

## Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

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Man Cyfarfod  
**Siambwr y Cyngor - Neuadd y Sir,  
Llandrindod, Powys**

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Dyddiad y Cyfarfod  
**Dydd Iau, 4 Gorffennaf 2019**

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Amser y Cyfarfod  
**10.00 am**

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Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â  
**Carol Johnson**  
01597826206  
carol.johnson@powys.gov.uk

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Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

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### AGENDA

<b>1. CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.</b>
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Ystyried adroddiadau'r Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd a gwneud unrhyw benderfyniadau angenrheidiol ar hynny.

(Tudalennau 1 - 2)

1.1. **Diweddariadau**

Bydd unrhyw ddiweddariadau yn cael eu hychwanegu i'r Agenda fel Pecyn Atodol, lle bynnag bo'n bosibl, cyn y cyfarfod.

(Tudalennau 3 - 22)

1.2. **19/0992/AGR Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW**

(Tudalennau 23 - 28)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

**Planning, Taxi Licensing and Rights of Way Committee**  
**4<sup>th</sup> July 2019**

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

**Applications for consideration by Committee:**

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p><b>19/0992/AGR</b></p> <p>Llansilin Community</p> <p>E: 317874 N: 329184</p> <p>20.06.2019</p>	<p>Agricultural Notification for the erection of an extension</p> <p>Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW</p> <p>Bryn Davies</p> <p><b>Recommendation:</b> Approve</p>
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

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# Committee Update

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Erection of a pullet rearing unit  
at land at Old Impton Farm,  
Norton, Presteigne

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Prepared for R Wilding

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land & property  
professionals

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## Committee Update

The above proposal is on the agenda for committee determination on the 4<sup>th</sup> of July. Following the officer's report being made public, CPRW and a third-party representation decided to make additional comments.

In light of their late response and the comments raised, we didn't have a choice but to address these comments as part of an update to committee.

### CPRW

1. **EIA Screening** – The Local Planning Authority have screened the proposal and have quite rightly come to the conclusion that this is not EIA development. The development is well below the indicative thresholds within the EIA regulations, and the assessments carried out illustrate that all matters are considered to be acceptable, without an environmental statement required.
2. **The application** – The red line boundary is on the location plan; we are unsure with the comment 'to correspond to the planning fee' as the planning fee is based on the floor area of the development not the site area or red line boundary. There is a blue line that illustrates the extent of the land under the ownership of the applicant on the location plan.
3. **Insufficient and inconsistent information** – The number of birds specified in the documentation has specified approximately 37,000 or 36,600. These figures are within 400 birds of one another, and typically a flock is 36,600. The number of cycles per year, depends on the contract and the firm's requirement of birds. The sheds can be empty from 10 days for wash out, up to 28 days. Hence the number of cycles per year vary. The rule of thumb is about 2.3 cycles per year.

Waterbodies are indicated on plan and the manure maps are shown in relation to the nearby residences, and a buffer has been provided to those residences.

The manure management maps illustrate the existing residences in relation to the manure spreading. All the land identified of being spread on, has been spread with poultry manure for decades by importing poultry manure. No more poultry manure will be spread on these fields than what is being done currently, and therefore this proposal will have no more impact than what is currently being spread on.

4. **Hydrology** – The proposal is for a self-contained pullet rearing unit, with limited or no alteration to the character of the ground and surface water features, similar to any agricultural building. The character of the drinking water aquifer will remain unchanged, given that no dirty water will go into the ground (SSAFO compliant dirty water tank). If the hydrology factor is raised due to manure spreading, this will remain unchanged, as the land has had poultry manure spread on it for decades.

**Water Quality** – Full consultation has been carried out with the environmental health officer who has raised no concern regarding potential pollution. The water quality will not change due to this proposal, as the ground or manure spreading will not change.

**Water Quantity** – The water quantity should not be considered a material factor, as the shed will utilise the existing borehole on site, which is constantly operational. The 2,500 litres per day for 37,000 birds is an average of their 16 weeks in house, and therefore will

vary from low consumption when they are young and then higher consumption when they are set to leave the house. The rate is well below the 20,000 litres per day required for an abstraction licence from NRW.

5. **Manure Management** – All the figures used within the manure management plan is DEFRA guidance. The applicant has nearly 3 times the land required for the manure produced by the proposal and therefore the comment about the housing of existing stock is irrelevant, as the amount of manure produced by the current stock is negligible in comparison to the land available.

The location of the manure storage has been identified as being in the existing farm buildings on the farm and the fields to be spread on has been identified.

The high court judgement did not stipulate that potential dust and odour impact need to be modelled, it only considered that the consultees need to assess the impacts.

DEFRA Guidance (Local Air Quality Management Technical Guidance (TG16) April 2016) again stipulates that a screening assessment of a poultry unit installation only occurs when the proposed number of birds is over 400k AND a sensitive receptor is under 100m away.

6. **Living Conditions** – Again please refer to DEFRA's technical guidance on air quality management and not depend on a newspaper article.

We are content in a condition being placed on the permission limiting the maximum noise emission from the fans and the number of fans to be restricted to a maximum of 10.

7. **The Natural Environment** – Again, CPRW question the content of some information supplied in the application, but use newspaper articles as 'evidence'?

As the Cllr's are fully aware training has been provided by NRW regarding ammonia and nitrogen pollution. NRW have reduced their acceptability thresholds for new units to 1% or under on national sensitive sites, which is a big step. The modelling carried out for this development is under 1% and therefore the impact on nationally sensitive sites is acceptable even within the new restrictive threshold.

The ammonia and nitrogen modelling has been assessed by a professional air quality assessor and reviewed by professional and competent bodies in NRW and Powys Ecology and everybody has come to the conclusion that the proposal will not give rise to unacceptable impacts on the natural environment.

8. **Cumulative Impacts** – The planning department and consultees has taken into account the potential cumulative impact. They have confirmed that this proposal being a small-scale pullet rearing unit is acceptable on an individual basis and cumulatively as well.

9. **Well Being of Future Generations Act** – This is covered within the officers report.

## **Third Party Representation**

### **Document inconsistency**

The documentation submitted is to a very high standard and limited copy and paste is used, only on items that are identical such as information on bird welfare or processes within copy and paste is used, comments like these without examples being provided or where they feel the application is 'poor' cannot be addressed.

### **Red line application boundary**

The red line boundary is illustrated fully within the location plan.

The site area where works are carried out will be a different site area of the red area. Landscaping proposals are not required to be in the red area, as it can be conditioned if it's within the ownership of the applicant.

The number of birds will be approximately 37,000, but normally they only bring in 36,600-day old chicks. We thought of rounding up the figure to 37,000 as we try and use the precautionary approach when dealing with these type of developments.

The number of cycles vary to firms and each cycle, depends on the timings and demand of the point of lay hens. The period of which the hens are there for, again depending where they go, and when an egg laying unit is ready for them.

### **Vehicle movements**

The vehicle movements associated with a pullet rearing unit is negligible in comparison to the forestry movements, agricultural movements and residential movements of Mynd Road. The HGV movements are only the collection and delivery of birds and on average 2 feed movements a month. All other movements are vans or cars.

### **Site Constraints**

The footpath has been indicated on plan, and full consultation has been undertaken with the rights of way officers regarding this element and discussions have taken place outside the planning process.

### **Ecology**

Powys Ecology and NRW have fully considered the proposal on a number of occasions and have come back on each occasion with no objection.

### **Highway Safety**

The very fact that Mynd Road is busy and is utilised by a number of vehicles including HGV's as specified in the 3<sup>rd</sup> party response, illustrates that the proposed movements of this proposal will be negligible in comparison to the existing uses and therefore not raise any highway safety issue.

### **Residential Amenity**

#### **Noise**

The professional environmental health officer has confirmed no objection in respect of noise, the nearest sensitive receptor is over 440m away. Noise assessments have been carried out in the past



on units that are 85m from a sensitive receptor and considered acceptable, and therefore 440m away, there will be no detrimental noise impact.

We are happy to have a condition attached, limiting the decibel levels to be exceeded at residential properties.

### **Dust**

The 3<sup>rd</sup> party should refer to Defra's technical guidance when considering impacts of dust on residences.

### **Private Water supplies**

The proposal will utilise an existing borehole that is currently operational, no new borehole will need to be created. The usage of water of this proposal is well below the 20,000-litre daily amount that requires an abstraction licence, and the usage of water by chickens is significantly less than cattle of which the applicant could house in the existing buildings.

There is no evidence or complaints received about water supplies in the area, and water quantity issues from private water supplies is not relevant to the planning process.

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

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

**Application Number:** 19/0506/FUL

**Grid Ref:** E: 314095  
N: 261613

**Community Council:** Penybont Community

**Valid Date:** 04.04.2019

**Applicant:** Mr Eddie McIntosh

**Location:** Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

**Proposal:** Erection of five agricultural buildings and associated works (retrospective)

**Application Type:** Full Application

### REPORT UPDATE

This report forms an update to the Officers recommendation previously circulated to Members.

### Consultee Responses

Environmental Health

1<sup>st</sup> July 2019

Thank you for the additional information. In light of this I have no objection to the application.

Ecologist

3<sup>rd</sup> July 2019

Thank you for consulting me with regards to planning application 19/0506/FUL which concerns a Retrospective application for the erection of five agricultural buildings and associated works at Mellowcroft, Llandegley, Llandrindod Wells Powys.

I have reviewed the submitted information which includes details of the structures included in the current application as well as details of waste management in relation to the use of composting toilets and foul water etc.

Having reviewed the nature of the proposed development which is retrospective in nature and taking into account my knowledge of the site in light of previous applications it is considered that the proposals outlined in the current application would not result in negative impacts to or loss of biodiversity at the site or in the wider environment.

I therefore do not have any objections to the proposed development with regards to biodiversity matters.

Should you be minded to approve the application I recommend that a condition is included to secure adherence to the submitted Waste Management Plan, in addition given the rural location of the site I recommend that a condition is included to ensure that any external lighting installed on the agricultural buildings is appropriate and would not result in negative impacts to biodiversity including any wildlife foraging or commuting in the local area, suitable wording for such a condition is detailed below

*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 (12<sup>th</sup> September 2018). The development shall be carried out in accordance with the approved details.*

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informative:

#### Protected Species

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

#### **Officer Appraisal**

#### Environmental Health

The application site includes a composting toilet to facilitate any workers on the Land. Environmental Health have been consulted and whilst they consider the use of composting toilets to be acceptable in principle they currently had insufficient information in relation to the management of the waste and its storage.

Additional information was provided in respect of the compost toilet facilities which also indicated an area for the spreading of the compost. The Environmental Health officer was re-consulted on the additional information and confirmed that they have no objection to the proposed development.

In light of the above and subject to a conditions ensuring the management of the waste in line with the details as submitted the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The Powys Ecologist has been consulted and has confirmed that the current application as proposed would not result in negative impacts to or loss of biodiversity at the site or in the wider environment and therefore does not have any objections to the proposed development with regards to biodiversity matters.

The Ecologist however recommended that should consent be granted a condition is attached to any grant of consent to ensure adherence to the submitted Waste Management Plan and in addition given the rural location of the site recommended that a condition is included to ensure that any external lighting installed on the agricultural buildings are appropriate and would not result in negative impacts to biodiversity including any wildlife foraging or commuting in the local area.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### **RECOMMENDATION**

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

## **Conditions**

1 The development hereby being retrospective shall take effect from the date of issuing of the decision notice.

2 The development shall be carried out in accordance with the following approved plans and documents A01(A), A02(A), A03, A04, A05, A06, A07, A08, A09, Waste Water and Foul Drainage Statement and Compost Toilets Design Statement.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the agricultural buildings shall be erected without the consent of the Local Planning Authority.

4 The buildings hereby approved shall be used for agricultural purposes or in connection with any use incidental to that use only.

5 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 (12<sup>th</sup> September 2018). The development shall be carried out in accordance with the approved details.

## **Reasons**

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).

4. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

5. To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informative**

### **Protected Species**

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

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Case Officer: Gemma Bufton, Principal Planning Officer  
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol



# 4.8

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

**Application Number:** 19/0992/AGR  
**Grid Ref:** E: 317874  
N: 329184  
**Community Council:** Llansilin Community  
**Valid Date:** 20.06.2019

**Applicant:** Mr Bryn Davies

**Location:** Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW

**Proposal:** Agricultural Notification for the erection of an extension

**Application Type:** Agricultural Notification

### The reason for Committee determination

The applicant is a Councillor of Powys County Council.

### Planning History

App Ref	Description	Decision	Date
P/2012/0564	Erection of an agricultural building (retrospective)	Consent	27th Jul 2012

### Principal Planning Constraints

None

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy

Town and Country Planning (General Permitted Development) Order 1995 Part 6 (GPDO)

### Other Legislative Considerations

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

## Officer Appraisal

### Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018). The application site is bound by agricultural land to the north, to the east is an agricultural building, an access track is located to the south west of the site with a woodland beyond.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the building . In addition, the planning authority is required to determine whether the proposal would not be permitted development and as such would require full planning permission.

This prior notification is sought for the erection of a livestock building.

### Principle of Development

Permitted development rights are granted for a range of agricultural buildings and operations. Rights to erect, extend or alter such buildings, and for excavations and engineering operations, are available to agricultural units of at least 5 hectares under Class A of the GPDO.

This prior notification is for the erection of a livestock building. The proposed measurements are 20 metres in length, 10.4 metres in width, 3 metres to eaves, and 5 metres to ridge. The building is to have concrete block walls with the remainder clad in timber with a steel sheet roof, dark green in colour. The total floor space is approximately 208 sq.m. The submission states that the parcel of land where the building will be located is 1 or more hectare.

The proposed development is permitted development subject to the criteria contained within the table below. If the answer to any of the questions in the checklist below is **yes**, the works are not permitted development and an application will need to be submitted.

Would the development be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area (2.741 acres)?	No
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Would the ground area covered by the works exceed 465 sq meters	No
Is any part of the building over 12m in height	No
Are any parts of the development within 25 metres of the metalled part of a trunk or classified road?	No
Is the building within 3km of the perimeter of an aerodrome and over 3metres in height?	No
Are the building, structure or works not designed for agricultural purposes	No
Would the building, structure or excavation used for the accommodation of livestock, of storage of slurry or sewage sludge be within 400m of the curtilage of a protected building? (A protected building means a permanent building occupied by people excludes farm dwellings, but could include village hall, church etc). N.B. emergency housing, seasonal lambing may be acceptable	No
Would the building be within 90 metres of another building, structure, works, plant, machinery, ponds, tanks constructed in the last 2 years, and would the combined ground area covered by the works exceed 465sq m	No
Would the works involve the exporting of minerals from the holding or importing of waste material into the holding (other than for Class A works)?	No
Would the works involve excavation or engineering operations on or over article 1(6) land (national Park) which are connected with fish farming?	No
Have any part of the works started?	No

Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration. Only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings would it be necessary for the authority to require the formal submission of details for approval. In this instance, there are no known historical assets or nature interests in the immediate locality which the building would impact upon and it is not considered that the proposal would have a significant impact on the character of the area due to the existing natural screening of the site.

On this basis, it is considered that the proposed building benefits from the permitted development rights afforded by Part 6 Schedule 2 of the General Permitted Development Order 1995 for Agricultural Buildings and Operations Class A and does not require planning permission.

## **RECOMMENDATION**

Officers consider that the proposed development constitutes as permitted development and therefore prior approval or full planning permission are not required. The recommendation is therefore one of approval.

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Case Officer: Sara Robinson, Planning Officer  
Tel: 01597 827229 E-mail: sara.robinson@powys.gov.uk

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GRADDFA: 1:2mm  $\equiv$  1m  
SCALE

SJ1729  
8135

ADEILAD DEULAWR PRESEOL  
EXISTING 2 STOREY BUILDING

PENTY UNLLAWR ARFAETHEDIG  
PROPOSED SINGLE STOREY LEANTO

GOGLEDD  
(NORTH)

SJ1729  
7628

SJ1729  
8029

PCC/ECR PLANNING  
10 JUN 2019  
RECEIVED

NANT HIRWEN  
MOELFRE  
CROESOWALLT  
SY107QW

SJ1729  
18418

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol