

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

**Application Number:** 20/2130/FUL

**Grid Ref:** E: 312778  
N: 310605

**Community Council:** Llangyniew Community

**Valid Date:** 03.02.2021

**Applicant:** J & E Williams

**Location:** Newbridge Farm, Meifod, Powys, SY22 6HS

**Proposal:** Installation of earth banked slurry lagoon and associated works

**Application Type:** Full Application

### Reason for Committee determination

The previous Local Member for the Llanfihangel Ward exercised their power of call-in in accordance with the constitution. It is noted that the application is now located within the Llangyniew and Meifod Ward following the recent ward boundary changes.

Ward councillor's comments dated 14<sup>th</sup> March 2021:

Just a quick note to say that I am calling this in front of full planning. There are issues with Highways and also the electric company.

### Consultee Responses

#### Consultee

#### Received

PCC-Ecologist

18th Oct 2021

Thank you for the opportunity to comment on planning application 20/2130/FUL which concerns an application for Installation of earth banked slurry lagoon and associated works at Newbridge Farm, Meifod, Powys, SY22 6HS.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 118 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle, brown-long-eared bat, and

brown hare, great crested newt, badger, cuckoo, curlew, spotted flycatcher and swift.

No statutory and no non-statutory designated sites were identified within 500m of the proposed development. One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development.

The proposal appears to be located within improved agricultural grassland which is of relatively low ecological value. Following submission of revised plans, it was identified that 118m of roadside hedgerow would need to be removed and replaced with post and wire fencing to accommodate the required visibility splays. PCC Highways have subsequently commented that the plans potentially underestimate the extent of the splay, meaning that additional hedgerow loss is likely. This represents a significant loss of priority habitat (Environment (Wales) Act 2016 and Powys LBAP) and is contrary to Powys LDP policy DM2. The agent has identified that compensatory planting could take place at the rear of the lagoon and elsewhere on the holding (but outside of the red-line boundary) which may be acceptable providing sufficient length is identified. Given the significant length and location of habitat corridor that will be impacted, I would, however, why the applicant has not considered translocation of the existing hedgerow and/or planting a replacement hedgerow inside the new post and wire fencing to maintain the existing habitat connectivity and minimise biodiversity impact. Bat species, including lesser horseshoe bat, are present in the area and can be significantly adversely affected by removal of essential hedgerow flightlines.

Further information is required to confirm the extent of hedgerow affected and evidence that sufficient compensation can be achieved without significant negative impact to biodiversity, including European Protected Species.

It is proposed to plant the lagoon walls with a suitable wildflower seed mix to create additional habitat area. This is welcome and, if sufficient hedgerow compensation is achieved, 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, therefore, recommended that submission of a biodiversity enhancement plan is secured through an appropriately worded planning condition. The plan should include locations of all seeded areas, details of the suitable species mix used and aftercare measures. As further information is required regarding hedgerow compensation, submission of further information prior to determination of the application would avoid the need for a pre-commencement condition.

It is noted that the applicant no longer intends to increase the amount of manure/slurry relative to the current situation and that there will be no overall increase in the release of aerial emissions as a result of the development. Despite this change, it is not clear whether the relocation of the slurry store from its present site to this new location poses a risk to the

identified SSSIs because the source of existing emissions has been moved closer to designated sites. The proposed site is approximately 510m from Coed Ty Mawr SSSI whereas the current muck store at Newbridge Farm is approximately 1.3km away. I note that SCAIL modelling results in the required format and completeness do not appear to have been submitted yet. I suggest that these are still required and that NRW is consulted to confirm that the proposal is acceptable in terms of ammonia emissions to protected sites.

PCC-Ecologist

16th Dec 2021

I have reviewed the revised details confirming that the majority of the roadside hedgerow will be replanted immediately behind the new fencing, which is welcome. The hedgerow will require internal fencing to protect it from livestock damage. Sufficient details regarding species mix, planting density and aftercare measures will need to be secured. The location of wildflower planting is also identified and if implemented and managed in the long-term will provide a net benefit for biodiversity. Details of an appropriate seed mix and long-term management measures is still required. Livestock access will need to be limited in number and to certain times of year or excluded completely. Planting a stock-proof hedgerow along the northern perimeter of the site would fulfil this purpose and compensate for the short section of hedgerow still to be lost at the entrance.

Previous comments regarding Coed Ty Mawr SSSI remain valid.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow replacement planting and 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.

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

Prior to the commencement of development, a Wildflower Area Creation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the wildflower area and a written specification clearly describing species-mix, time of sowing, and long-term

management specification. The approved scheme shall be implemented in full and maintained thereafter.

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

In addition, I consider it would be appropriate to include the following informatives:

### Protected Species

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

### Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

PCC-Ecologist

27th Apr 2022

NRW have confirmed that the proposed development is not considered to present a risk to protected sites, which is welcome, so I have no additional comments to provide.

Environmental Protection

1st Mar 2021

The following information has been submitted in support of planning application 20/2130/FUL:

- o CGW Owen 'Access Statement: An Application for the Installation of A Slurry Lagoon and Silage Effluent Tank at Newbridge Farm, Meifod' 18th January 2021.
- o Mr Gary Owen email: 'Re: 20/2130/FUL' 24 February 2021.
- o Mr Gary Owen email: 'Re: Planning Application 20/2130/FUL - Newbridge Farm, Meifod' 24 February 2021.
- o Mr Gary Owen email: 'Re: Planning Application 20/2130/FUL - Newbridge Farm, Meifod' 23 February 2021.

Based on the information submitted, in the above referenced sources, Environmental Protection would have no requirements in respect of planning application 20/2130/FUL - subject to the lagoon construction and slurry storage complying with the requirements of Natural Resources Wales and current legislation and regulation e.g. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations.

21st Sep 2021

Environmental Protection

Concerning the additional information notification for planning application 20/2130/FUL, the advice provided from Environmental Protection previously, by email dated 1 March 2021 (copy attached), would remain the same.

PCC-(N) Highways

2nd Mar 2021

The Highway Authority are unable to support the above-named application for the following reasons;

An application such as this should include full access details, such as the full visibility splays including forward visibility, access width, radii, gradient, surfacing detail setback position of the gate. However little detail has been submitted for consideration and we note Section 6 of the application form states that no alterations to the access are proposed.

Perceived speeds in the area of the access are 60mph in a northeasterly direction and 50mph in a southwesterly direction, therefore visibility splays of 215m and 160m respectively are required. The proposed splays give an indicative road speed of 30 - 40mph (Design Manual for Roads and Bridges/Manual for Streets 2, respectively); therefore, the proposed splays are considerably less than required. We note Section 1.4 of the Design & Access Statement refers to an average speed of 40mph, we further note that no ATC data has been submitted to evidence the quoted speeds.

The visibility splays shown on the "access to field" drawing, are drawn incorrectly and the drawing suggests that the highway verge in the area of the access is 2.5m wide, which is considerably greater to that observed on the ground.

Insufficient forward visibility to the southwest is afforded to vehicles travelling in a north-easterly direction.

We note that the location plan does not show a blue line, therefore the applicant controls insufficient frontage in order to construct the requisite forward visibility and visibility splays, nor sufficiently set the gate back.

As drawn, the access drawing shows a length of 9m from the edge of carriageway to the rear of the concrete pad, with the dimensions of the pad as being 20.5 x 5.5m. The average length of a modern tractor is 6.5m and slurry tankers vary in length between 5 - 6.6m, therefore giving a maximum combination length of 11.5 - 13.1m. No evidence has been submitted that the proposed pad is of sufficient size to allow vehicles to enter and exit in a forward gear. Furthermore, given the likely vehicle lengths that would service the site, the access gates would need to be setback a minimum of 15m.

No detail of the proposed construction and loading of the proposed concrete pad have been submitted for consideration.

No detail of the proposed vehicle movements across all vehicle sizes, to include the start of each journey has been submitted for consultation.

As submitted, the application does not comply with LDP Policies DM13 (10) & T1, Manual for Streets 1 & 2, TAN18, the Design Manual for Roads and Bridges, and Welsh Government Circular 016/2014.

Policy T1 - Travel, Traffic and Transport Infrastructure

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

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

#### Policy DM13 - Design and Resources

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

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

10. The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

PCC-(N) Highways

14th Jul 2021

The Highway Authority has been in discussion with the LPA and the applicant's appointed agent, and we currently await the submission of revised drawings.

PCC Highways

1<sup>st</sup> Oct 2021

The County Council as Highway Authority for the County Class II Highway, B4389

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

The Highway Authority has reviewed the revised drawings/detail submitted in support of the application and wish to make the following comments.

The applicant has undertaken a speed survey to the southwest of the proposed access, and we note that the revised access drawings have not been adjusted in line with the 85th percentile speed reported. The visibility drawings have been drawn incorrectly and do not show the full extent of the visibility splays. Furthermore, the drawings do not show the carriageway, verge and hedge on the opposite side of the B4389. The drawings therefore do not show the extent of hedgerow that needs to either be removed or relocated.

The 85th percentile speed to the southwest (those travelling northeast) of the access is 47.65mph, in accordance with CD109 the Stopping Sight Distance (SSD) is 137m an adjustment is made for the 1:21 negative gradient of the B4389 which calculates the visibility splay in this direction as 158m.

We note the submitted drawings do not include a full blueline plan, therefore, there is no certainty that applicant controls all the land required to construct the access visibility splays.

The HA recommends the applicant submit a full blueline plan, and a revised access drawing based on the topographical survey, showing how the visibility splays are to be achieved. The access visibility splays should be drawn in accordance with Figure 7.18[a] Manual for Streets as shown on Page 93. Should the applicant not control sufficient land to implement the visibility splays, Notice should be served on the relevant landowner in accordance with WGC016/2014.

We note that the applicant intends to surface the access with concrete rather than bitumen tarmacadam. We advise that concrete is a non-standard material and therefore the applicant has to submit the specification which they intend to use and the proposed method of reinforcement. We further advise that a negative condition could be attached to any consent given, or the applicant could submit the detail at this stage.

PCC-(N) Highways

12th Jan 2022

The Highway Authority (HA) has reviewed the revised drawings/detail submitted in support of the application and wish to make the following comments.

We understand that the applicant proposes to construct the access using bituminous tarmacadam rather the previously specified concrete. On that basis, the applicant is not



required to submit a specification as tarmacadam is a standard material.

The HA recommend that the following conditions be attached to any consent given.

1. Notwithstanding the submitted details on access drawings "Splay Looking East" & "Splay to West" the Highway Authority wish the following conditions to be applied to any consent given.
2. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
3. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in a westerly direction and 130m in a easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
4. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
5. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
6. Prior to the first operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than two tractor & trailer's together with a turning space such that all vehicles serving the site my both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the first beneficial use of the development the area of the access to be used

by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

8. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

9. The width of the access carriageway, constructed as Condition 3 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

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

#### Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

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

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Cadw - SAM

24th Feb 2021

Thank you for your letter of 9 February 2021 inviting our comments on the information submitted for the above planning application.

#### Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

#### Assessment

MG044 Mathrafal Castle

MG231 Bryn Y Saethau Hillfort

MG232 Ffridd Mathrafal Hillfort

MG124 Pentre Camp

The above scheduled monuments are located inside 2km of the proposed development, but apart from MG231, intervening topography and vegetation block all views between them, consequently the proposed development will have no impact on the settings of these scheduled monuments.

Scheduled monument MG231 Bryn y Saethau Hillfort is located some 500m to the northwest of the proposed development. It comprises the remains of an Iron Age hillfort, located in a cleared area within conifer forest.

The monument is one of three, possibly contemporary hillforts overlooking the confluence of the Afon Banwy with the Afon Vyrnwy and controlling access along the river valleys (the others being scheduled monument MG232 Ffridd Mathrafal Hillfort to the northwest and scheduled monument MG124 Pentre Camp to the southwest). The significant views from the scheduled monument are therefore towards the east in an arc from north to south with specific

views to Ffridd Mathrafal to the northwest and Pentre Camp to the southwest.

The proposed development will see a slurry lagoon 45m x 25m constructed. It will be partly excavated into the ground, but will require concrete walls above ground and these will be concealed by surrounding grassed mounds. It will be visible in part of the identified significant view from Bryn y Saethau Hillfort but not in one of the specific views. In the significant view it will be partly screened by existing vegetation and whilst it will be obvious during the construction phase, once the grass has grown on the mounds surrounding the lagoon it will be much less conspicuous. As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood and appreciated. Consequently the proposed development will have no impact on the setting of scheduled monument MG231.

Cadw - SAM

15th Mar 2021

A new location plan showing that the applicant owns land adjacent to the proposed development has been submitted. This new information does not alter our advice given on 24 February 2021.

Cadw

27<sup>th</sup> Sep 2021

Amended plans for this the proposed development has been submitted. This new information does not alter our advice given previously.

Community Council

18th Feb 2021

The council is extremely sympathetic toward the farmers application and understands why he would require a new slurry lagoon; however the council cannot support this application for the lagoon to be sited at the site proposed by the applicant. The council's reasons for objecting to the location are those expressed in the letters by the residents, in particular, the visual impact, access, mains water and electricity running through the field.

Community Council

26th Jun 2021

Thank you for the additional information concerning the slurry lagoon at Newbridge farm, the Community Council discussed this at length at its meeting of 15 June 2021 and made the

following comments:

The Council wishes to emphasise that it has every sympathy with the applicant and wishes to support farming and businesses; but even after reviewing the additional information the Council cannot support this application for the lagoon to be sited at this very prominent positioned site proposed by the applicant. The Council supports neighbours who have raised concerns and objections particularly the concerns they raise about flies and odour particularly when emptying the lagoon.

The Council also noted that it was claimed in the letter from the applicant's agent that the same amount of road journeys is being taken to spread slurry on the fields as there will be to transport slurry to the lagoon. The Council does not question this, but one has to remember that the weather conditions have to be suitable to spread directly on the fields, if you are taking it to the slurry lagoon, it could be a very wet and dark day with poor visibility, and in the information provided by the applicant's agent that the applicant has a tanker capable of carrying some 13 cubic metres of waste this is obviously very heavy and going up the bank to the proposed site possibly will not be travelling fast and with poor visibility this could be very dangerous for people trying to overtake.

The Council also note that the applicant will remove a considerable amount of hedge and this will make the site open for people to see as passing in this tourist area. It is very difficult to keep a site clean and tidy when it is working and busy.

The Community Council suggests that the applicant would look for an alternative site.

The Community Council respectfully asks that this application is dealt with by the planning committee where the applicant and objectors can put their case and the committee will have all the facts before them and they can judge the application on Planning and Environmental policies.

Community Council

4th Oct 2021

Firstly, can my council make it clear that it has every sympathy with the applicant as stated previously and still does have, but it is extremely disappointed that the applicant has not moved the site.

In the submission by the applicant's agent as far as highways safety goes, it completely misses the point. The journeys taking place now to spread the manure on the ground, the weather conditions have to be good, but the proposal as stated before, the weather can be poor and poor visibility. Accidents have happened on this road and one must bear in mind the applicants tractor will be travelling up the hill, heavily loaded and slow, if he has to stop for oncoming traffic which is travelling downhill (possibly at speed) this could be extremely

dangerous (an accident waiting to happen).

Members of my council have also noticed an increase in traffic using the road, particularly since the pandemic as we are having more holiday traffic which supports the local economy.

The applicant, my council respectfully suggests is admitting that this application has a detrimental effect on the area by now reducing the size of the lagoon.

The Unitary Authority has a duty of care to the residents of the area, particularly the concern of odour, increase of flies (due to the odour) and of slurry possibly being disposed on the highway. We would urge the Unitary Authority to work with the applicant to find a much more suitable site away from the public eye to satisfy the local need and tourism which this area depends on as the applicant himself would be aware of having his own tourist business.

Hafren Dyfrdwy

4<sup>th</sup> March 2021

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.

Hafren Dyfrdwy

28<sup>th</sup> Sep 2021

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

PCC-Rights of Way Senior Manager

19<sup>th</sup> Feb 2021

Thank you for the opportunity to comment on this planning application.

The proposed development will directly affect footpath 232/20(A)/1, and if built as per the plans will involve having to divert the legal route of the path to the other side of the hedge line. Countryside Services therefore wishes to submit a holding objection and advises the applicant seeks advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information, please discuss with Countryside Services at the earliest available opportunity.

PCC Rights of Way Senior Manager

11<sup>th</sup> May 2022

That all sounds good to me – I'm not too concerned about fence spec as long as it isn't electrified or is made from barbed wire or similar. I would imagine that it should be some form of chain link fencing about 3m/10 feet in height given what it is protecting.

CPAT

15th Feb 2021

Thank you for consulting us on the above application at Newbridge Farm, Meifod to install an earth banked slurry lagoon and associated works.

I can confirm there are no archaeological impacts as a result of this proposal, however as the site lies between two Scheduled Ancient Monuments it would be worth consulting with Cadw via Neil Maylan [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales) just in case they have any setting issues in relation to the Scheduled Mathrafal Castle which is located 180m to the north-east and Bryn y Saethau Hillfort, 500m to the north-west.

Natural Resources Wales (Mid Wales)  
DPAS

25th Feb 2021

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 09/02/2021.

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

Requirement 1: Submission of an atmospheric ammonia impact assessment

Protected Sites and Aerial Emissions

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

Requirement 1: Submission of an atmospheric ammonia impact assessment

The application will need to show the risk of atmospheric ammonia concentrations and nitrogen deposition on nearby sites. This can be done using the free online tool - SCAIL (Simple Calculation of Ammonia Impact Limits) available at <http://www.scail.ceh.ac.uk/>

Therefore, we require the submission of a report from SCAIL or other air quality modelling package that includes:

the input data

background levels

process contributions (PC)

the predicted new environmental concentrations (PEC) of ammonia and nitrogen

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

#### Other Matters

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

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

#### Advice to Developer

##### Agriculture

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. 14 days' notice must be given to NRW before construction begins on a new



or improved slurry or silage store (this change applies from 28th April)

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

Natural Resources Wales (Mid Wales)  
DPAS

9th Apr 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 26/02/2021.

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

Requirement 1 - Additional information to be included on the proposed plans, in order to assess the risk of pollution from the proposed development

Requirement 2 - Submission of screenshot version of the SCAIL report results

Requirement 3- Submission of a Pollution Prevention Plan

Environmental Management

Further information is required regarding the proposed earth banked slurry lagoon. It is unclear if the proposal will result in pollution to surface or groundwaters, because it is unclear from the submitted plans and documents if the design is compliant with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

Requirement 1 - Additional information to be included on the proposed plans, in order to assess the risk of pollution from the proposed development

The following information is required for us to provide advice on the proposal:

1. Full calculations of the likely quantities of slurry which will be produced, so to assess the proposed of the lagoon (slurry and rainfall), so to confirm the compliance with the regulations above.

2. Confirmation of the depth of the lagoon. The plan (titled 'Layout Plan', drawn by Gary Owen dated January 2021, labelled 'Amended Plan' on your Authority's website, uploaded on 15 Mar 2021) includes a figure of 7.5 mtrs, but it is unclear whether this refers to the

depth of the proposed lagoon.

3. We will require the results of soil sampling assessments from trial pits, to determine the suitability of an earth bank lagoon at this location.

#### Protected Sites and Aerial Emissions

Agricultural developments have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). We assess the air quality impact a proposal may have on European protected sites and Sites of Special Scientific Interest (SSSIs) and European sites within a screening distance of determined by the size of the slurry lagoon.

#### Requirement 2 - Submission of screenshot version of the SCAIL report results

Your Authority's website includes a spreadsheet document (uploaded on 15 Mar 2021 titled 'SCAIL MODELLING' which includes figures from a SCAIL report.

To review a SCAIL report we require the submission of screenshots of the input data and results pages of the SCAIL system to be provided in PDF format. We will provide further comments when this information is received.

#### Pollution Prevention Plan - Construction and Management

We advise a pollution prevention plan must be submitted with the planning application to detail the pollution prevention measures which will be taken during the construction and operational phases of the proposal.

#### Requirement 3 - Submission of a Pollution Prevention Plan

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction and landscaping. When working near watercourses, work must be carried out in a manner so as not to cause pollution to controlled waters.

Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to the guidance provided by the following link: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list>

The Pollution Prevention Plan should include NRW's incident response telephone number. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 03000 65 3000.

## Manure Management

If the proposal is to accommodate an increase in stock numbers at the farm, the Applicants must submit a Manure Management Plan with their application. The plan must include the information outlined below:

All manures and wash water must be collected and stored in accordance with The Water Resources (Control of Pollution) (Control of Agricultural Pollution) (Wales) Regulations 2021 and should spread according to the Welsh Government's Code of Good Agricultural Practice (CoGAP).

Manure spreading can be a major contributor of excess nutrients to land and water where it is not appropriately applied. CoGAP recommends organic manure applications should be driven by crop requirement, with the limiting element being phosphate and not nitrogen. Therefore, we seek to advise that a Nutrient Management Plan would be useful to the Applicant in preventing pollution to watercourses from nutrient enrichment.

Routine soil sampling that includes the need for pH, nitrogen, phosphate, potassium as well other nutrients such as magnesium should be sought. The outcomes of the soil sampling and regular monitoring should be used to inform how manure and fertiliser application rates should be adjusted as required to meet the requirement of the crop.

NRW provide standing guidance which includes Guidance Note GN021 Poultry Units: planning permission and environmental assessment. This guidance, although initially for poultry, provides advice on preparing Manure Management Plans MMP and Nutrient Management Plans NMP, as well as providing further links to guidance. This includes making use of the Fertiliser Manual (RB209) and the Tried & Tested Nutrient Management Plan - Created by the industry for the industry documents. Using the approaches set out in these documents is likely to lead to the application of organic manures and any fertilisers being balanced against the existing nutrient availability and will be done for agricultural benefit.

## Protected Species

No protected species survey has been provided to NRW with the consultation. We therefore assume your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present. Should an ecological report be available which shows evidence of protected species using the proposal location, we would wish to be re-consulted.

## Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is

published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

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

NRW must be informed 14 days before construction begins on a new or improved slurry or silage store. This change applies from 28th April 2021.

Natural Resources Wales (Mid Wales) DPAS

30th Jun 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 10/06/2021.

Further to our previous letter referenced CAS-139346-J1G1 dated 09/04/2021, we have the following advice to provide.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding aerial emissions. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement 1 - Further information is submitted to demonstrate that the likely impact of the development on the SSSI can be managed by the implementation of appropriate mitigation/compensation.

#### Protected Sites and Aerial Emissions

We have significant concerns that insufficient information has been submitted to demonstrate how likely damage to the eight protected sites within 5km will be avoided.

- o Coed Ty Mawr SSSI
- o Cors Cefn Llwyd SSSI
- o Ffridd Mathrafal Track Section SSSI
- o Gweunydd Ceunant SSSI
- o Cors Ty Gwyn SSSI
- o Gwaun Efail Wig SSSI

- o Gweunydd Ger Fronhaul SSSI

- o Pen-Dugwm Woods SSSI

Planning permission should only be granted if information is provided which demonstrates that the proposed development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.14 of Planning Policy Wales states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

A SCAIL assessment has been provided on your Authority's website, uploaded on 11 June 2021. The screenshots are incomplete, as details are missing from the input page. The results pages for the protected sites have not been presented.

The first paragraph of the last page of the letter by CGW Owen dated 4th June 2021 to your Authority confirms the ambition to increase stock numbers at the farm from 200 to 250 cows.

We advise the SCAIL report must consider the existing and proposed scenarios (i.e. by setting a baseline of 200 cows and then the future emissions from 250 cows) for comparison, and screenshots of the input data and results pages being made available.

Should the output demonstrate that any of the SSSIs have the potential to be affected by the development (i.e. the process contribution is equal to or greater than 1% of the Critical Level when combined to the background emission level) then we would advise further details to reduce emission are likely to be required. Either mitigation measures need to be considered and appropriately selected to reduce ammonia emission affecting the SSSI(s); and/or, detailed modelling will need to be completed to define the process contribution to a finer scale (to demonstrate no significant impact) or determine the appropriate mitigation measures to be implemented to make the development acceptable. Further information can be found via our website - Natural Resources Wales / Ammonia assessments for developments that require a permit or planning permission

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

We therefore recommend that planning permission should only be granted if information is provided which demonstrates that the proposed development will not damage features for which the SSSI is of special interest.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask that you notify us under the provisions contained in Section 28I of

the Wildlife and Countryside Act 1981 (as amended).

#### Environment Management

We have reviewed the additional information provided in the letter referenced above and the soil sampling test by Celtest, test report ref. TR 784980 dated 10 March 2021. The information provided above confirms the soil to be suitable for an earth banked slurry lagoon at this location, and that it will be built to comply with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

The letter referenced above refers to pollution prevention measures. These must be adhered to during the construction works.

We would advise the plans referenced above must be implemented by means of a condition on any consent granted.

#### Other Matters

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

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

#### Advice for the Developer

#### Notifying Natural Resources Wales

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.

Natural Resources Wales (Mid Wales)  
DPAS

18th Jan 2022

We have considered the query from the Agent, asking if we would insist on a complete SCAIL assessment if the cattle numbers on the farm remain as existing. Currently, we understand this proposal to be to accommodate an increase in stock from 200 to 250.

Before being able to advise definitively, we need to understand whether there is currently

a slurry lagoon on site. From the submitted plans, the proposed location of the slurry lagoon is at a distance from the main farm complex. As such, we are likely to insist on the submission of the full SCAIL report.

Our previous letter requested a complete SCAIL report. This is a relatively undemanding request, considering it appears the SCAIL assessment has already been run once to provide the section of the assessment which has already been provided.

We would also like to know, is this proposal solely for an earth banked slurry lagoon, as suggested by the application title? The submitted plans also show a silage clamp. We would be grateful for clarification on whether we are to consider both the slurry lagoon and the silage clamp.

The proposed location for the slurry lagoon appears to be at a distance from Newbridge Farm. Detail needs to be included on how it is proposed to transport slurry to this lagoon.

The plan titled 'Proposed Slurry Lagoon' dated August 2021, uploaded to your Authority's website on 17/09/2021 states the lagoon is for 180 cows. We understand the proposal is either for 200 or 250 cattle.

We'd be grateful for clarification on these points above. Please re-consult with NRW when this information has been provided.

Natural Resources Wales (Mid Wales) DPAS

21st Feb 2022

We continue to have significant concerns that insufficient information has been submitted to demonstrate how likely damage to the multiple Sites of Scientific Interest (SSSI) will be avoided. Planning permission should only be granted if information is provided which demonstrates that the proposed development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.14 of Planning Policy Wales states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

We consider that the proposed development is likely to damage the features by reason of which the SSSIs identified submitted SCAIL report are of special interest. Note that the SCAIL screenshots identify eight SSSIs within 5km of the development but only one, the Coed Ty-Mawr SSSI, has had a full SCAIL assessment completed.

Therefore, the applicant has not provided sufficient information to demonstrate how the proposed development will avoid damaging the special interest features of the SSSIs.

Slurry lagoons have the potential to impact protected sites through aerial emissions. Ammonia deposition at the SSSIs identified in the SCAIL screenshots can be significantly affected by inappropriate development by increasing the nutrient levels beyond which the sensitive species can withstand and thereby degrading the SSSI features.

We acknowledge that the predicted process contribution to the Coed Ty-Mawr SSSI is less than 1% of the Critical Level and the background levels are also below the Critical Level. Based on the information submitted we have no further concerns regarding the Coed Ty-Mawr SSSI. However, there is no assessment of the other seven SSSIs identified in the SCAIL screenshots.

Therefore, we advise your Authority to seek a full and complete assessment is completed for all SSSIs within 5km of the development. Individual screenshots of each SSSI from SCAIL is likely to be acceptable. The Applicant should be reminded that they need to confirm the appropriate Critical Level for each site. This can be done by following our standing advice - Natural Resources Wales / Ammonia assessments: initial screening and evidence gathering (GN 020). Interpretation of the SCAIL results should follow our standing advice - Natural Resources Wales / How to interpret the results from your screening or modelling exercise for Ammonia Emissions (GN 020) - and the appropriate next step taken, whether it be finalising the assessment or undertaking more detailed assessment to inform necessary mitigation measures. Note that it may be necessary to engage a suitably qualified and experienced ecologist and/or air quality consultant to support the development proposal.

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

We therefore recommend that planning permission should only be granted if information is provided which demonstrates that the proposed development will not damage features for which the SSSI is of special interest.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).



Natural Resources Wales (Mid Wales)  
DPAS

10th Mar 2022

Thank you for re-consulting NRW. There does not seem to be any further information available on your Authority's website further from our previous correspondence. As such, we advise our advice email dated 21/02/2022 remains valid. Please re-consult NRW when the requested information has been submitted.

Natural Resources Wales (Mid Wales)  
DPAS

31st Mar 2022

Further to our previous letter referenced CAS-139346-J1G1 dated 30/06/2021, we have the following advice to provide.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding aerial emissions. If this information is not provided, we would object to this planning application. Further details are provided below.

#### Protected Sites and Aerial Emissions

We have concerns that insufficient information has been submitted to demonstrate how likely damage to the Sites of Special Scientific Interest (SSSIs) listed below, will be avoided.

Planning permission should only be granted if information is provided which demonstrates that the proposed development would not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.14 of Planning Policy Wales states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

Currently, we advise insufficient information has been provided to demonstrate how the proposed development will avoid damaging the special interest features of the SSSI. We have reviewed the SCAIL screenshots which have been presented on your Authority's website, uploaded on 14/03/2022, regarding this proposal. The SCAIL report has considered the air quality impact the proposal would have on European protected sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the proposal.

The first paragraph of the last page of the letter by CGW Owen dated 4th June 2021 to

your Authority confirms the ambition to increase stock numbers at the farm from 200 to 250 cows.

As such, a SCAIL assessment has been provided, and the results are summarised below.

#### Cors Cefn Llwyd SSSI (1.3km)

The background ammonia level is  $2.02\mu\text{g}/\text{m}^3$ . The ammonia critical level is  $3\mu\text{g}/\text{m}^3$ . The ammonia process contribution from the development to the SSSI is  $0.13\mu\text{g}/\text{m}^3$ , which is 4% of the critical level.

#### Gweunydd Ceunant SSSI (1.8km)

The background ammonia level is  $2.32\mu\text{g}/\text{m}^3$ . The ammonia critical level is  $3\mu\text{g}/\text{m}^3$ . The ammonia process contribution from the development to the SSSI is  $0.07\mu\text{g}/\text{m}^3$ , which is 2% of the critical level.

#### Cors Ty Gwyn SSSI (2.3km)

The background ammonia level is  $2.32\mu\text{g}/\text{m}^3$ . The ammonia critical level is  $1\mu\text{g}/\text{m}^3$ . The ammonia process contribution from the development to the SSSI is  $0.04\mu\text{g}/\text{m}^3$ , which is 5% of the critical level.

#### Gwaun Efail Wig SSSI (3.2km)

The background ammonia level is  $1.5\mu\text{g}/\text{m}^3$ . The ammonia critical level is  $3\mu\text{g}/\text{m}^3$ . The ammonia process contribution from the development to the SSSI is  $0.03\mu\text{g}/\text{m}^3$ , which is 1% of the critical level.

#### Gweunydd Ger Fronhaul SSSI (3.5km)

The background ammonia level is  $1.6\mu\text{g}/\text{m}^3$ . The ammonia critical level is  $3\mu\text{g}/\text{m}^3$ . The ammonia process contribution from the development to the SSSI is  $0.02\mu\text{g}/\text{m}^3$  which is 1% of the critical level.

#### Pendugwm Woods SSSI (3.6km)

The background ammonia level is  $2.32\mu\text{g}/\text{m}^3$ . The ammonia critical level is  $1\mu\text{g}/\text{m}^3$ . The ammonia process contribution from the development to the SSSI is  $0.02\mu\text{g}/\text{m}^3$  which is 2% of the critical level.

The predicted process contribution for the above SSSIs exceed the threshold for which we consider a significant effect to the SSSI could occur. No assessment of the effects on the SSSIs has been submitted or has been made available to us to advise whether the additional ammonia being deposited will be significant or not.

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

Therefore, we advise a detailed modelling assessment and ecological impact assessment focussing on the significance of aerial emissions effects is completed which considers the cumulative effects to the SSSIs to inform your Authority's decision making process.

#### Other Matters

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

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

Natural Resources Wales (Mid Wales)  
DPAS

22nd Apr 2022

Further to our previous letter referenced CAS-184789-MON6 dated 31/03/2022, we have the following advice to provide.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- o Plan titled 'Layout Plan' by Gary Owen dated August 2021
- o Plan titled 'Proposed Lagoon' by Gary Owen dated August 2021

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

#### Pollution Prevention - Slurry storage

We have reviewed the following plans:

- o Plan titled 'Layout Plan' by Gary Owen dated August 2021

o Plan titled 'Proposed Lagoon' by Gary Owen dated August 2021

o Letter titled "Planning Application re Installation of earth banked slurry lagoon and associated works. Your Ref 20/2130/FUL" dated 25th August 2021 by CGW Owen to your Authority

The letter includes calculations of the capacity of the proposed lagoon, based on 180 cows.

The letter confirms the size of the lagoon is to accommodate the need of the existing herd size. The lagoon is designed to accommodate 5 months slurry and calculations supplied appear to be correct. The design of the proposed lagoon is the same as originally intended, but now the size has been reduced to accommodate the existing stock numbers.

The proposed lagoon must meet 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. Further guidance is available in The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 Guidance for Farmers and Land Managers (gov.wales). In reviewing the submitted plans, it appears compliance with these regulations can be achieved.

#### Notifying Natural Resources Wales

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.

#### Aerial Emissions and Protected Sites

The letter referenced above from the Agent states:

"To this effect we intend to reduce the size of the lagoon (so it meets current herd needs number alone)." The Agent confirmed that the proposed lagoon plans have been reduced from the original submissions, to account only for the current stock numbers at the farm.

Based on the understanding that there will not be an increase in stock numbers at this farm as a result of this proposal, we would not require an assessment of ammonia emissions from the development. As such, we would not have concerns for this proposal and potential impacts on protected sites.

#### 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 Contaminated Land Officer

18<sup>th</sup> May 2022

There are no recorded contamination issues associated with the subject site.

## **Representations**

Following display of a site notice on 18<sup>th</sup> February 2021, thirteen public representations have been received in objection and are summarised as follows:

- Close to adjoining properties
- Increase of pollution
- Health and safety implications including release of harmful gases to health of humans and animals, unsupervised site and vehicles crashing off road into the development
- Affect local ecology e.g. impact on watercourses from gases, Great Crested Newts and water voles in local watercourses
- General dislike of proposal
- Out of keeping with character of area
- Potentially contaminated land
- Queries location of proposed development detached from the farmyard and whether there are other locations that would be more suitable elsewhere on the farm
- Concerns over amenity; in particular noise, odour and flies and rodents
- Visual impact
- Highway safety concerns over mud on road, in particular in winter when it will freeze
- Depreciation in value of neighbouring properties
- Safety – people and wildlife may fall in and drown
- Is there a contingency for overflow should flooding occur due to heavy rainfall?
- Proximity to a public right of way
- Who will monitor the good management of the lagoon?
- There should be further public consultation before any decision is made
- The existing access is unsuitable for the proposed development
- There are mains water and electricity supplies running through/over the land
- Proposed hedgerow would take years to establish and provide biodiversity benefits
- Proposed wildflower planting is likely to be unsuccessfully implemented and

- managed long term
- Greenfield site
  - Affect local ecology
  - Overbearing impact upon view from property
  - Outlook from property will be compromised
  - Impact upon Powys tourism e.g. visible to users of public highway and visitors to Mathrafal woods from the footpath and vantage spot and the development might adversely affect the suitability of nearby fields for hosting the National Eisteddfod which proved very successful for the area in 2003 and 2015
  - Precedent of allowing other development detached from farmyard.
  - Conflict with local plan
  - Not enough info given on application
  - Close to areas of archaeological interest
  - The transport of material to the site will reduce the amenity of public highways to others with highway outside main farmyard being covered in mud
  - Increased traffic using access and along highway
  - Highway has been subject to accidents
  - Traffic Speed Survey results undertaken on behalf of applicant may be incorrect as believed to be undertaken whilst speed restrictions were in place due to roadworks being carried out
  - Hedgerow has been 'netted'

In addition, CPRW Montgomeryshire have commented as summarised below:

- Raise awareness of proximity of public right of way
- Concerns regarding the distance from the farm. The development is in open countryside several kms from the farm and in a prominent position in an unspoilt landscape. As it is not clustered with other farm buildings it will appear an anachronistic intrusion (at odds with the Powys Landscape SPG). The distance is also likely to increase the road miles travelled carrying slurry.
- Concerned at the significant removal of hedgerows and possible deleterious impacts on biodiversity, particularly should there be a leakage into ground water / aquifers. This is contrary to the emerging Powys NRAP (Nature Recovery Action Plan). In particular we note the proximity to a number of SSSIs and the damage that may be caused to such sites by long term water pollution. There would need to be close monitoring of the site to ensure that it was operated in compliance with CoGAP.
- CPRW Montgomeryshire is supportive of the farming community but also aware that Wales has been declared a Nitrogen Vulnerable Zone (NVZ) and also that there is both a biodiversity crisis and an increasing loss of our precious landscapes. A slurry lagoon requires very careful management and monitoring for which it should be near to the farm complex. Where lagoons are well managed they can operate in trouble free manner but this proposal is not in the right place.

In addition, Powys Ramblers have commented as summarised below:

- We wish to strongly support the comments and holding objection made by Countryside Services. The proposals as planned will have an adverse impact on the right of way at the site.

### Planning History

App Ref	Description	Decision	Date
At application site:			
8123	Water pipe		
At main farmstead:			
20/1422/FUL	Erection of a general purpose agricultural building	Approve	12th Nov 2020
21/0143/FUL	Installation of a silage effluent tank	Approve	19th Aug 2021
MAGR/2003/0091	Erection of an agricultural livestock building		22nd Sep 2003
P/2011/1325	Erection of a two storey extension, erection of a sun room and alterations	Consent	16th Jan 2012

### Principal Planning Constraints

Right of Way	232/20(A)/1
Within a distance of 1km	Bryn y Saethau Hillfort
Within a distance of 1km	Mathrafal Castle

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - National Plan 2040	The	National Policy

PPW	Planning Policy Wales (Edition 11, February 2021)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN12	Design	National Policy
TAN18	Transport	National Policy
TAN11	Noise	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP6	Distribution of Growth	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026



T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	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**

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

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

Public representations have raised concern over the effect of the development upon property values. Paragraph 9.4.2 of Welsh Government's Development Management Manual (Revision 2 – May 2017) states that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

Paragraph 9.4.3 further states that material considerations must also be fairly and

reasonably related to the development concerned. The Courts are the final arbiters of what may be regarded as material considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.

Given that the value of property is not relevant to the regulation of the development and use of land in the public interest, the issue is not considered to be a material planning consideration and will not be considered further.

Public representations have referred to the development setting a precedent for other development to follow. Each application for planning permission is required to be determined on its own merits and as such if future development were proposed at or near the site, the development would be considered in accordance with the relevant local and national planning policy and other material planning considerations.

#### Public consultation

Public representations raise concerns over insufficient public consultation being carried out. A site notice was displayed at the access to the site and in addition, members of the public who submitted comments have been provided with the opportunity to submit further comments following the receipt of additional and/or revised information. This publication accords with the requirements of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

#### Site location and description

The application site is located on the north-western side of the B4389 highway, approximately 3.5km south-west of Meifod. The site forms part of a larger improved grassland field and is bound on the south-eastern, north-eastern and south-western sides by hedgerows. The land descends from the B4389 highway to the north-west.

The application seeks consent for the installation of an earth banked slurry lagoon and associated works, including alterations to the existing means of vehicular access off the B4389 highway. During the processing of the application, revised plans and information has been received in relation to reducing the size of the lagoon and amendment to orientation. The revised lagoon measures approximately 27m by 23m and 4.6m deep. The lagoon will be partly excavated into the ground, but will require concrete walls above ground and these will be concealed by grassed mounds. Due to the sloping nature of the site, the grassed mounds will vary in height above the current land levels with the highest mound measuring at approximately 6m.

#### Principle of development

Planning Policy Wales as well as Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside. Local Development Plan (LDP) Policy SP6 regarding the distribution of growth recognises that agricultural development will occur in the open countryside and details that such proposals will be assessed against national policy and all other relevant policies of the plan. Therefore, subject to all other material planning matters being acceptable, the principle of the development is considered to be acceptable in accordance with the planning policy framework referred to above.

### Need

The submission indicates that Natural Resources Wales (NRW) have visited the farm and prepared a report in which the need for additional slurry storage was highlighted. The submission indicates that, currently, slurry storage capacity, constructed pre-1991, is insufficient for existing slurry volumes generated at the unit to cover the winter housing period. There is sufficient land available to fully utilise the nutrients available from the slurry and so providing additional storage means that the nutrients can be utilised at the optimum time meaning the enterprise is more resilient to fertiliser price changes.

The present system of management will continue; slurries, “dirty” yard water and dairy/parlour washings will be collected in existing facilities at the main farmstead, Newbridge Farm. These will then be transferred to the proposed lagoon via tanker using the highway network. According to the submission, the required capacity of the lagoon has been calculated to be sufficient to contain 5 months slurry production as required by Welsh Government for new stores in areas designated Nitrate Vulnerable Zone.

It is understood that The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 require all slurry stores to comply with the relevant requirements by the 1 August 2024 and as such the need behind the development is compliance with Regulatory standards. The submission explains that there are also other benefits to having additional storage including greater flexibility to the business in timing of operations, reducing risk to the water environment and a greater use of nutrients generated on farm reducing the need to import artificial nutrients.

Paragraph 5.6.8 of Planning Policy Wales suggests that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. Paragraph 6.6.4 of TAN6 further states that regulations set minimum standards for new, substantially reconstructed or enlarged silage, slurry or fuel oil facilities. The Environment Agency (responsibilities now lie with Natural Resources Wales) is empowered to serve notice requiring action to improve existing installations when it considers that there is a significant risk of pollution. These Regulations form an important part of the Welsh Government’s commitment to reduce agricultural pollution of rivers. Planning authorities are therefore encouraged to consider sympathetically development proposals aimed at meeting the requirements of these Regulations.

### Justification for location

Public representations have queried why the development is proposed in a location detached from the farmyard and other buildings or on other land which forms part of the farm holding. The submission states that the Vyrnwy valley is subject to flooding and the lagoon must be positioned on land outside of the valley floor; outside of the flood zone where the land is more likely to be frequently waterlogged. In addition, the submission describes other constraints to siting the development at other locations including proximity to residential properties, topography, trees, access, proximity to watercourses and public rights of way. The development is proposed on a block of land where it is stated that regular applications of slurry take place through the year currently.

### Landscape and visual impact

Public representations and the Community Council have raised concern over the impact of the development upon the unspoilt Powys landscape and it being in a prominent, detached location from the main farmstead and its associated buildings etc.

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 – high  
Historic Landscape – high

The Visual and Sensory Aspect Area (MNTGMVS714 Vyrnwy Rolling Lowlands) is summarised as follows:

‘Rolling lower transitional side slopes of the broad River Vyrnwy valley bottom. Predominantly arable and dairy farming with a regular medium sized field pattern. Managed hedgerow and fencelines predominate with wide open views over the valley floor and relatively open skies dominant. Settled and domestic in character with sporadic clustered developments’

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 application site and immediate surroundings are characteristic of the description of the aspect area with the site located on a hillside overlooking the Vyrnwy Valley. The application site is visible in close proximity from the B4389 highway which travels immediately to the south-east of the application site and public right of way 232/20(A)/1 which travels along the south-western boundary. In addition, it is possible that the site is visible from the A495 highway which travels along the valley floor to the north-east, north and north-west of the application site with the closest point of the highway being approximately 230m. In addition, there are residential properties in the locality, the closest being approximately 230m distant, a number of other public rights of way, the closest being approximately 100m distant and other vantage points including Mathrafal Woods and Bryn y Saethau Hillfort which are located over 450m.

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. In addition, the development would be sited on land which descends from the south-east to the north-west and as such the north-western earth mound will be required to be higher. However, the development would not be located on the skyline with the land further rising to the south-east beyond the site and highway. It would be low profile and the concrete walls would be obscured by the earth embankments. Therefore, from public vantage points, grassed mounds with a fence around the perimeter would be seen and whilst the site would be visible from the valley floor to the north-west, 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 order to achieve the access improvements, it will be necessary to remove approximately 150 metres of roadside hedgerow. It is proposed to replant the hedgerow behind the visibility splays and to ensure that such planting occurs, it is recommended that a condition is attached to any consent granted to require the submission, approval and implementation of a Hedgerow Replacement and Aftercare Scheme. It is also considered that the site would benefit from additional hedgerow planting along the north-western boundary which would assist in mitigating the impact and it is recommended that a condition to require additional hedgerow planting should be attached to any consent granted.

It is also proposed to fence off the adjacent public right of way which requires the erection of new fencing and it is recommended that a condition is attached to secure details of the proposed fencing to ensure its design and height are appropriate to the location. 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.

Users of the public right of way and other recreational assets in the locality will be able to see the development, however in terms of the right of way immediately adjacent to the site, this would be for an approximate distance of 50 metres when users would be walking alongside the development. Otherwise the other identified recreational assets are located at greater distances where the landscape and visual impact is reduced.

It is noted that the Historic Landscape layer has an overall 'high' value and the justification for this is due to the aspect area being an extensive area of irregular fields and some sinuous woodland occupying archetypal rolling Montgomeryshire hill land. Dominated by medieval and later agriculture with numerous farms and houses, a number of medieval (or possibly earlier) settlements with churches, but also a number of Bronze Age barrows and standing stones and Iron Age hillforts and enclosures. Further consideration will be given to the impact of the development on Scheduled Ancient Monuments and their settings later in the report, however, it is not considered that the development would unacceptably affect the noted qualities that give the aspect area its overall evaluation.

It is also noted that the Landscape Habitats layer has an overall 'high' value and the justification for this is due to the small fields of permanent pasture some of which contain wetter areas with more native grass species have species rich hedges. Small blocks of woodland and mature trees are scattered throughout the area as well as some larger woodland blocks. A number of small streams run through the area which supports a number of small but significant Sites of Special Scientific Interest and roadside nature reserves which carry a very diverse range of grassland species. 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, whilst the contents of the public representations are noted and 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 recreational assets 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.

### Amenity

Public representations and the Community Council have raised concerns over the impact

of the development on the amenities enjoyed by the occupants of neighbouring properties, particularly in respect of odour, noise, flies, pests and harmful gases being released. The application site is located within 250 metres of a number of residential dwellings.

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.

The Council's Environmental Protection department have advised that based on the information submitted in respect of use and management of the development, which is summarised below, there are no requirements subject to the lagoon construction and slurry storage complying with the requirements of Natural Resources Wales and current legislation and regulation e.g. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations.

Information referred to in Environmental Protection response:

'Slurry generated when the cows are housed (mid to late October through to April) will be collected in existing facilities and brought by tanker to the proposed lagoon. It will be stored in the lagoon until it can be used optimally for crop needs – when the nutrients will be best taken by the growing crop. It will not be agitated during storage.

The lagoon is designed to meet standards with the involvement of NRW and Welsh Government. Newbridge is a dairy farm (no poultry muck or pig slurry is proposed for storage). The site chosen is on a block of grass conservation ground (all improved) where slurry is routinely applied'.

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. Given existing usage of the public highway, the amount of traffic generated and

the distance from the closest receptors, it is not considered likely that there would be any 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.

Whilst the contents of the public representations are appreciated, on the basis of Environmental Protection's advice, it is concluded that the development would not unacceptably affect the amenities enjoyed by the occupants or users of nearby or proposed properties 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.

### Biodiversity, ecology and the environment

Public representations have raised concerns over ecological impacts of the development including concerns over gases causing pollution problems to nearby watercourses, ground water pollution, the likely success of proposed hedgerow and wildflower planting,



that there are great crested newts and water voles in the locality and that the roadside hedgerow has been netted to prevent birds from nesting.

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.

#### 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. The following sites are within 5km of the proposed development:

- Coed Ty Mawr SSSI
- Cors Cefn Llwyd SSSI
- Ffridd Mathrafal Track Section SSSI
- Gweunydd Ceunant SSSI
- Cors Ty Gwyn SSSI
- Gwaun Efail Wig SSSI
- Gweunydd Ger Fronhaul SSSI
- Pen-Dugwm Woods 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 size of 180 cows. 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 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 and the Council's Ecologist, it is considered that the development would not unacceptably adversely affect protected sites in accordance with LDP Policies DM2 and DM14.

### Protected species

The Council's Ecologist has advised that the data search identified 118 records of protected and priority species within 500m of the proposed development. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle, brown-long-eared bat, and brown hare, great crested newt, badger, cuckoo, curlew, spotted flycatcher and swift.

In terms of great crested newt, there are no ponds evident within 250m of the site. One record for great crested newt is approximately 400m from the site but the pond is separated from the site by the A495 and an expanse of largely sub-optimal habitat. There is also a stream which is also likely to present a barrier to movement. The development site itself is considered unsuitable for supporting great crest newt. Regarding water vole, the development site is not suitable for supporting water vole.

As discussed above, it is proposed to remove approximately 150m of the roadside hedgerow to accommodate the visibility splays which represents a significant loss of priority habitat (Environment (Wales) Act 2016 and Powys Local Biodiversity Action Plan) and is contrary to LDP policy DM2. It is proposed to replant the hedgerow behind the visibility splays and proposed new fencing which is welcomed. It is recommended that the replating is secured through condition with the submission of sufficient details regarding species mix, planting density and aftercare measures.

In respect of the netting of the roadside hedgerow, The Local Planning Authority concurs with the view of the Chief Planning Officer for Wales as set out within their letter of 6<sup>th</sup> June 2019 that the netting of hedgerows is not supported as a routine practice. Furthermore netting should only be considered as a last resort measure, after a full consideration of other alternatives and under exceptional circumstances only following the grant of planning permission. Development Management has requested that the netting is removed, however, the Planning Authority has no power to insist on netting removal prior to any decision being made on an application or to enter land and remove netting.

Subject to the use of conditions, and on the basis of the advice received from the Council's

Ecologist, it is considered that the development would not unacceptably adversely affect protected species in accordance with LDP Policy DM2.

#### Water Framework Directive

NRW has reviewed the additional information accompanying the application including soil sampling test results which confirm the soil to be suitable for an earth banked slurry lagoon at this location, and that it will be built to comply with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

The information also refers to pollution prevention measures. NRW have confirmed that they have no objections in respect of pollution to surface or groundwaters subject to compliance with the aforementioned regulations and pollution prevention measures and that the development is required to be constructed in accordance with the supporting information by condition. Therefore, it is considered that the development complies with Criterion 4 of LDP Policy DM2.

#### Biodiversity enhancement

It is proposed to plant the lagoon wall banks with a suitable wildflower seed mix to create additional habitat area. This is welcomed as a biodiversity enhancement and, together with the replanting of the roadside hedgerow and additional hedgerow along the north-western boundary of the application site, 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.

#### Highway safety and movement

Public representations and the Community Council have raised concerns over increased traffic on the highway network together with the inadequacy of the existing access and that the traffic speed survey was carried out when there were speed restrictions on the highway. The Local Member called the application in on the grounds of highways.

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

Access would be gained via the existing access off the B4389 highway. As noted above, slurry would be transported via tanker to the site using the highway network and it is proposed to alter the existing access in terms of providing visibility splays etc to meet the required highways standards.

A traffic speed survey was conducted between the 19<sup>th</sup> April 2021 and 7<sup>th</sup> May 2021 to assess traffic speeds to inform the required visibility splays. Public representations have referred to the survey being inaccurate because there were restrictions on the highway during the timeframe. The Highway Authority have confirmed that there were no notified works on the B4389 close to the location during the speed survey timeframe and as such the speed survey results are considered to be accurate.

Following the submission of revised plans, the Highway Authority have not objected to the development, subject to the use of conditions to require the access to be constructed to the appropriate highways standards and specifications. On the basis of the advice received from the Highway Authority, subject to the use of the recommended conditions, it is considered that the development would meet all highway access requirements and that the highway network can absorb the traffic impacts in accordance with LDP Policies T1 and DM13.

#### Historic environment

Public representations have raised concerns that the development is close to areas of archaeological interest.

LDP Policy SP7 – Safeguarding of Strategic Resources and Assets, seeks to safeguard historic assets from unacceptable development so as to protect them for the future well-being of the county. This policy echoes the objectives of Planning Policy Wales and Technical Advice Note 24.

#### Setting of listed buildings

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

There is one listed building/structure within 1km of the application site; Tanhouse Bridge (Cadw ID 26961), located approximately 700m to the south-west of the application site along the A495 highway. The bridge is grade II listed and the list description describes the bridge as a single arch bridge in coursed masonry. The arch is segmental, about 6m span and has on each face an enlarged keystone which touches a square string course. Low parapets each side with flat coping stones, with piers at each corner. The reason for listed is given as 'a minor early C19 bridge which has retained its vernacular character'.

Due to topography and intervening vegetation, there will be no direct visibility between the development and the listed building/structure. In combination with the acceptability of

the development in respect of landscape impacts, it is concluded that the development would not harm the setting of Tanhouse Bridge in accordance with LDP Policy SP7 and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Archaeological remains

Public representations have referred to the site being close to areas of archaeological interest. Clwyd Powys Archaeological Trust have confirmed that there are no archaeological impacts resulting from the development. On the basis of CPAT's comments, it is concluded that the development would not have an unacceptable adverse impact on archaeological remains in accordance with LDP Policy SP7.

#### Setting of Scheduled Monuments

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The site is within 2km of the following Scheduled Monuments:

MG044 Mathrafal Castle  
MG231 Bryn Y Saethau Hillfort  
MG232 Ffridd Mathrafal Hillfort  
MG124 Pentre Camp

The above scheduled monuments are located inside 2km of the proposed development, but Cadw have advised that apart from MG231 Bryn y Saethau Hillfort, intervening topography and vegetation block all views between them. Consequently the development will have no impact on the settings of these scheduled monuments.

In respect of Scheduled monument MG231 Bryn y Saethau Hillfort, the Scheduled monument is located approximately 500m to the northwest of the development. It comprises the remains of an Iron Age hillfort, located in a cleared area within conifer forest. Cadw have advised that the development will be visible in part of the identified significant view from Bryn y Saethau Hillfort but not in one of the specific views. In the significant view it will be partly screened by existing vegetation and whilst it will be obvious during the construction phase, once the grass has grown on the mounds surrounding the lagoon it will be much less conspicuous. As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, Cadw have advised that the development will have no impact on the setting of scheduled monument MG231.

On the basis of Cadw's comments, it is concluded that the development would not have an unacceptable adverse impact on the setting of the identified Scheduled Monuments in accordance with LDP Policy SP7.

#### Other heritage assets

The development is not located within proximity of a conservation area, a registered park

and garden or a registered historic landscape such that there would be an impact from the development.

### Public right of way

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

Whilst the Countryside Services Department have advised that the development would directly affect public right of way 232/20(A)/1, further discussions with the Countryside Services department have confirmed that the right of way travels along the south-western boundary of the application site, rather than being directly impacted by the proposed development. Powys Ramblers and public representations have also raised concern over the impact of the development upon the right of way along with safety concerns of users of the right of way.

The submission indicates that a 2m wide corridor would be fenced out along the route of the right of way within the application site (with an access stile at its southern end, open at its northern end). Countryside Services have confirmed that the proposed fencing is acceptable subject to the use of a condition to require the fencing to be constructed, and recommend that the fence should be approximately 3m in height given what it is protecting.

In terms of users of the right of way being able to gain access to the lagoon, the submission indicates that a 1.2m high fence would be constructed around the perimeter of the lagoon to prevent access and coupled with the proposed fenced corridor, it is considered that adequate measures are proposed to restrict access from the public right of way.

The visual impact of the development when viewing from the public right of way has been accepted elsewhere in this report and given that the public right of way and its users would be physically protected from the development so that use of the asset would be maintained, it is considered that the development complies with LDP Policies SP7 and DM13.

### Impact on tourism assets

Public representations and the Community Council have raised concerns over the impact of the development upon existing tourism assets including specific accommodation as well as public rights of way and public vantage points as well as the general Powys landscape and the visual impact as seen from the B4389 highway. In addition, the impact upon the ability of the area to host the National Eisteddfod again is raised.

As discussed above public right of way 232/20(A)/1 and the B4389 highway are located adjacent to the development site whilst other public rights are more distant. The tourist accommodation referred to in public representations is located approximately 640m to the north-west of the application across agricultural land and the A495 highway. The immediate area's attraction is considered to be the landscape, caravan parks and other visitor accommodation as well as other features of visitor interest in the area such as Bryn y Saethau Hillfort scheduled monument and Mathrafal Woods (over 450m) as well as villages such as Meifod at greater distances. In respect of the National Eisteddfod, the event is a celebration of the culture and language in Wales, focused around competitions but with many events and activities held at the site over the course of the week. It is therefore considered to be a tourist attraction and regeneration project, albeit an attraction/project which travels from place to place on an annual basis. It is noted that the Eisteddfod was hosted on land to the north of the site across the A495 highway, at its closest point within approximately 430 metres in 2003 and 2015.

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

As noted within the amenity section of this report, it is not considered that the development would have an unacceptable impact upon amenity. In addition, this report notes that there will be no significant harm with regards to landscape and visual impacts, or unacceptable impacts to the enjoyment of the rights of way network. In light of this, it is concluded that the development would not have an unacceptable adverse impact on existing and established tourism assets and attractions, including the attractiveness of the Powys landscape, the identified recreational and historic assets as visitor attractions, the ability to host the National Eisteddfod or the identified visitor accommodation in accordance with LDP Policy DM13.

### 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 sloping 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.

### Welsh language

LDP Policy DM12 requires that development proposals on windfall sites for 10 or more dwellings in identified towns and large villages shall be subject to a Welsh Language Impact Assessment. Given that the development is not a residential housing development and the site is not a windfall site within a town or large village, the requirements of LDP Policy DM12 are not applicable to the development.

### Safety

Public representations have raised concern over the safety of users of the public right of way and highway as well as the development being sited in an unsupervised location.

The perimeter of the lagoon would be fenced to deter/prevent unauthorised access and this approach is recommended by the Health and Safety Executive. In addition, the public right of way route would be fenced. It is proposed to translocate/replant the roadside hedgerow which again would prevent access from the highway, and it is understood that the site will have a gated access.

Whilst the public concerns are appreciated, it is considered that appropriate safety measures have been included to ensure the development does not cause an unacceptable risk to the public in respect of safety in accordance with LDP Policy DM13.

### Water pipes and electric lines/cables

Public representations and the Local Member have raised concerns over the development potentially affecting water pipes and electric lines.

Criterion 12 of LDP Policy DM12 requires that adequate utility services exist or will be provided readily and timely without unacceptable adverse effect on the surrounding environment and communities.

Hafren Dryfrdwy have not objected to the development in terms of water pipes, although it is noted that the planning history indicates a water pipe on the land.

There is no evidence to suggest that the water or electric supply would be affected by the development and as such it is considered that the development does not conflict with LDP Policy DM13.

### Contaminated land

Public representations have referred to the land being potentially contaminated.

LDP Policy DM10 states that development proposals on contaminated will be permitted where they do not:

1. Result in any additional problems of ground instability or contamination either on or off site and shall remediate the contamination / instability.
2. Unacceptably adversely affect public health and safety, nature conservation,



historic or archaeological interests.

The Council's Contaminated Land Officer has advised that there are no recorded contamination issues associated with the site. Therefore the Officer has confirmed that there are no known contamination issues with the site historically or currently. It is not known whether the public representations refer to the site being contaminated at present or whether there are concerns that the site will be contaminated following the development, however on the basis of the comments received from the Contaminated Land Officer, it is considered that the development does not conflict with LDP Policy DM10.

### Agricultural land

The development would be located on agricultural land classified as grade 3b by the Predictive Agricultural Land Classification (ALC) Map. As such the land is not classified as the most flexible, productive and efficient in response to inputs. Therefore the development would not conflict with Planning Policy Wales or TAN6 in this respect.

### Placemaking and Wellbeing Goals

Planning Policy Wales has been amended following the introduction of Well-being of Future Generations Act. PPW plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

The key principles for ensuring 'Right Development in the Right Place' according to PPW are as follows;

- i. Growing our economy in a sustainable manner – the planning system should enable development which contributed to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services.
- ii. Making the best use of resources - 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.
- iii. Facilitating accessible and healthy environments - Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
- iv. Creating and sustaining communities - The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others.
- v. Maximising environmental protection and limiting environmental impact - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest.

PPW provides guidance on the national sustainable placemaking outcomes and their relationship to PPW themes and Well-being Goals. It is considered that the proposed development is in accordance with both the placemaking and well-being goals on the following grounds:

- The development will aid in the functioning of an existing farming enterprise to the benefit of the rural economy.
- The development will assist in ensuring the future viability of the farm for future generations and promotes the retention of farming families in the locality to the benefit of a vibrant Welsh culture.
- The development is located close to existing transport networks.
- Impact on the environment and historic and cultural assets will be acceptable.
- The public right of way will be protected and maintained.
- The impact upon communities and local residents is considered acceptable.

### 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. Public representations and the community council have referred to additional road miles being generated by the development. 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.

### Conclusion

The application is in respect of the construction of an earth banked slurry lagoon to store slurry to meet the current needs of the farming enterprise at Newbridge Farm as required by The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The public representations and consultee comments have been considered and the development is considered acceptable subject to the use of conditions set out below. The development is considered to be compliant with local and national planning policy and it is for that reason that the development is recommended for approval.

### **RECOMMENDATION**

Approve.

### **Conditions**

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents; Plan titled 'Layout Plan' by Gary Owen dated August 2021, Plan titled 'Proposed Lagoon' by Gary Owen dated August 2021, Letter titled "Planning Application re Installation of earth banked slurry lagoon and associated

works. Your Ref 20/2130/FUL” dated 25th August 2021 by CGW Owen, Plan titled ‘Splay to West’ by Gary Owen dated November 2021, Plan titled ‘Splay looking East’ by Gary Owen dated November 2021, Plan titled ‘ Proposed slurry lagoon Wildflower grass seed location’ by Gary Owen dated October 2021, Plan titled ‘Proposed Slurry Lagoon Sections’ by Gary Owen dated August 2021, Location Plan titled ‘OS Plan Black/White’ Produced 23/02/2021 scaled to 1:2500, CGW Owen ‘Access Statement: An Application for the Installation of A Slurry Lagoon and Silage Effluent Tank at Newbridge Farm, Meifod’ 18th January 2021, Gary Owen email: ‘Re: 20/2130/FUL’ 24 February 2021, Gary Owen email: ‘Re: Planning Application 20/2130/FUL – Newbridge Farm, Meifod’ 24 February 2021, Gary Owen email: ‘Re: Planning Application 20/2130/FUL – Newbridge Farm, Meifod’ 23 February 2021, Soil sampling test by Celtest, test report ref. TR 784980 dated 10 March 2021, Letter by CGW Owen dated 4th June 2021 in respect of pollution prevention measures.

3. Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow replacement planting and 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.
4. Prior to the commencement of development, a Wildflower Area Creation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the wildflower area and a written specification clearly describing species-mix, time of sowing, and long-term management specification. The approved scheme shall be implemented in full and maintained thereafter.
5. 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 scaled drawing identifying the location of hedgerow to be planted along the north-western boundary and 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.
6. Prior to any construction works occurring on the proposed lagoon, a 2 metres wide fenced corridor to protect Public Right of Way 232/20(A)/1 shall be erected for the extent of the application site as indicated on the Layout Plan dated August 2021 and uploaded to Powys County Council’s Planning Access website on 17th September 2021. Prior to the erection of the fencing, details of the fence (design and height of fencing) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the details as approved.

7. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
8. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in a westerly direction and 130m in a easterly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
9. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
10. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
11. Prior to the first operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than two tractor & trailers together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area

will be maintained to this standard for as long as the development remains in existence.

13. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
14. The width of the access carriageway, constructed as Condition 10 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
15. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. The Pollution Prevention Measures set out within the Letter from GCW Owen dated 4<sup>th</sup> June 2021 shall be implemented in full during construction works.
18. The development shall only be used for the storage of slurry produced by the agricultural unit known as Newbridge Farm.

## **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. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan (2011-2026) in relation to The Natural Environment and Landscape and design, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) 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 Part1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Policies DM2, DM4 and DM13 of the Powys Local Development Plan (2011-2026) in relation to The Natural Environment and Landscape and design, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
6. To protect public right of way 232/20(A)/1 during construction and use of the development and to ensure the safety of the users of the right of way in accordance with Policies SP7 and DM13 of the Powys Local Development Plan (2011-2026).
7. to 16. In the interests of highway safety in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2011-2026).
17. To prevent pollution in accordance with Policy DM2 of the Powys Local Development Plan (2011-2026).
18. 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.

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-andadvice/businesssectors/farming/good-farming-practice/?lang=en>

Advice from Powys Highway Authority

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.



b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

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

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

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

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