no physical development is proposed within these zones and there is no change in land use either, this is simply a matter of where the application site has been drawn on the location plan associated with the planning application. The proposed buildings and their associated infrastructure are all located within Zone A and are not at risk from flooding or of causing increased flood risk elsewhere.

To manage surface water effectively on site, clean water from roof and clean surfaces has been identified as being drained to clean water drainage system each side of the buildings which is then discharged to a balancing pond. The balancing pond outfalls into the Mule through a restricted orifice which limits discharge to the appropriate greenfield rate.

With regards to surface water management associated with the proposed development, as the construction area of the proposed development would exceed 100m², the development will also require approval from the SUDs Approval Body.

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

The Best and Most Versatile Agricultural Land

It is recognised that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future as set out within Planning Policy Wales (Edition 11).

In this instance, the site is on grade 3b land and further consideration does not need to be given to its safeguarding in this respect.

Minerals Safeguarding

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

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

Cumulative Impact

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

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

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

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

Upper Bryn 1.5km north - permission for 32,000 & in planning for 32,000 birds

Glanmihelli 2.5km south - permission for 200,000 birds.

Drefor 3km south - permission for 110,000 birds (not yet operational).

Blackhall Farm 3.6km north east - permission for 64,000 birds.

Bynrorin 4km north west - permission for 48,000 birds.

Cloddiau 4.2km north west - permission for 24,000 birds.

Yew Tree 4.3km west - permission for 30,500 birds.

Pencae 4.8km east - permission for 28,000 birds.

The Hill 5km north - permission for 16,000 birds.

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

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

Manure generated as a result of the development will be exported off site to an anaerobic digester. The anaerobic digester has the benefit of planning permission and must operate

in accordance with that permission and any other regulations or permits associated with it. In considering the possibility of direct or indirect cumulative impact from nutrients, the local planning authority acknowledge that there are sufficient controls and best practice in place to ensure that any cumulative impact is appropriately managed and the possibility of diffuse agricultural pollution either directly or indirectly from this development is made no worse as a result of the proposed scheme.

It is recognised that the development will generate aerial emissions and will contribute to those already present in the atmosphere from various sources. However, the process contribution of the development, with the use of high speed ridge fans, will be at a level within acceptable parameters for all protected sites considered, even when acting in combination with other developments.

Climate Change

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

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

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

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

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

Planning Balance

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

The application is in respect of a development to accommodate an additional 112,000 broilers at Upper Maenllwyd, Kerry. Having been assessed by Development Management and taking into account the comments of consultees and members of the public, the development is considered unlikely to unacceptably affect the environment subject to adherence of the information submitted with the application which can be controlled via the conditions detailed below. The development is considered to be compliant with local and national planning policy and it is for these reasons that the development is recommended for approval.

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

RECOMMENDATION

The planning application is currently undergoing a period of re-consultation in accordance with The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 following the submission of further information. The further information has already been considered by the relevant consultee, in this case the Council's Ecologist, prior to her latest response to the application. However, in accordance with the stated regulations, the application also requires a 30 day public consultation period. This consultation period ends on the 20th February 2023. It is therefore recommended that delegation is given to the Professional Lead for Planning in consultation with the

Chairman and the Vice-Chairman of Committee to determine the application after this date taking account of any further communications received within this period.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents: RB-MZ359-01, RB-MZ359-02, RB-MZ359-03, RB-MZ359-04, RB-MZ359-05, RB-MZ359-08B, RB-MZ359-09, RB-MZ359-10, RR-MZ359-11 Rev A, RJC/RB/JONE053/01, Environmental Statement version 2.0 produced by Roger Parry & Partners LLP and dated December 2021, Method Statement Pollution Prevention v2 (undated) by Roger Parry & Partners LLP and the Manure Management Plan produced by Roger Parry & Partners LLP and dated October 2022. The measures identified shall be adhered to, implemented in full and maintained thereafter.
3. Notwithstanding the submitted details on drawing number RB-MZ359-03 the development shall install no more than 6 ridge fans and 24 gable end fans per unit.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the units shall be erected without the consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
6. The poultry units hereby approved shall be limited to occupation by a maximum of 112,000 broilers.
7. The external cladding of the buildings and the feed silos shall be Olive Green in colour for the lifetime of the development. The external elements of the mechanical fans shall also be Olive Green or Black in colour for the lifetime of the development.
8. All manure and dirty waters generated by the development hereby permitted shall be exported to an appropriately licensed anaerobic digester facility. None of the above material shall be spread directly on any land. Documentary records demonstrating date of collection, the amount and the destination of all exported material shall be maintained by the operator of the development hereby permitted and be made available to the Local Planning Authority upon request.

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

10. All manure exported off site (Upper Maenllwyd, Kerry) must be sheeted or fully covered.

11. All planting, seeding or turfing comprised in the approved details of landscaping and identified on plan RR-MZ359-11 Rev A shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

12. Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting for the C2053 junction improvements and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

13. Notwithstanding the details submitted, prior to commencement of development, a detailed Silt Prevention Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the type of silt prevention measure(s), timing of implementation and installation locations in relation to land levels, construction footprint and the adjacent watercourse. The approved measures shall be adhered to and implemented in full.

14. The development shall be undertaken in strict accordance with Lighting Design Scheme, Erection of a poultry unit including silos and all associated works (undated), by Roger Parry and Partners LLP, (uploaded to PCC Planning 04/01/2023). No luminary on either western gable end of the approved buildings shall be installed at a height above 3m from ground level. The measures identified shall be adhered to and implemented in full and maintained thereafter.

15. Prior to the commencement of development, detailed engineering drawings for the junction improvement to the junction of the B4368/C2053 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.

16. Prior to any groundworks for the construction of the buildings hereby approved, all highway improvements, approved via condition 15 of this permission, 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.

17. 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.

18. No groundworks for the construction of the buildings hereby approved 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 43 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.

19. Upon formation of the visibility splays as detailed in condition 18, 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.

20. Before any groundworks for the construction of the buildings hereby approved 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.

21. Prior to the commencement of development, detailed drawings for the method of intercepting and disposing of access surface water adjacent to the C2053 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.

22. Prior to any groundworks for the construction of the buildings hereby approved, the applicant shall construct one HGV passing bay as shown on the approved drawing RJC/RB/JONE05301 to adoptable standard by the Local Highway Authority.

23. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

24. 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 or a suitably bound material which is to be approved in writing by the Local Planning Authority 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.

25. The gradient of the access shall be constructed so as not to exceed 1 in 15 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.

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

27. No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include: A desk study, A site reconnaissance, Formulation of an initial conceptual model and A preliminary risk assessment. If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk

Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

28. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

29. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

30. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is

subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

31. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance'.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to control the development which has the potential to adversely affect the amenity of local residences in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, February 2021).
- 4 to 6. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (Edition 11, February 2021).
7. In the interests of amenity in accordance with policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Notes 12 and Planning Policy Wales (Edition 11, February 2021).
- 8 to 10. In the interests of pollution prevention and amenity in accordance with policies DM2 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11, February 2021).

11 & 14. To comply with Powys County Council's LDP Policies DM2, DM4, DM7, DM14 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

15 to 26. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, February 2021).

27 to 31. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan (2018) and Planning Policy Wales (Edition 11, February 2021).

Informative notes :

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

The application is accompanied by an Environmental Statement. The Environmental Statement addresses the significance of the development on the environment in relation to the impact to air quality, health & climate, landscape and visual impact, traffic, amenity, ecology, noise & vibration, water resources and soils. The information submitted within the Environmental Statement has been considered in full in reaching the decision made on this application and, in the opinion of the Local Planning Authority, the development is unlikely to have a significant effect on the environment subject to adherence of the conditions detailed within this decision.

Public Rights of Way

There are public rights of way within the vicinity of the development. No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined

period.

Highways

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
 - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. 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.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. 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](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

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted by phone at 0300 065 3000.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Case Officer: Louise Evans, Planning Officer
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