

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/0525/FUL

Grid Ref: E: 314827
N: 312863

Community Council: Meifod Community

Valid Date: 24.05.2024

Applicant: EM & JR Evans

Location: Dyffryn, Meifod, SY22 6HL.

Proposal: Erection of an extension to an agricultural livestock building and all associated works

Application Type: Full Application

Reason for Committee determination

The application is located on land within the ownership of an Powys County Councillor.

Consultee Responses

Consultee

Received

Hafren Dyfrdwy

18th Jun 2024

With reference to the above planning application the Company's observations regarding sewerage are as follows.

As the proposal has no 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.

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

PCC-(N) Highways

15th Jul 2024

Wish the following recommendations/Observations be applied

Recommendations/Observations

Based on the information submitted, the HA is satisfied that the development will have no detrimental impact on the highway network and as such, it has no objection to the proposal, nor does it recommend any highway related conditions.

Environmental Protection

31st May 2024

I have no objection to the application.

PCC-Rights of Way Senior Manager

No response received.

PCC-(N) Land Drainage

3rd Jun 2024

The site is located within Flood Zone C2 on the Welsh Government's Development Advice Map. If not already done so, the LPA should consult NRW with reference to flood risk and the Development Advice Maps (TAN15).

The north-western extent of the application area is located within Flood Zone 2 on NRW's Flood Map for Planning - Surface Water and Small Watercourses. This should be considered within the proposed application. However, given that the overwhelming source of flood risk to the site is from the River Vyrnwy, PCC Land Drainage would cede to NRW in this instance.

Observation: No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be drained.

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

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

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

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

PCC-(N) Land Drainage

3 June 2024

Thank you for the opportunity to comment on this planning application (ref: 24/0525/FUL).

PCC Land Drainage note that the development is wholly located within Flood Zone 3 on NRW's Flood Map for Planning - Surface Water and Small Watercourses, and also Flood Zone 2 on NRW's Flood Map for Planning - Fluvial.

Recommendation: The applicant should be aware of the surface water flood extent in this location and should ensure that the proposed development will not exacerbate or create any flooding problems on site or elsewhere. We also recommend that the applicant considers a type of fencing that has voids to allow for the flow of floodwater, or when installing the fencing, has a void between the ground and base of fence to allow for the flow of floodwater.

Natural Resources Wales (Mid Wales)
DPAS

13th Jun 2024

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 28 May 2024.

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

Flood Risk

The planning application proposes less vulnerable agricultural development - extension to an agricultural livestock building. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 2/3 Rivers and Recorded Flood Extents.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA (by Roger Parry, dated February 2024) submitted to support the application. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

A1.14 will not be satisfied but we recognise that the proposed is for less vulnerable use. We note that a recent planning application (24/0251/FUL for the erection of an extension to an agricultural livestock building) on the same farm has recently been approved on 06/06/2024; and therefore, this current application will involve the further intensification of the building footprint in the undeveloped floodplain and will be located closer to the River Vyrnwy. This new application makes no reference to the plans for another agricultural building (within approximately 10m of this site) which has now been approved. Whilst precedent has been set for intensification of the farm, that intensification should ideally not protrude further into the undeveloped floodplain which should be retained wherever possible.

In flood risk areas, greenfield land should be protected from development wherever possible. Greenfield land provides important capacity or space to manage or slow the flow of flood water. Once land becomes developed, it has a reduced ability to store excess water, in particular during floods of a higher magnitude. Proposals must demonstrate to the satisfaction of the Planning Authority why a greenfield location is necessary, and why alternative locations on previously developed land or land in zone 1 or reduced flood risk frequency cannot reasonably and practically accommodate the proposed scheme. We note that (within the Revised FCA listed 17th April 2024 for the adjacent approved application 24/0251/FUL) that alternative sites on the farm complex have been considered but ruled out because of land availability and the busy road crossing), however this has not been considered or referenced to within the current FCA.

In an area observed to flood frequently (please refer to attached photographs) but outside the defended area, we advise that the Planning Authority gives further justification to intensification of such agricultural development which does not provide any consideration to offset the potential impacts.

Given the intensification of development, our concern is currently the unquantified increase in flood risk elsewhere. In isolation, it is difficult to quantify impact but by obvious inference, i.e. increase in building footprint and potential to impact on flood flow route, in an area

observed to flood frequently but outside the defended area, we advise that the Planning Authority gives further justification to intensification of such agricultural development which does not provide any consideration to offset the potential impacts.

Any flood storage lost could be compensated for on a 'like for like' and 'level for level' basis where feasible. Whilst probably not achievable in this instance, alternative wetland or scrape creation may provide some environmental offset, though not a flood risk consideration as part of this consultation.

The provision of compensatory floodplain is an effective way of avoiding detrimental impacts elsewhere, but is not always a feasible option. Increasing the risk or severity of flooding elsewhere may be acceptable where the impact is on undeveloped or unoccupied land, which is likely to be the case at Dyffryn, however we note that this has not been examined within the FCA.

As referred to above, we have attached NRW photographs indicating that flooding is a regular occurrence.

It is evident that the owner/occupier has accepted flood consequences to the existing barns, the use is less vulnerable, there is awareness of flood risk and effective flood warnings are provided. If the Planning Authority considers that the level of flood risk is acceptable and manageable, proportionate to the nature of the proposed on an isolated but established farm, whilst further detailed assessment would be preferred, it would be difficult to quantify any loss of floodplain storage or detriment to third parties. Therefore, as a minimum we recommend the imposition of the following:

O Mechanical and electrical equipment should be protected and/or set at a level recognised as being above the locally determined severe flood level.

O There must be no ground raising above existing ground levels, particularly in relation to approach roads. All excavated material should be removed to outside the recognised floodplain.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood.

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

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.

Natural Resources Wales

23 July 2024

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above and the additional information which we received on 04 July 2024.

We continue to have concerns with the application as submitted. To overcome these concerns, further consideration is required regarding flood risk. Further details are provided below.

Flood Risk

The planning application proposes less vulnerable agricultural development - extension to an agricultural livestock building. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 2/3 Rivers and Recorded Flood Extents.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the revised FCA (by Roger Parry, dated July 2024) submitted to support the application. Our advice to you is that the FCA fails to demonstrate that the risks and

consequences of flooding can be managed to an acceptable level for the reasons explained below.

A1.14 will not be satisfied but we recognise that the proposed is for less vulnerable use. We note that a recent planning application (24/0251/FUL for the erection of an extension to an agricultural livestock building) on the same farm has recently been approved on 06/06/2024; and therefore, this current application will involve the further intensification of the building footprint in the undeveloped floodplain and will be located closer to the River Vyrnwy. This new application makes no reference to the plans for another agricultural building (within approximately 10m of this site) which has now been approved. Whilst precedent has been set for intensification of the farm, that intensification should not protrude further into the undeveloped floodplain which should be retained wherever possible.

In flood risk areas, greenfield land should be protected from development wherever possible. Greenfield land provides important capacity or space to manage or slow the flow of flood water. Once land becomes developed, it has a reduced ability to store excess water, in particular during floods of a higher magnitude. Proposals must demonstrate to the satisfaction of the Planning Authority why a greenfield location is necessary, and why alternative locations on previously developed land or land in zone 1 or reduced flood risk frequency cannot reasonably and practically accommodate the proposed scheme. We note that (within the Revised FCA2024) that alternative sites on the farm complex have been considered but ruled out because of land availability and the busy road crossing.

In an area observed to flood frequently (please refer to attached photographs) but outside the defended area, we advise that the Planning Authority gives further justification to intensification of such agricultural development which does not provide any consideration to offset the potential impacts.

Given the intensification of development, our concern is currently the unquantified increase in flood risk elsewhere. In isolation, it is difficult to quantify impact but by obvious inference, i.e. increase in building footprint and potential to impact on flood flow route, in an area observed to flood frequently but outside the defended area, we advise that the Planning Authority gives further justification to intensification of such agricultural development which does not provide any consideration to offset the potential impacts.

Any flood storage lost could be compensated for on a 'like for like' and 'level for level' basis where feasible. Whilst probably not achievable in this instance, alternative wetland or scrape creation may provide some environmental offset, though not a flood risk consideration as part of this consultation.

The provision of compensatory floodplain is an effective way of avoiding detrimental impacts elsewhere, but is not always a feasible option. Increasing the risk or severity of

flooding elsewhere may be acceptable where the impact is on undeveloped or unoccupied land, which is likely to be the case at Dyffryn, however we note that this has not been examined within the Revised FCA.

As referred to above, we have attached NRW photographs indicating that flooding is a regular occurrence.

It is evident that the owner/occupier has accepted flood consequences to the existing barns, the use is less vulnerable, there is awareness of flood risk and effective flood warnings are provided. If the Planning Authority considers that the level of flood risk is acceptable and manageable, proportionate to the nature of the proposed on an isolated but established farm, whilst further detailed assessment would be preferred, it would be difficult to quantify any loss of floodplain storage or detriment to third parties.

We note that the Revised FCA has indicated that the applicant will accept the following conditions:

O Mechanical and electrical equipment should be protected and/or set at a level recognised as being above the locally determined severe flood level.

O There must be no ground raising above existing ground levels, particularly in relation to approach roads. All excavated material should be removed to outside the recognised floodplain.

Therefore, as a minimum we recommend the imposition of the above conditions.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

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.

Natural Resources Wales

5 December 2024

Thank you for re-consulting us on the above, which we received on the 15/11/2024.

We note the new information consists of email correspondence to your Authority from the applicant's agent which provides additional justification regarding the development's location in Zone C2 and Flood Zone 2 and 3. We have reviewed this and do not consider this additional information changes our previous advice (Reference CAS-259936-J6R5 dated 23/07/2024) or matters listed on our [consultation topic checklist](#). As such, we will not be providing further comments on the application at this time. Please re-consult us if further information is received that affects matters listed on our consultation topic list.

PCC-Emergency Planning Officer

17th Jun 2024

Land Drainage

The site is located within Flood Zone C2 on the Welsh Government's Development Advice Map. If not already done so, the LPA should consult NRW with reference to flood risk and the Development Advice Maps (TAN15). The application area is not located within Flood Zones 2 or 3 on NRW's Flood Map for Planning - Surface Water and Small Watercourses. PCC Land Drainage have no comment to make on this application at this time. Observation: No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be drained. The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

NRW

Flood Risk The planning application proposes less vulnerable agricultural development - extension to an agricultural livestock building. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 2/3 Rivers and Recorded Flood Extents. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level. We have reviewed the FCA (by Roger Parry, dated February 2024) submitted to support the application. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below. The FCA provides little meaningful site specific assessment and so we refer to a previous application (P/2018/0509) relating to the adjacent barn which is to be extended. Approval was granted for the 2018 application. The difference with the current application is that it will involve an intensification of the building footprint in the undeveloped floodplain and will be located closer to the River Vyrnwy. Our initial preference would be for the Planning Authority to ascertain whether relocation of the proposed extension within the existing, developed farm footprint could be or has been considered. Whilst precedent has been set for intensification of the farm, that intensification should ideally not protrude further into the undeveloped floodplain which should be retained wherever possible. It is evident that the owner/occupier has accepted flood consequences to the existing barns, the use is less vulnerable, there is awareness of flood risk and effective flood warnings are provided. If the Planning Authority considers that the level of flood risk is acceptable and manageable, proportionate to the nature of the proposed on an isolated but established farm, whilst further detailed assessment would be preferred, it would be difficult to quantify any loss of floodplain storage or detriment to third parties. As a minimum we recommend the imposition of the following:

- o Mechanical and electrical equipment should be protected and/or set at a level recognised as being above the locally determined severe flood level.
- o There must be no ground raising above existing ground levels, particularly in relation to approach roads. All excavated material should be removed to outside the recognised floodplain.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood.

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Civil Contingencies Department Recommendations

I visited the site at the Dyffryn, Meifod, SY22 6HL on Friday 31st May 2024. Dyffryn farm is adjacent to the A495 road between Meifod and the A458 Llanfair Caereinion road.

If this was a residential property, based on the previous history of flooding that I have experienced in the surrounding area, namely that flooding recedes quickly, my advice would be to evacuate at the premises. However as this is a commercial premises I would suggest that in the event of flooding staff do not attend at the premises until any flooding has receded. In the event of the need to evacuate the premises, for medical emergencies, there should be no issue with egress by 4x4 vehicle on to A458 Llanfair Caereinion road.

PCC-Ecologist

No response received.

Community Council

No response received.

Representations

Following the display of a site notice on 7 June 2024, no public representations have been received.

Planning History

App Ref	Description	Decision	Date
M/2004/0863	Installation of a slurry store	Consent	22nd Sep 2004
M/2007/0946	Erection of an agricultural building to be used as a dairy, parlour and collecting yard	Consent	26th Mar 2008

AGRI/2017/0042	AGRI: Application for prior notification for proposed erection of an agricultural building	Planning Permission Not Needed	12th Jul 2017
P/2018/0509	Full: Erection of an agricultural building and associated works	Approve	23rd Aug 2018
18/0461/LBC	Construction of open porch, construction of garden room and internal alterations	Approve	16th Dec 2019
18/0467/HH	Construction of open porch and garden room	Approve	16th Dec 2019
20/1519/FUL	Erection of an agricultural livestock building to include the demolition of an existing buildings, alteration to access and all associated works	Application Withdrawn	15th Apr 2021
21/0796/AG R	Agricultural storage building	Permitted Development	21st May 2021
24/0251/FUL	Erection of an extension to an agricultural livestock building and all associated works	Approve	6th Jun 2024

Principal Planning Constraints

Within 50m of Listed Building	Dyffryn Farmhouse, Stone Building and Calf House, Cowhouse Granary, Cowhouse
Right of Way	
Mineral Safeguarding Sandstone	Category 2
Mineral Safeguarding Sand Gravel	Category 1
Mineral Safeguarding Sand Gravel	Category 2
Mineral Safeguarding Slate	Category 2
C2 Floodzone	75203

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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PPW	Planning Policy Wales (Edition 12, February 2024)	National Policy
NATPLA	Future Wales - The National Plan 2040	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Communities	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
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	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
DM15	Waste Developments Within	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG (2020)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	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

Dyffryn farmstead is located on either side of the A495 highway, approximately 400 metres to the south-west of the development boundary of Meifod within the community council area of Meifod. The application seeks consent for the erection of an extension to an agricultural livestock building and all associated works on the eastern and south-western sides of existing or proposed buildings (one which was granted consent under

reference 24/0251/FUL in June 2024). The extension measures approximately 42m by 20m and 7.6m in height to the ridge of the roof. The building would have metal profile clad walls under a fibre cement sheeted roof.

Principle

The site is located outside of any settlement and within the open countryside as defined by the Powys Local Development Plan (LDP). Planning Policy Wales (PPW) as well as Technical Advice Notes (TANs) 6 and 23 accept the principle of appropriate agricultural development within the open countryside. 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. Therefore, subject to all other material planning matters being acceptable, the principle of the development at this location is considered acceptable in accordance with the planning policy framework detailed above.

Design, visual and landscape impact

The site is located within the MNTGMVS650 River Severn Floodplain Visual and Sensory Aspect Area of LANDMAP and is evaluated as moderate. The other aspect areas are evaluated as follows:

Geological landscape – high
Landscape habitats – moderate
Historic Landscape – outstanding

The Visual and Sensory aspect area is summarised as follows:

'A significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom'.

The existing farm buildings are located on the south-eastern side of the A495 highway with the highway travelling through the wide valley. The proposed building would be located in the open countryside but closely grouped with existing agricultural buildings of similar scale and adjoining an existing building. The farm complex is highly visible from the south-west and north-east when travelling along the A495 highway. The development will be visible to users of public right of way 249/76/1 at a distance of approximately 157m, public right of way 249/77/2 at a distance of approximately 320 metres and public rights of way 249/74(A)/2 and 249/74(A)/1 at a distance of approximately 248 metres as well as other public rights of way in the locality. The site is located approximately 471 metres from development boundary of Meifod village and is visible from other scattered properties in the area. The building would be screened to the west and north-east by

existing or proposed farm buildings but it will be possible to view the building from the south-west when travelling along the A495 highway. The building would have a typical modern agricultural building design and would be constructed of materials used on similar buildings on the farm and in the locality.

The proposed building would be located on agricultural hardstanding and pastureland and will not result in the removal of any trees or hedgerows. There is an existing hedgerow to the south of the site which will be retained. It is proposed to plant 50 metres of new native species hedgerow planting to the north of the site which is welcomed. In terms of landscape impact, the above LANDMAP aspect area evaluations are noted as is the summary of the Visual and Sensory Aspect Area, however, the grouping with the existing buildings is such that the character and appearance of the area would not be further compromised by the development. As such, it is concluded that the proposed development would not have an unacceptable adverse impact upon the valued characteristics and qualities of the landscape of Powys in accordance with LDP Policies SP7, DM4 and DM13.

Historic environment

- Setting of Meifod Conservation Area

Meifod Conservation Area is located at approximately 540 metres and given the distance and intervening features and the grouping of the development with existing buildings, it is not considered that the development would have an unacceptable adverse impact upon the setting of the conservation area in accordance with LDP Policy SP7.

- Setting of listed buildings

Grade II listed buildings Dyffryn Farmhouse and buildings (Cadw ID's: 15968, 15969, 15970) are located approximately 150 metres to the north-west of the site across the A495 highway. The Built Heritage Officer advised on the previous application for the adjacent building, that given there are existing modern agricultural buildings between the proposed building and the listed buildings and that the group of modern buildings is clearly separated from the historic farm, it is not considered that the proposed building would have a detrimental impact on the setting of the listed buildings. The proposed development would be separated similarly to the previously approved building from the group of listed buildings and as such, the proposed development would not have a detrimental impact upon the setting of the listed buildings.

Otherwise, grade II* listed building Pen y Lan Hall (Cadw ID: 7609) is located approximately 920 metres east, Grade II listed building Stables and Coach-Houses at Pen-y-Lan Hall (Cadw ID: 15957) is located approximately 994 metres east, Grade II listed building 'L'-Shaped Range of Farm Buildings including a Dovecote at Pen-y-Lan Hall (Cadw ID: 15958) is located approximately 981 metres east. There are also listed buildings in Meifod village, including the Grade I listed Parish Church of St Tysilio and St Mary (Cadw ID: 7646) and Sundial to SW of Tower at Church of St Tysilio (Cadw ID:

15949) (approximately 788 metres distant). Given the distances involved and the intervening features and grouping of the proposed building, it is not considered that the proposed building would have a detrimental impact on the setting of the identified listed buildings.

- Setting of Scheduled Monument

Scheduled Monument Broniarth Hill CAAMP (Cadw ID: MG097) is located approximately 1.3km south-east of the site. Given the distance and intervening features, the setting of the scheduled monument would not be unacceptable adversely affected.

Overall, it is considered that the proposed development would not have an unacceptable adverse effect on the historic environment in accordance with LDP Policy SP7.

Highway safety

Access is gained to the farm via an existing access off the A495 highway. The Council's Highway Authority has not objected to the development and as such it is considered that adequate provision is made for access in accordance with LDP Policies DM13 and T1.

Amenity

The proposed building would be located over 150m from any residential properties, the nearest properties being located across the A495 highway to the north-west. The Council's Environmental Protection Team have not objected to the development. On this basis, it is considered that the development would not result in an adverse unacceptable impact on the amenities enjoyed by the occupants of neighbouring properties in accordance with LDP Policy DM13.

Natural environment

There are ancient woodland sites within 500m of the site and there are records of priority protected species within 300m. No ecological information has been submitted with the application. However, based on consideration of the protected species records, the distance and lack of connecting features to the ancient woodlands together with the nature of the site, being hardstanding and heavily grazed land, it is considered that the site holds a low ecological value.

A pollution prevention plan and Green Infrastructure Statement support the application and biodiversity enhancement measures have been proposed. No loss of green infrastructure is proposed with the hedgerow to the south shown to be protected and the installation of three bird boxes on the south-western elevation and planting of approximately 50 metres of new native species hedgerow planting to the north of the site considered to provide adequate green infrastructure and biodiversity gain. It is noted that the building would be sited close to the building approved under reference 24/0251/FUL and adjacent to the elevation where the biodiversity enhancement features (two bat boxes

and one bird box) were proposed. If it transpires that biodiversity enhancement features would not be successful as approved, an application (e.g. non material amendment) could be submitted to seek to relocate the previously approved enhancement features.

Overall, the proposed development will not have any adverse effects on the natural environment, subject to the use of conditions in accordance with LDP Policy DM2.

Flood risk

The planning application proposes less vulnerable development located within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004) and Flood Zones 2 and 3 (rivers and recorded flood extents) of the Flood Map for Planning.

Section 6 of Technical Advice Note (TAN) 15 requires the Local Planning Authority to determine whether the development at this location is justified. The justification tests set out in Technical Advice Note 15 are:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable.

Whilst the principle of the proposed development complies with the requirements of the LDP and therefore criterion ii. above, land and buildings currently in agricultural use are excluded from the definition of previously developed land. Therefore, the development would not meet justification test iii above (extracted from TAN15). In terms of test iv, a Flood Consequences Assessment (FCA) (revised) supports the application. Natural Resources Wales (NRW) have advised that there are concerns with the application as submitted which requires further consideration regarding flood risk.

NRW advise that the revised FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. NRW further advise that paragraph A1.14 of Technical Advice Note 15 (2004) will not be satisfied (the frequency threshold of flooding below which flooding of development should not be allowed) but NRW recognise that the proposed development is for less vulnerable use. Given that planning application 24/0251/FUL for the erection of an extension to an agricultural livestock building adjacent to the proposed building was recently approved and therefore, this current application will involve the further intensification of the building footprint in the undeveloped floodplain and will be located closer to the River Vyrnwy. NRW advise that whilst precedent has

been set for intensification of the farm, that intensification should not protrude further into the undeveloped floodplain which should be retained wherever possible. In flood risk areas, greenfield land should be protected from development wherever possible. Greenfield land provides important capacity or space to manage or slow the flow of flood water. Once land becomes developed, it has a reduced ability to store excess water, in particular during floods of a higher magnitude. Proposals must demonstrate to the satisfaction of the Planning Authority why a greenfield location is necessary, and why alternative locations on previously developed land or land in zone 1 or reduced flood risk frequency cannot reasonably and practically accommodate the proposed scheme. The revised Flood Consequences Assessment sets out that alternative sites on the farm complex have been considered but ruled out because of land availability and the busy road crossing. Further information has also been submitted which states that if the enterprise is not allowed to expand, this will directly harm the local rural economy.

Given the intensification of development, NRW's concern is the unquantified increase in flood risk elsewhere. In isolation, it is difficult to quantify impact but by obvious inference, i.e. increase in building footprint and potential to impact on flood flow route, in an area observed to flood frequently but outside the defended area, NRW advise that the Planning Authority gives further justification to intensification of such agricultural development which does not provide any consideration to offset the potential impacts. Any flood storage lost could be compensated for on a 'like for like' and 'level for level' basis where feasible. Whilst probably not achievable in this instance, alternative wetland or scrape creation may provide some environmental offset, though not a flood risk consideration as part of this consultation. NRW further advise that the provision of compensatory floodplain is an effective way of avoiding detrimental impacts elsewhere, but is not always a feasible option. Increasing the risk or severity of flooding elsewhere may be acceptable where the impact is on undeveloped or unoccupied land, which is likely to be the case at the site, however this has not been examined within the Revised FCA.

It is evident that the owner/occupier has accepted flood consequences to the existing buildings, the use is less vulnerable, there is awareness of flood risk and effective flood warnings are provided. If the Planning Authority considers that the level of flood risk is acceptable and manageable, proportionate to the nature of the proposed on an isolated but established farm, whilst further detailed assessment would be preferred, NRW advise that it would be difficult to quantify any loss of floodplain storage or detriment to third parties. The revised FCA has indicated that the applicant will accept the following conditions:

- O Mechanical and electrical equipment should be protected and/or set at a level recognised as being above the locally determined severe flood level.
- O There must be no ground raising above existing ground levels, particularly in relation to approach roads. All excavated material should be removed to outside the recognised floodplain.

Therefore, as a minimum, NRW recommend the imposition of the above conditions. In addition, if Members are minded to grant planning permission, Natural Resources Wales

have requested that they are informed prior to the decision being issued, in accordance with paragraph 11.7 of TAN15:

'11.7 The Environment Agency, or any other relevant authorities, should provide detailed advice to the planning authority on the findings and conclusions of the assessment of flood consequences, including the impact on flooding elsewhere or the impact of flood alleviation works on other property or natural heritage. Where the planning authority is minded to go against the advice of the Environment Agency, it should inform the Agency prior to granting consent allowing sufficient time for further representations to be made, to ensure consequences can be managed acceptably'.

In terms of whether the risks and consequences of flooding can be managed in accordance with TAN15, the Council's Civil Contingencies Officer (emergency planning) has advised that as this is a commercial premises it is suggested that in the event of flooding, staff do not attend at the premises until any flooding has receded. In the event of the need to evacuate the premises, for medical emergencies, there should be no issue with egress by 4x4 vehicle via the A458 Llanfair Caereinion road. No advice has been received in relation to procedures and measures to address structural damage that may result from flooding.

In summary, the submission seeks to justify the proposed development on the basis that the site is the only reasonable location to extend the farm holding, given the flood risk areas and the highway and if not allowed, the rural economy will be harmed. However, NRW have advised that further detailed assessment would be preferred but recognise that the proposed development is a less vulnerable use and that it would be difficult to quantify any loss of floodplain storage or detriment to third parties. As such, on balance, and after careful consideration of NRW's advice as well as the recommendation received from the Civil Contingencies Officer, and that the developer acknowledges and accepts the flood risk, whilst the justification and assessment requirements of TAN15 have not been fully complied with, it is considered that subject to the use of the abovementioned conditions, the proposed development is acceptable in flood risk terms.

Surface water drainage

The north-western extent of the site is located within Flood Zone 2 on NRW's Flood Map for Planning – Surface Water and Small Watercourses. No proposed surface water drainage details or layout drawings have been submitted to indicate how the development will be drained, however the Council's Land Drainage Team have advised that given that the overwhelming source of flood risk to the site is from the River Vyrnwy, the Land Drainage department refer to NRW in this instance. An informative is recommended to advise the developer that SAB approval will be required.

Minerals safeguarding

The site is located within minerals safeguarding areas for sandstone (category 2), sand

and gravel (categories 1 and 2) and slate (category 2). The submission includes information to address this consideration as follows:

'It is considered that the development proposed is a small-scale addition to the existing complex of agricultural buildings on-site, and as such there would be no impact upon mineral resources. In any case, it is noted the minerals on-site could be extracted satisfactorily prior to the development taking place. There are a large number of sites where sand, gravel, slate and sandstone are readily available and therefore the mineral resource is of no future value due to viability issues.'

This information is accepted and the development is not considered to conflict with LDP Policy DM8.

Loss of agricultural land

The site is located on land classified as grade 2 within the Agricultural Land Classification System which is the best and most versatile land. Given that the land on the eastern side of the A495 highway is highly graded land (i.e. options for relocation outside highly graded land is extremely limited) and the discussion above in respect of flood risk, it is considered that the location of the proposed building, sited adjacent existing agricultural buildings, does not conflict with Technical Advice Note (TAN) 6 and Planning Policy Wales.

RECOMMENDATION

The principle of the proposed building is acceptable as is the visual and landscape and ecological impact as well as the impact upon the historic environment, residential amenity and highway safety. In terms of flood risk, the advice received from NRW has been carefully considered. Whilst the site is not strictly previously developed land, in consideration of the information received in respect of the inability to construct the building elsewhere on the holding and the advice received from NRW in particular, given that it is difficult to quantify any loss of floodplain storage or detriment to third parties, given that the proposed development would support an existing farm enterprise, it is considered, on balance that the proposed development is acceptable. Therefore, the recommendation is one of approval, subject to the use of conditions set out below. If Members are minded to approve the application, Natural Resources Wales will be informed in accordance with paragraph 11.7 of TAN15 prior to the decision being issued.

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 following approved plans and documents: 78676 / RJC / 200, 78676 / RJC / 202, 78676 / RJC / 203, 78676 / RJC / 210, 78676 / RJC / 211, Roger Parry & Partners Method Statement Pollution Prevention February 2024, Roger Parry & Partners Flood Consequential Assessment July 2024, Roger Parry & Partners Design and Access Statement April 2024.

3. No development shall commence until the hedgerow protective barrier / construction exclusion zone identified on drawing no. 78676 / RJC / 203 has been installed in accordance with the approved details. The hedgerow protective barrier / construction exclusion zone shall be retained and maintained throughout the course of the development.
4. Prior to first use of the development hereby approved, the biodiversity enhancements (three Woodcrete bird boxes) shown on drawing no. 78676 / RJC / 203, shall be installed in accordance with the approved details and retained in perpetuity.
5. All planting, seeding or turfing comprised in the approved details of landscaping (drawing no: 78676 / RJC / 203) shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.
6. No external lighting shall be installed unless a detailed external lighting design scheme has been 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 recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
7. The use of the building hereby approved shall be limited to the accommodation of livestock (cows and sheep only) and shall not be used for any other purpose.
8. Mechanical and electrical equipment should be protected and/or set at a level recognised as being above the locally determined severe flood level.
9. There must be no ground raising above existing ground levels, particularly in relation to approach roads. All excavated material should be removed to outside the recognised floodplain.

Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and satisfactory development.
3. To achieve wider biodiversity and ecosystem resilience and to screen the proposed development in accordance with Policies SP7, DM2, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales

(Edition 12, 2024) and Part 1 Section 6 of the Environment (Wales) Act 2016.

4. To achieve biodiversity enhancement and to screen the proposed development in accordance with Policies SP7, DM2, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 12, 2024) and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To achieve wider biodiversity and ecosystem resilience and enhancement and to screen the proposed development in accordance with Policies SP7, DM2, DM4 and DM13 of the adopted Powys Local Development Plan (2011-2026), Planning Policy Wales (Edition 12, 2024) and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Policies DM2 and DM7 of the adopted Powys Local Development Plan (2011-2026) in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 12, 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. In order to control the use of the building and to comply with Policy DM13 (Part 11) of the adopted Powys Local Development Plan (2011-2026).
8. To ensure that the risks and consequences of flooding are managed to an acceptable level in accordance with Policies DM5 and DM6 of the adopted Powys Local Development Plan (2011-2026), Technical Advice Note (TAN) 15: Development and Flood Risk (2004) and Planning Policy Wales (Edition 12, 2024).
9. To ensure that the risks and consequences of flooding are managed to an acceptable level in accordance with Policies DM5 and DM6 of the adopted Powys Local Development Plan (2011-2026), Technical Advice Note (TAN) 15: Development and Flood Risk (2004) and Planning Policy Wales (Edition 12, 2024).

Informatives

SAB Approval

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval.

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

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

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

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

Case Officer: Kate Bowen, Senior Planning Officer
Tel: 01938 551268 E-mail: kate.bowen@powys.gov.uk