

# Pecyn Dogfennau Cyhoeddus



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Jeremy Patterson

Chief Executive

Os yn galw gofynnwch am - If calling please ask for

Carol Johnson

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**PWYLLGOR CYNLLUNIO, TRWYDDEDU TACSIS A HAWLIAU TRAMWY**  
**Dydd Iau, 5ed Hydref, 2017**

## **P E C Y N   A T O D O L**

<b>1.</b>	<b>COFNODION Y CYFARFOD BLAEOROL</b>	<b>2</b>
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 14 Medi, 2017 yn gofnod cywir.

(Tudalennau 1 - 12)

### 1.1. **Diweddariadau**

Bydd unrhyw Ddiweddariadau'n cael eu hychwanegu at yr Agenda, fel Pecyn Atodol, cyn y cyfarfod lle bynnag y bo modd.

(Tudalennau 13 - 42)

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

# 7.1

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

### UPDATE REPORT

<b>Application No:</b>	P/2017/0325	<b>Grid Ref:</b>	310725.17 263960.63
<b>Community Council:</b>	Penybont	<b>Valid Date:</b>	<b>Officer:</b> 31/03/2017 Tamsin Law
<b>Applicant:</b>	Mr G Owen, Cwmroches, Penybont, Llandrindod Wells, Powys, LD1 5SY		
<b>Location:</b>	Cwmroches, Penybont, Llandrindod Wells, Powys, LD1 5SY		
<b>Proposal:</b>	Full: Proposed erection of 2 no. Poultry buildings for broiler breeder rearing, four no. feed bins, new access track, improvements to existing entrance, creation of one new passing place installation of septic tank and associated development		
<b>Application Type:</b>	Application for Full Planning Permission		

#### The reason for the update

Additional third party comments have been received from Radnorshire Wildlife Trust and CPRW.

#### Third Party Representations

##### Radnorshire Wildlife Trust

As Chairman of Radnorshire Wildlife Trust I will be speaking against this application on Thursday. It is 72 metres from our Sidelands Reserve but the significance of that has been completely ignored despite the relevant policies in your UDP and draft LDP. The consultant's ecology report is very flawed and does not follow professional good practice. For example they didn't bother to contact us or seek records from the Local Records Centre. We have taken further advice within NRW and I quote: "The ecologists' conclusion that the bryophytes and lichens are not sensitive to ammonia is significantly over-stretching their capability". I suggest that your Section 7 Environment Act duties are relevant and if this application is approved we will consider going for judicial review.

However, on the basis of taking a precautionary approach, you may wish to consider deferral so that we can ask the Cabinet Secretary to call it in. While the officer's report doesn't ignore NRW advice, it doesn't really take the main point from it, i.e. nitrogen deposition is already 68% over the nitrogen critical load of 10kgN/ha/yr. The additional 1.678kgN/ha/yr would increase the exceedance to 84.9% of the critical load. There may be ways to reduce nitrogen deposition further than the suggested tree planting. The precautionary approach would thus seem sensible.

## CPRW

Response appended to the update report.

### **Officer Appraisal**

#### Biodiversity and Ecology

The heading for the section on SSSIs and SACs within the report contained an error and stated SSSI's and Montgomery Canal SAC, this should have just states SSSIs and SACs.

The concerns raised by both Radnorshire Wildlife Trust and CPRW are noted and I would draw Members attention to the section within the original report which discusses the impacts of the development on nearby SAC's, SSSIs and other non-statutory designated areas such as the Sideland Radnorshire Wildlife Trust Reserve and Ancient Woodland.

Following the submission of these comments further discussion was undertaken with the Powys Ecologist who stated that NRW guidelines state that Ancient Woodland can have exceedence of 100% of the critical load when looking at ammonia and nitrogen deposition. The submitted reports detail that Sideland Nature Reserve would have an exceedence level of 60.4% of the critical load which is wihtin the NRW guidelines. The submitted assessment also used a stricter critical level in their assessment.

The Powys Ecologist does not object to the proposed develeopment subject to this condition and other conditions relating to woodland management, landscaping and the develeopment being undertaken in accordance with the reports submitted being attached to any consent.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies ENV4, ENV 5 and ENV 6 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

#### Highways

It was noted that in the original Committee Report that two of the Highways conditions contained references to the incorrect condition. This has been amended in this report.

### **RECOMMENDATION**

Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, the recommendation is one of consent subject to the conditions outline in this update report.

All information submitted with the application, including Environmental Statement have been considered.

### **Conditions**

- 1.The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the documents received 31<sup>st</sup> March 2017 (Design & Access Statement, Environmental Statement, Phase 1 Environmental Appraisal, Phase 1 Environmental Appraisal & Method Statement for Newts Report (received September 2017), Dispersion Modelling Study of the Impact of Odour (1<sup>st</sup> December 2016), Report on the Modelling of the Dispersion and Deposition of Ammonia (1<sup>st</sup> December 2016), Landscape and Visual Impact Assessment (March 2017), Environmental Noise Assessment (24<sup>th</sup> January 2017), Flood Consequence Assessment, Pollution Prevention Plan and Transport Statement (21<sup>st</sup> March 2017) and plans received 31<sup>st</sup> March 2017 (drawing no's HA21609/01 Rev B, HA21609/02, HA21609/03 Rev C, HA21609/04, HA21609/05, HA21609/06 Rev B and 0511/001).
3. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
6. Prior to commencement of development, a Tree Planting Scheme to reduce nitrogen deposition from the proposed development to the Cae Cwm-Rhocas SSSI shall be submitted to the Local Planning Authority for approval. The tree planting identified will be in addition to those areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017. The approved scheme shall be implemented as approved and maintained thereafter.
7. Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting NW1 – NW5 identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained.
8. The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal & Method Statement for Newts Report by Greenscape Environmental Ltd dated September 2017 shall be adhered to and implemented in full.

9. The Landscaping Scheme specifications and aftercare measures identified on the Landscape Mitigation Plan Figure 2 dated February 2017 within the Landscape and Visual Impact Assessment Report produced by Haire Landscape Consultants Ltd dated March 2017 shall be adhered to and implemented in full.
10. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
11. The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Flood consequence Assessment Report produced by Hydrogeo dated 03/03/2017 and shown on Drawing 6 of the Report and maintained thereafter.
12. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Pollution Prevention Plan: In Relation to Proposed Poultry Development at Cwmroches Farm produced by Berrys and maintained thereafter.
13. Prior to commencement of development a Pollution Prevention Plan for the installation of the new culvert required to form the access road shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
14. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
  - 0800-1800 hrs Monday to Friday
  - 0800-1300 hrs Saturday
  - At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above

15. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as  $L_{A90}$  [1hour] (day time 07:00-23:00 hours) and/or (b)  $L_{A90}$  [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.
16. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
17. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the

locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

18. All vehicles used for the movement of manure if taken off site shall be sheeted and/or fully covered.
19. Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at the light sensitive locations when the light is in operation.
20. Any new system must comply with document H2 of the Building Regulations relating to design and installation of the foul drainage system.
21. Prior to any works being commenced on the development site the applicant shall construct the passing bay along the C1222 county highway as detailed on the approved drawing 0511/001. The passing bay shall be constructed to an adoptable standard prior to any works being commenced on the development site.
22. No other 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. This parking and turning area shall be constructed to a depth of 0.35 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.
23. Before any other development is commenced the access shall be constructed so that there is a clear visibility splay 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 46 metres distant in each 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.
24. Before any other development is commenced the area of the access to be used by vehicles is to be widened in accordance with detail submitted on approved drawing 0511/002 and 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 20 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.
25. The width of the access carriageway, constructed as Condition 24 above, shall be not less than 7.6 metres for a minimum distance of 20 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.
26. Prior to first use of the buildings the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 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.

27. Upon formation of the visibility splays as detailed in 23 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.
28. No storm water drainage from the site shall be allowed to discharge onto the county highway.
29. Any entrance gates shall be set back at least 20 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.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
5. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
6. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.
8. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.



9. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
10. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
14. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
15. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
16. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
17. To protect the local amenities of the local residents from the excess of mal-odorous emissions. in line with Powys UDP policy GP1.
18. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in line with Powys UDP policy GP1.
19. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
20. To protect the local amenities of the local residents from insufficient drainage
21. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
22. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
23. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
24. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
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26. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
27. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
28. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
29. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.

## **Informative Notes**

### **Biodiversity**

#### **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 of 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.

#### **Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)**

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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Case Officer: Tamsin Law- Principal Planning Officer  
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

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



Campaign for the Protection of Rural Wales  
Brecon and Radnor Branch  
Secretary: Dr Christine Hugh-Jones  
Cooks House, Norton, Presteigne Powys, LD8 2HA  
T. 01544 260893 or 07973540684  
Email: ch306@icloud.com

4<sup>th</sup> October 2017

Gwilym Davies (Professional Lead, Development Management)  
Tamsin Law (Case officer)  
Planning Services  
Powys County Council  
The Gwalia, Ithon Road  
Llandrindrod Wells, LD1 6AA

**Objection to P/2017/0325: Proposed erection of 2 no. Poultry buildings for broiler breeder rearing, four no. feed bins, new access track, improvements to existing entrance, creation of one new passing place installation of septic tank and associated development.**

Dear Planning Officers,

Brecon and Radnor Branch of CPRW is dismayed to see that the Officer's Report recommends approval of this application. We only heard that this EIA application was coming to committee on 5/10/17 yesterday. We were not anticipating this because we believed there were outstanding discussions to be had with Radnorshire Wildlife Trust who advised you in their Objection of 5/5/17 that they had not been notified of the proposal. We do not consider that the Officers Report assessment is complete for determination.

Your authority should be familiar with the typical NRW disclaimer attached to planning responses which advises seeking advice from Wildlife Trusts. Surely, this is all the more urgent when a Wildlife Trust Nature Reserve is at risk.

**Natural Environment and Rural Communities (NERC) Act (2006)**

Please note that we have not considered possible effects on all local or regional interests. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).

We note that the Officer's Report does not even mention RWT, simply stating that an objection was received claiming that the development may have significant impact on Sideland Nature Reserve. This objection is not discussed further in the assessment. Under "Biodiversity and Ecology", which is bizarrely subtitled "*SSSIs and Montgomery Canal*", Sideland Radnorshire Wildlife Trust and 57 parcels of Ancient Woodland are acknowledged but the OR adds that "***no impacts upon the features of this site are expected as a result of ammonia concentrations either alone or in combination with other similar installations***". Not only does the report not specify which site it is discussing, but the statement about "***no impacts***" is untrue of the application emissions according to NRW's own response. In addition, the Developer's own Ammonia Report p20 shows significant impacts on parcels of Ancient Woodland.

This response says with respect to Cwm-Rhocas SSSI that the SSSI grassland has already changed in ways consistent with an increase in nitrogen deposition which is already 68% of the critical load of 10gN/ha/yr and they would object if they were considering the application under their new thresholds.

NRW have advised you that they "***do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance***". The assessment of these interests, which includes Sideland Reserve and the 57 parcels of Ancient Woodland is the duty of your authority. NRW refers you to their checklist guidance on their responsibility, which makes the limitations on their response quite clear.

**Sideland reserve** is described on the RWT website:

## Sideland

A small broadleaved woodland

### Map reference

SO 104 638

### Great for...

ancient trees  
birdwatching  
lichens and mosses  
wildflowers

### A small woodland with a good display of spring flowers.

The wood has a varied tree mixture, ash is dominant with *pendunculate* oak, downy birch and rowan all frequent. In the past wych elms were clearly dominant with many surviving as younger saplings. Older elms remain as dead or decaying trees, with great importance for wildlife especially invertebrates. The understorey is mainly hazel with blackthorn locally dominant. The ground layer consists principally of an extremely abundant *bryophyte* (moss and liverwort) flora. Flowering plants including dog's mercury, herb paris, wood anemone, sanicle and early-purple orchid along with bluebells creates a stunning display of colour in the spring. Of particular importance in the wood are adders-tongue fern, common twayblade and broad-leaved helleborine. The bark of living and dead wych elms and the ancient oaks support a number of nationally scarce lichens. *Bactrospora corticola* is found on oak along with the nationally rare *Chaenotheca stemonia*; *Opegrapha ocochelia*, *Agonimia allobata* and *Lecania cyrtellina* are all found on elms. Birds are very conspicuous, with both green and great-spotted woodpeckers breeding. Other typical woodland

species nesting on the site include treecreeper, willow warbler, pied flycatcher, redstart, marsh tit and bullfinch. Mammals include high densities of both wood mice and bank voles. Invertebrates include the notable tortoise beetle *Cassida hemisphaerica*, more common in southern England, feeding on ragged robin and champions. The local snail-eating ground beetle *Cychnus caraboides* and carrion beetle *Silpha atrata* are also found within dead timber. The rhinoceros beetle *Dynastinae* also occurs. Butterflies include ringlet and orange tip.

Your authority should be aware that lichens are particularly susceptible to ammonia emissions and “nationally scarce species” must be taken into consideration in your assessment.

Under the Environment (Wales) Act., PCC is a public body which must promote Sustainable Management of Natural Resources, and in so doing, it must (4)

- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;**
- (b) consider the appropriate spatial scale for action;**
- (c) promote and engage in collaboration and co-operation;**
- (d) make appropriate arrangements for public participation in decision-making;**
- (e) take account of all relevant evidence and gather evidence in respect of uncertainties;**
- (f) take account of the benefits and intrinsic value of natural resources and ecosystems;**
- (g) take account of the short, medium and long term consequences of actions;**
- (h) take action to prevent significant damage to ecosystems;**
- (i) take account of the resilience of ecosystems, in particular the following aspects—**
  - (i) diversity between and within ecosystems;**
  - (ii) the connections between and within ecosystems;**
  - (iii) the scale of ecosystems;**
  - (iv) the condition of ecosystems (including their structure and functioning);**
  - (v) the adaptability of ecosystems.**

And (6)

- (1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.**
- (2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—**
  - (a) diversity between and within ecosystems;**
  - (b) the connections between and within ecosystems;**
  - (c) the scale of ecosystems;**
  - (d) the condition of ecosystems (including their structure and functioning);**
  - (e) the adaptability of ecosystems.**

The OR considers that the planting arrangements are sufficient to off-set any adverse impacts although they are only expected to reduce the impact by 25%. In discussion with BRB-CPRW and a renowned local authority on lichens, senior NRW officers dealing with nitrogen impacts have queried the efficacy of tree screens because the trees do not grow to sufficient size before further damage has been done.

We are not commenting in detail on other aspects of the application in this response because we consider the issue of ammonia emissions and the RWT reserve to be of such critical importance. However we note

that the EHO has set conditions for working hours for the fans, and just raise the question of how this can possibly work on hot summer evenings.

**In summary, Brecon and Radnor CPRW considers that this application should be refused on the grounds of risk to a Powys nature reserve and Ancient Woodlands. We also consider that PCC has not fulfilled its statutory duty in assessing this application and determination should be deferred.**

A handwritten signature in brown ink that reads "Christine Hugh-Jones". The signature is written in a cursive style with a large initial 'C' and 'H'.

Dr Christine Hugh-Jones Secretary: Brecon and Radnor Branch  
Copy to Jonathan Colchester (Chair)



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

**Application No:** P/2017/0370 **Grid Ref:** 310114.75 306195.63

**Community Council:** Llanfair Caereinion **Valid Date:** 06/04/2017 **Officer:** Eddie Hrustanovic

**Applicant:** Mrs M Williams Tanhouse Farm Llanfair Caereinion Welshpool Powys SY21 0BD

**Location:** Lang adj Maes Gwyn Llanfair Caereinion Welshpool Powys SY21 0BD

**Proposal:** Outline : Residential development of up to 9 dwellings, formation of vehicular access and associated works (some matters reserved)

**Application Type:** Application for Outline Planning Permission

# UPDATE

### Reason for Update Report

Additional representations have been received from the local residents.

### Representations

Development Management has received three additional objections from local residents in respect of the current application. The additional representations raise the concerns already brought to attention to Development Management by the original objectors, which relate to the principle of the development, highway issues, sewage disposal, land drainage; they question the need for additional dwellings, impact upon biodiversity and the services in the area.

### RECOMMENDATION

The additional comments from the local residents are noted in respect of their objection; however Members should note that the raised comments have already been noted within the original report and addressed in line with the consultee responses. Therefore, the recommendation is one of conditional consent as set out within the original report.

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

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

**Application No:** P/2017/0277 **Grid Ref:** 303966.07 251120.99

**Community Council:** Builth Wells **Valid Date:** 09/03/2017 **Officer:** Thomas Goodman

**Applicant:** Mr JW Hardwick, Abercrychan Farm, Llandoverly, SA20 OYL

**Location:** Brynhyfrydd, North Road, Builth Wells, Powys, LD2 3BT

**Proposal:** Full: Extension to existing building to provide 2 additional self contained flats

**Application Type:** Application for Full Planning Permission

### Update Report

#### The reason for Committee determination

This report forms an update to the original report.

#### Site Location and Description

#### Consultee Response

##### Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

##### Sewerage

##### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

##### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

### **Officer Appraisal**

The surface water condition recommended by Welsh Water within the original consultation response was not attached on the original report. This update report is therefore made in order to attach the condition and advisory notes to the previously recommended conditions.

### **Recommendation**

The recommendation remains the same as the original report with the addition of the condition recommended by Welsh Water and the advisory notes. The recommendation is therefore one of conditional consent.

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: Location Plan, Block Plan, JH8, JH10, JH11, JH4, JH5 & JH9).
3. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday  
0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

4. The finished floor level of the extension should be set at or above 127.23maOD to ensure the building is flood-free in all scenarios and remains outside zone C2.

5. Prior to the commencement of development a detailed method statement outlining how the Mitigation and Enhancement Measures identified in the Preliminary Bat Roost Assessment Report produced by Katie Gaisford dated 23rd April 2017 will be adhered to shall be submitted to and agreed with the Local Planning Authority. The approved details will be implemented as approved and maintained thereafter.

6. The development shall be carried out strictly in accordance with the compensation measures identified in the Biodiversity Enhancements Section of the Biodiversity Enhancement Plan produced by Katie Gaisford dated 26th April 2017 and maintained thereafter.

7. The Protection Measures identified in the Tree and Hedgerow Protection Plan produced by Katie Gaisford dated 26th April 2017 shall be adhered to and implemented in full.

8. Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

## **Reasons**

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

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

3. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.

4. In order that the Local Planning Authority can be satisfied that impact on neighbours and internal siting and gradients are acceptable in accordance with policies SP14, GP1 and GP4 of the Powys Unitary Development Plan.

5. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Section 6 of the Environment (Wales) Act 2016.

8. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

## **Informative Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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Case Officer: Thomas Goodman- Planning Officer  
Tel: 01597 827655 E-mail:[thomas.goodman@powys.gov.uk](mailto:thomas.goodman@powys.gov.uk)

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

<b>Application No:</b>	P/2017/0751	<b>Grid Ref:</b>	303807.21 251605.41
<b>Community Council:</b>	Llanelwedd	<b>Valid Date:</b>	<b>Officer:</b> 30/06/2017 Thomas Goodman
<b>Applicant:</b>	Mr Aled Jones, The Royal Welsh Agricultural Society, Royal Welsh Showground, Llanelwedd, Builth Wells, Powys, LD2 3SY		
<b>Location:</b>	Field adjoining Old Creamery Llanelwedd Builth Wells Powys LD2 3SY		
<b>Proposal:</b>	Full: Change of use of land for temporary show time caravan park for ten days per annum each Royal Welsh Show as an extension to existing park		
<b>Application Type:</b>	Application for Full Planning Permission		

### Update report

### Location and Description

### Consultee Response

#### Emergency Planning

No response received at the time of writing this report.

### Officer Appraisal

Whilst no response has been received from Emergency Planning regarding this area, it is noted that the development site lies within a C2 flood zone. NRW have confirmed that a FCA would not be required in this instance. In this instance it is considered that an appropriately worded condition be attached to any granting of consent in order to secure a flood evacuation scheme prior to the commencement of development.

### Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same with the addition of a condition to secure a flood evacuation scheme to be submitted prior to the commencement of development. The recommendation is therefore one of conditional consent.

### Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: Site Location Plan).

3. No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

4. The temporary caravans hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The temporary caravans hereby approved shall only be sited for 10 continuous days of the year each year during the Royal Welsh Agricultural Show Period.

5. Prior to the commencement of the development hereby permitted a flood evacuation scheme shall be submitted to and approved in writing by the Local Planning Authority and implemented in full thereafter.

## **Reasons**

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

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

3. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

4. In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

5. To protect the development from flooding in accordance with policies GP1 and DC14 of the Powys Unitary Development Plan.

## **Informative Notes**

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Case Officer: Thomas Goodman- Planning Officer  
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk



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

### UPDATE REPORT

**Application No:** P/2017/0898                      **Grid Ref:** 305895.32 261864.02

**Community Council:** Llandrindod Wells                      **Valid Date:** 04/08/2017      **Officer:** Tamsin Law

**Applicant:** Powys County Council

**Location:** Household Waste Recycling Centre Waterloo Road Industrial Estate  
Llandrindod Wells Powys LD1 6BH

**Proposal:** Section 73 application to vary condition 2 of planning approval  
RAD/2007/0520 in regards to the approved plans

**Application Type:** Application for Removal or Variation of a Condition

#### The reason for the update

Comments have been received from Cllr Gary Price the local member for the area.

#### Representations

##### Cllr Gary Price

As the Local Member for the area that this application is situated It is normal practise that the Local Member is notified that a planning application has been received giving them the right to exercise that it be called in on planning grounds and determined by the Councils Planning Committee, and make comment. I note that the application was received on 4<sup>th</sup> August 2017 and I've to date not received any notification in relation to this application. I however acknowledge that I was suspended at the time and accept that that may well be the reason why. However, I still would have expected some notification following the end of my suspension and enquire if this should have been the case?

I also note that the above application is listed for determination by the Planning Committee on Thursday, 5<sup>th</sup> October 2017 and again I've not received any notification from the Planning Department allowing me my right to address the committee should I wish. Again I enquire why?

I also highlight that the committee report on page 2 under Local Councillor states: - *"No comment received by Development Management at the time of writing this report."*  
How could I comment if not notified?

Again the committee report on page 4 under background states:- *"The current Recycling Centre is open to the public (08:00 – 18:00 Monday to Friday, 09:00 – 17:00 Saturday and Sunday, and no public access on bank holidays) and has been in operation since approximately 2008 and currently accepts a variety of household/municipal waste, such as*

*cardboard, glass and aluminium etc. Works vehicles currently access the site between 08:00-17:00 Monday to Saturday.”*

This is incorrect and misleading as the current Recycling Centre was open 24/7 the whole year and needs correcting publically.

I respectfully ask that the application therefore be deferred given that errors have be made and that due process in line with Council protocols haven't been adhered to.

Finally, I note from the Press Statement:- <http://www.powys.gov.uk/en/communications/view-council-news/news-article/article/4984-new-household-waste-recycling-centre-to-open-this-week/> that the site will be operational from the 4<sup>th</sup> October 2017 and the day prior to the Powys CC Planning Committee determining its own application on the 5<sup>th</sup> October 2017. Given the conditions listen within the committee report on page 6 (namely conditions 5, 6, 7 and 8) should the site be operational from the 4<sup>th</sup> October 2017 Powys County Council would be doing so retrespectfully and pre determining the decision of its own Planning Committee. Again, I respectfully ask that the site doesn't become operational until such time as the Planning Committee determine application P/2017/0898 and written notification received.

## **Officer Appraisal**

In light of comments received form the Local Member this report provides clarification on the original Committee Report.

When originally granted consent the site was not restricted by hours of operation and could be used any time of the day, any day of the week. A planning application was received in 2015 which sought a variation of condition to change delivery hours and the application also limited the operating hours of the site and this was granted consent subject to conditions.

These conditions have been duplicated as part of this consent in order to ensure that the impacts on residential amenity are limited.

The application currently being determined seeks consent to replace the existing fence with a fence 3 metres in height. The fence is to be constructed from material that will reduce noise impacts on the surrounding area.

## **Recommendation**

Whilst the addition of this fence would raise the fence line by 1 metre it is not considered that this, would have any adverse impacts upon residential amenity. There is a variety of different fencing styles in the surrounding area and the proposed fences would not be incongruous, and would also help to bring more control to the site and minimise the potential for people accessing the site at unsociable hours and/or fly tipping at the site. The proposed fence would also aid in reducing noise impacts on the surrounding area. In light of this the application is recommended for approval.