

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 23/0297/FUL

Grid Ref: E: 318339
N: 298901

Community Council: Berriew Community

Valid Date: 09.03.2023

Applicant: Mr Jones

Location: Land At Pied House, Garthmyl, Montgomery, SY15 6SQ,

Proposal: Formation of a slurry lagoon

Application Type: Full Application

The reason for Committee determination

The applicant is a Powys County Councillor.

Consultee Responses

Consultee

Received

Community Council

No response received at the time of writing this report.

PCC-Building Control

No response received at the time of writing this report.

PCC-(N) Highways

No response received at the time of writing this report.

Hafren Dyfrdwy

24th Mar 2023

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have

no objections to the proposals and do not require a drainage condition to be applied.

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

Natural Resources Wales (Mid Wales) –
First Response

30th Mar 2023

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

Protected Sites

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia). We assess the air quality impact a unit may have on European protected sites and Sites of Special Scientific Interest (SSSIs) using the following guidance Natural Resources Wales / Ammonia assessments: initial screening and evidence gathering (GN 020). The closest being the Montgomeryshire Canal SAC/SSSI.

Further information should be submitted to support the application and the applicant is advised to follow our standing advice at Natural Resources Wales / Ammonia assessments. We advise that an ammonia assessment should be sought from the applicant for the current proposal as it is sited away from the current farm.

Assessment of the air quality impact a proposal may have on the National Site Network and Sites of Special Scientific Interest (SSSI) is required within a screening distance determined by the nature and scale of the development. The need for a screening assessment, rather than detailed modelling assessment initially, is determined by the background level concentrations. Your Authority should also consider semi-natural habitats such as those protected under local designation types and the ancient woodland inventory. Our advice to planning authorities considering proposals affecting ancient woodland can be found here. As you are aware, if we are consulted on proposals where ancient woodland is a constraint, we will not provide bespoke advice, except where the ancient woodland is a feature of a designated site.

Pollution of Controlled Waters

We understand this proposal is to improve the existing slurry management system on the farm to conform with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The storage requirements of these Regulations come into force on 1 August 2024. The structure is not to accommodate an increase in stock number.

Provided the structure is designed and built by a suitably qualified engineer to meet the standards set in the Regulations and BS 5502 (Building and Structures for Agriculture

Code of Practice for Design, Construction and Loading), we have no objection to the proposal.

CIRIA guidance C759 'Livestock manure and silage storage infrastructure for agriculture. Part 2 Design and Construction' provides the necessary soil characteristics and tests for constructing an earth bank slurry lagoon. Investigations should be carried out to determine the depth of the water table. The water table should be below the base of the earth bank slurry lagoon to protect controlled waters and to facilitate ease of construction.

Water levels

should be measured during the wettest time of the year.

We should be informed of any substantial changes at least 14 days before construction begins. Further information on what we require is available on our website at Natural Resources Wales / Silage and slurry storage.

The slurry should be applied to land in accordance with a suitable manure management plan (MMP) based on an underlying nutrient management plan (NMP). The Code of Good Agricultural Practice (COGAP) has standard formats for the MMP and associated NMP.

Protected Species

We note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

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.

PCC-Ecologist

21st June 2023

I've undertaken a screening and SCAIL assessment on Ancient Woodland sites based on the information submitted. There are no AW sites identified by NRW as being especially sensitive to ammonia within 5km of the development.

With regard to assessment of Ancient Woodland sites not identified on NRW's 'sensitive sites' mapping layer, and other locally important sites: up to 2021 NRW had previously directed applicants to continue following the Environment Agency's horizontal guidance, H1 Environmental Risks Assessment, H1 Annex B - Intensive Farming, re-published on gov.uk as 'Intensive farming risk assessment for your environmental permit'. NRW consider that the guidance is no longer appropriate but have only recently advised that

the LPA will need to develop its own guidance for locally important sites. In the meantime, it's considered appropriate that such sites continue to be assessed as before. That is, a 100% critical level threshold should continue to be applied to AW and other locally important sites.

The AW sites closest to the development are predicted to receive process contributions to ammonia concentrations below the critical level threshold and no further assessment or mitigation measures will be required.

PCC-(N) Land Drainage

No response received at the time of writing this report.

Natural Resources Wales (Mid Wales) – Second Response

18th Apr 2023

Thank you for re-consulting with Cyfoeth Naturiol Cymru / Natural Resources Wales with the additional information, 'Ammonia Assessment Results', in connection to the above planning application, which we received on 11 April 2023.

We have no objection to the proposed development as submitted and provide the following advice.

Protected Sites

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia). We assess the air quality impact a unit may have on European protected sites and Sites of Special Scientific Interest (SSSIs) using the following guidance Natural Resources Wales / Ammonia assessments: initial screening and evidence gathering (GN 020). The closest being the Montgomeryshire Canal Special Area of Conservation (SAC)/ SSSI.

Several classes of development, including agricultural development, benefit from permitted development rights under Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO), subject to conditions and limitations specified in the Order. The Habitats Regulations impose a condition on permissions granted by the GPDO so that development likely to have a significant effect on a SAC must not commence until the local planning authority has given written approval.

After considering the additional information, 'Ammonia Assessment Results', we do not consider the proposed development is likely to have a significant effect on the protected sites. As such, it is unlikely there will be an increase in ammonia sources

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.

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

PCC Built Heritage

Thank you for consulting me on the above application. The lay of the landscape and established trees mean that the proposal is shielded from view on the north. However, in relation to the South, from certain vantages the proposal will be in view with the RHPG and listed buildings of Garthmyl Hall. It is accepted this will be from some distance, however, some slight amendment to the planting scheme would ensure the bank is shielded from view (perhaps with trees being planted at its base).

I would therefore suggest approval with a condition for details of a planting scheme.

CADW

21st June 2023

Thank you for your consultation. Ref: 23/0297/FUL

Advice

PGW(Po)31(POW) Glansevern Hall
PGW(Po)32(POW) Vaynor Park
PGW(Po)58(POW) Garthmyl Hall

The above registered parks and gardens are located inside 1km of the proposed development, but apart from the registered Garthmyl Hall historic park and garden, intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of these registered parks and gardens.

The registered Garthmyl Hall historic park and garden is located some 350m south of the proposed development. It is a good example of well-preserved grounds developed in the mid-nineteenth century to provide the setting to the Victorian country house. The park and garden are situated in a slightly elevated position on a gentle south facing slope above the A483 in the rural landscape of the Severn Valley. The identified significant views are from the gardens to the west and southwest across the park and surrounding rural landscape of pasture fields and hedgerows.

The proposed slurry lagoon will be located at the top of a low hill and may be visible in limited views from the boundary of the registered historic park. These views are not in the identified significant views from the park as they will be from part of Garthmyl Wood. If views are possible the proposed slurry pond will be seen as a grassed slope and this

slight visual change will not alter the way that the historic park and garden is experienced, understood and appreciated. Consequently, the proposed development will have no impact on the setting of registered Garthmyl Hall historic park and garden.

Cadw therefore has no objections.

Representations

The proposed development has been advertised by site display. At the time of writing this report, no third party representations have been received by Development Management.

Planning History

App Ref	Description	Decision	Date
P/2009/0073	Erection of an agricultural building	Conditional Consent	17th Mar 2009
P/2015/0687	Erection of an agricultural building	Conditional Consent	26 th August 2015
22/1459/AG R	Erection of agricultural storage building and all associated works	Permitted Development	

Principal Planning Constraints

Listed Building – Approx 300 metres to North West
Open Countryside
Historic Park and Garden

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Community		National Policy
TAN11	Noise		National Policy

TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

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

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Berriew and is located within the open countryside as defined by the Powys Local Development Plan (adopted 2018). The application site is surrounded by agricultural land on all sides and located approximately 300 metres from the farmyard complex.

This application seeks consent to erect a slurry store. The store will measure approximately 40 metres in length, by 30 metres in width and a depth of 4.5 metres.

Principle of Development

The policy framework for the consideration of agricultural buildings is set out in TAN6 – Planning for Sustainable Rural Communities. Section 6.1.1 states “the Welsh Assembly Government’s objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture.”

Policy DM13 sets out the general requirements of all development proposals. This development proposal does not fall within a specific policy as set out by the Powys Local Development Plan. Therefore, for the purposes of this development, the proposal will be considered against policy DM13 of the Powys Local Development Plan (2018).

This application seeks consent for the formation of a slurry lagoon. The proposed lagoon is to be sited on an area of grass land, approximately 300 metres to the north of the farm yard and existing agricultural buildings. The lagoon is below ground and therefore will not be readily visible. The proposal is considered to be of an acceptable scale and appearance.

In light of the above, it is considered that the principle of development complies with the Powys LDP (2018) subject to the following:

Justification for location

The proposed development is to be located on an area of flat ground within the farm holding. This has been given as a reason to justify the site given that many of the surrounding fields are sloped. As the lagoon is below ground, it is considered that it won't be readily visible from public vantage points and would be an acceptable area to site the proposal.

Highways

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

As part of the application process the Highway Authority were consulted on the proposed development, they have confirmed that they have no comments to make on the proposal. The proposed lagoon does not impact upon any vehicular access or parking and is not considered to result in any increase in traffic movements to the farm holding.

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

Amenity

The application site is located approximately 300 metres to the south east of a residential dwelling.

TAN 6 states that when considering applications for livestock and slurry units, Local Planning Authorities should exercise particular care to avoid potential future conflict between neighbouring land uses and it is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses. Criterion 11 of LDP Policy DM13 requires that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter. Criterion 1 of LDP Policy DM14 states that Development proposals will only be permitted where any resultant air pollution does not cause or lead to an unacceptable risk of harm to human health. Proposals will need to demonstrate that measures can be taken to overcome any significant adverse risk, with particular attention being paid to the National Air Quality Strategy objectives and any Air Quality Management Areas.

Given the distance to neighbouring residential properties and nature of the development, there are no concerns regarding overlooking or overshadowing, however consideration of the impact of the development on matters such as noise, odour, air quality and pests is required.

In terms of noise, it is accepted that there would be noise associated with transporting slurry to the site and depositing slurry in the lagoon as well as during the construction phase. It is not considered likely that there would be significant additional noise from traffic relating to the development. It is accepted that the depositing of slurry into the lagoon may cause additional noise as well as the construction of the development, however such noise is likely to be over a short time period and it is also acknowledged that agricultural operations such as slurry application can legitimately take place on the land currently which have the ability to generate noise. It is not considered that the proposed development would generate unacceptable additional levels of noise to that that can currently take place on site.

In terms of odour, Environmental Protection have not requested any additional information such as an odour assessment. The submission indicates that the slurry would

not be agitated during storage which is considered to assist in mitigating any odour impacts.

In terms of flies and pests, Environmental Protection have not requested any additional information.

In terms of air quality, LDP Policy DM14 is intended to ensure that proposed developments will not intensify existing problems, cause new problems or result in people being exposed to unacceptable levels of air pollution. The UK Air Quality Strategy (2007) sets out the standards (concentrations of pollutants in the atmosphere which can broadly be taken to achieve a certain level of environmental quality) and objectives (policy targets not to be exceeded). It is noted that emissions from agricultural units can result in local hotspots of high ammonia concentrations and nitrogen deposition around installations which is occurring against a background of high nitrogen deposition across Powys, however this matter will be assessed in the report below in respect of the impact upon the environment, in particular protected sites.

The site is not located within an Air Quality Management Area and Environmental Protection have not raised any concerns in respect of the development leading to unacceptable levels of air pollution or exceeding the standards set out within the UK Air Quality Strategy and as such it is concluded that the development would lead to an unacceptable risk of harm to human health in terms of air pollution.

It is concluded that the development would not unacceptably affect the amenities enjoyed by the occupants or users of nearest property in accordance with Criterion 11 of LDP Policy DM13 and any resultant air pollution would not cause or lead to an unacceptable risk of harm to human health in accordance with LDP Policy DM14.

Scale, Design and Landscape Impact

The proposed lagoon will measure approximately 40 metres in length, by 30 metres in width with a depth of 4.5 metres. The development is below ground and therefore will not be readily visible.

Its considered the scale of the development is acceptable and typical of the use. The development utilises materials which are typical for agricultural developments of this nature and are considered acceptable.

Policy DM4 of the Powys Local Development Plan (2018), states that development proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys Landscape.

Criterion 1 of LDP Policy DM13 requires that all developments are designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing. LDP Policy SP7 states that to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and

its operation. LDP Policy DM4 requires that development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. Further guidance on landscape impact is provided by the Landscape SPG.

LANDMAP has evaluated the landscape as follows:

Visual and Sensory - moderate
Geological Landscape – moderate
Landscape Habitats – moderate

Within the justification of the Visual and Sensory evaluation, it is stated that the aspect area is rolling lowland farmland with a distinct landscape character that would benefit from further enhancement and strengthening from supplementary tree and hedgerow planting.

The site is considered to be located in a relatively tranquil landscape, located on the hillside of a river valley, however as noted within the summary of the Visual and Sensory Aspect Area of LANDMAP, agriculture is evident in the area. As such the development is not considered to be out of character in that respect. The development would be an isolated form of development, being detached from the main farmstead and not grouped with any other agricultural or other development. The development would be low profile and below ground and would be obscured by the earth embankments. Therefore, from public vantage points, grassed mounds with a hedgerow around the perimeter would be seen and whilst the site would be visible from the valley floor to the south east, as aforementioned, it would not be on the skyline and it is not considered that it would interrupt open views of the valley floor or open skies.

In consideration of the development, it is not considered that the siting, scale and design will significantly detract from the characteristics and qualities of the landscape identified by the LANDMAP system and additional planting would also assist in mitigating any impact.

The biodiversity is greatly enhanced by this range of unimproved grasslands, Carr woodlands and valley mires. These habitats support a significant range of species and all together this area has a national importance and therefore a high value. The ecological and biodiversity impact of the development will be discussed later in the report, however given that the site is located on land which is improved grassland and the scale of the development, it is not considered that the development would unacceptably affect the landscape habitat qualities noted by LANDMAP.

Overall, the proposal would be a new, isolated agricultural development, given the siting, scale and design of the development as well as the distances to public vantage points and in consideration of the LANDMAP information, subject to the use of the recommended conditions, the landscape and visual impact is considered acceptable. It is therefore, concluded that the proposal would not have an unacceptable adverse impact

upon the valued characteristics and qualities of the landscape or the public rights of way or other public vantage points as recreational assets in accordance with LDP Policies SP7, DM13 and DM4.

Biodiversity, ecology and the environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species. In respect of air quality, Criterion 2 of LDP Policy DM14 requires that development proposals will need to demonstrate that measures can be taken to overcome any significant adverse risk, with particular attention being paid to the critical levels for the protection of habitats and species within a European site or Site of Special Scientific Interest in accordance with Policy DM2.

The development would be located on improved agricultural grassland which is of relatively low ecological value. An ecological survey has therefore not been requested on this occasion.

Protected sites

Slurry lagoons have the potential to impact protected sites through aerial emissions. 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.

- Montgomeryshire Canal SSSI
- Glyn Wood SSSI

Initially NRW requested an assessment of ammonia emissions from the development to enable the impact of the development upon the identified SSSIs to be considered. During the processing of the application, it has been clarified that the applicant no longer intends to increase the amount of manure/slurry relative to the current situation and the lagoon is to accommodate the need of the existing herd. There will be no overall increase in the release of aerial emissions as a result of the development.

The lagoon is designed to accommodate 5 months slurry and calculations have been supplied. NRW have advised that compliance with the requirements for slurry storage within The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 which come into force on the 1 August 2024 can be achieved. NRW have confirmed that based on the understanding that there will not be an increase in stock numbers at this farm as a result of this proposal, they do not require an assessment of ammonia emissions from the development. As such, NRW does not have concerns for this proposal and potential impacts on protected sites. The Powys Ecologist has confirmed that 'the AW sites closest to the development are predicted to receive

process contributions to ammonia concentrations below the critical level threshold and no further assessment or mitigation measures will be required’.

The Planning Authority is not aware of significant ecological issues relating to lagoon gases on adjacent habitats including watercourses. The Health and Safety Executive guidance refers to the risk to humans and animals occupying an enclosed space in the immediate vicinity of a lagoon, particularly when slurry is stirred or disturbed.

On the basis of the advice received from NRW & the county Ecologist, it is considered that the development would not unacceptably adversely affect protected sites or ancient woodlands in accordance with LDP Policies DM2 and DM14.

Biodiversity Enhancement

It is proposed to plant a hedgerow around the lagoon wall banks which is a suitable enhancement to create an additional habitat area and additional screening. This is welcomed as a biodiversity enhancement and will provide a net benefit for biodiversity in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016. It is recommended that the implementation and long-term management is conditioned to ensure that a net benefit for biodiversity occurs in accordance with LDP Policy DM2.

No details have been provided with this application in regard to external lighting. Given the site’s location, it is considered that a restriction should be put in place regarding external lighting so that nocturnal wildlife are not affected by this development.

In light of the above, and subject to the inclusion of an appropriately worded conditions, it is considered the proposed development complies with relevant planning policy in this regard and is acceptable.

Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states 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.”

Paragraph 3.59 of PPW (Ed. 11) further states that:

“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”

The Welsh Government's Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 3b, which relates to "moderate quality agricultural land".

The proposed development would be sited on an area of agricultural land. The Welsh Government's Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 3b, which relates to "*moderate quality agricultural land*". In light of this, it is noted the development would not result in the loss of the best and most versatile agricultural land, and the proposal is therefore compliant with planning policy in this regard.

Waste

LDP Policy DM15 requires development proposals to demonstrate how the production of waste will be minimised during all stages of the development and how the waste materials that do arise will be managed in a sustainable way and that adequate provision has been made in the design of the development for the storage and collection, composting and recycling of waste materials.

Although the site consists of relatively flat land, given that the excavated earth would be used to create the mounds, a significant level of waste is not expected. As such the development is not considered to be contrary to LDP Policy DM15.

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 and does not provide a full picture of the issue.

It may be considered that the transportation of the slurry from the main farmstead would have climate change implications, but there is a wider argument put forward in support of the application that it will contribute to British self-sufficiency in the dairy industry 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 agricultural development 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.

Listed Building

A listed building is located approximately 300 metres to the north west of the application site. It is noted that an existing large mature woodland is situated between the two sites and will therefore screen the lagoon from the listed property.

The Powys Built Heritage Officer has been consulted on the proposal and confirms that the development will not have an adverse impact on the listed building. The BHO has not requested any additional landscaping to the north of the site.

The development is therefore considered acceptable in this location.

Historic Park and Garden

The application site is located approximately 330 metres to the north of Garthmyl Historic Park and Garden. Given the distance, it is not considered that the development would adversely affect this site. The BHO has been consulted on this and confirms that he would like additional planting on the southern side to ensure the embankment is screened. This is further to the hedgerow which will line to top of the lagoon.

CADW have also been consulted on the proposal and confirm that the development will not have a significant impact on the HPG. They have confirmed that 'the proposed slurry pond will be seen as a grassed slope and this slight visual change will not alter the way that the historic park and garden is experienced'.

It is therefore not considered that additional planting and screening is required and the current proposal is acceptable in this location.

RECOMMENDATION

In light of the above considerations, it is therefore considered that the proposed development does comply with relevant planning policy. The recommendation is one of conditional consent.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out strictly in accordance with the plans approved on the date of this consent: 23/165/P 01

3. No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved and maintained thereafter.
4. Prior to the commencement of development, a Hedgerow Planting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a written specification clearly describing species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.
5. Within one month from the completion of the development hereby approved, the biodiversity enhancement measures shown on plan '23/165/P01' shall be erected and maintained thereafter as long as the development remains in existence.
6. The development shall only be used for the storage of slurry produced by the agricultural unit known as Pied House Farm.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5:

Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

6. To comply with Policies DM2 and DM13 of the Powys Local Development Plan (2011-2026) in relation to The Natural Environment and the amenities enjoyed by the occupants of neighbouring properties, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009).

Informatives

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:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on 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.

Advice from Natural Resources Wales (NRW)

Please note we will require sample results from trial pits dug to determine suitability for The earth bank lagoon – permeability cannot exceed 10.9m/s, typically a clay content of

20% to 30% with sufficient material available to ensure an impermeable layer at least 1m thick or detail regarding a liner to be used. We have received calculations for the sizing of the lagoon and they are considered acceptable.

Facilities where slurry is generated must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. A minimum of 14 days' notice must be given to Natural Resources Wales in writing before construction of a new, substantially enlarged or reconstructed store containing slurry or silage begins.

Case Officer: Luke Woosnam, Planner
Tel: 01597 827345 E-mail: luke.woosnam@powys.gov.uk