

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

Additional information has been received from the applicant in relation to the location of water pipes and information regarding the use of the site has been received from a member of public.

### Water pipes and electric lines/cables

As noted within the Committee Report, 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.

The applicant's agent has supplied a map produced by Hafren Dyfrdwy which indicates that the water main is located outside the application site and that an abandoned pipe appears to be located within the site. The plan will be included on the presentation during the Committee meeting.

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.

### Agricultural use of land

A member of the public has advised that maize is now growing on the land, rather than the land being used for improved grassland. Maize is a temporary crop and as such is not considered to affect the consideration of the development.

## **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 Statutory 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.