Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
By Teams

Dyddiad y Cyfarfod
Dydd Iau, 4 Chwefror 2021

Amser y Cyfarfod
10.00 am

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

Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Dyddiad Cyhoeddi

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

AGENDA

1.	**YMDDIHEURIADAU**

Derbyn ymddiheuriadau am absenoldeb.

2.	**COFNODION Y CYFARFOD BLAEOROL**

Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 22 Ionawr 2021 fel cofnod cywir.
(I Ddilyn)

Cynllunio

3.	**DATGANIADAU O DDIDDORDEB**

(a) Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau sydd i'w hystyried ar yr agenda.
(b) Derbyn ceisiadau aelodau fod cofnod yn cael ei wneud o'u haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w hystyried gan y Pwyllgor hwn.
(c) Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' ar gyfer cais unigol sy'n cael ei ystyried gan y Pwyllgor.

(d) Nodi manylion Aelodau'r Cyngor Sir (sydd ddim yn Aelodau o'r Pwyllgor) a fydd y gweithredu fel 'Cynrychiolydd Lleol' ar gyfer cais unigol sy'n cael ei ystyried gan y Pwyllgor.

4.	**CEISIADAU CYNLLUNIO I'W HYSTYRIED GAN Y PWYLLGOR.**

Ystyried adroddiadau'r Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd a gwneud unrhyw benderfyniadau ar hynny.

(Tudalennau 1 - 2)

4.1. **Diweddariadau**

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

4.2. **20/**

(Tudalennau 3 - 36)

4.3. **19/**

(Tudalennau 37 - 128)

5.	**PENDERFYNIADAU'R PENNAETH EIDDO, CYNLLUNIO A GWARCHOD Y CYHOEDD AR GEISIADAU DIRPRWYEDIG**

Derbyn rhestr o benderfyniadau a wnaed gan y Pennaeth Eiddo, Cynllunio a Gwarchod o dan bwerau dirprwyedig, er gwybodaeth.
(Tudalennau 129 - 138)

6.	**PENDERFYNIAD AR YR APEL**

Derbyn penderfyniad yr Arolygydd Cynllunio ynglyn ag apel.
(Tudalennau 139 - 140)

Planning, Taxi Licensing and Rights of Way Committee
4th February 2021

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

Applications for consideration by Committee:

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

20/1820/FUL Abermule and Llandyssil Community 315775 294250 06/11/2020	Full: Erection of 9 business units (B1/B2 and B8 use) and all associated works Business Park, Abermule, Powys Powys County Council **Recommendation:** Conditional Consent
19/0938/FUL Welshpool Community 3220057 308341 07:06:2019	Full: Erection of broiler installation and silos, formation of a vehicular access and associated works Frochas Farm, Frochas, Welshpool J T Owen **Recommendation:** Conditional Consent

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

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	20/1820/FUL	**Grid Ref:**	E: 315775 N: 294250
Community Council:	Abermule And Llandyssil Community	**Valid Date:**	06.11.2020

Applicant: Powys County Council

Location: Business Park, Abermule, Powys, SY15 6NT

Proposal: Erection of 9 business units (B1/ B2 & B8 use) and all associated works

Application Type: Full Application

The reason for Committee determination

The applications is submitted by Powys County Council and is a major development.

Consultee Responses

Consultee	**Received**
Community Council	6th Jan 2021

Abermule with Llandyssil Community Council strongly objects to the above application on the following grounds:

1) Powys County Council have once again moved with great haste following a poorly conducted consultation, which showed total disregard for the residents of Abermule, the Community Council and the Welsh Government consultation process. We appreciate the consultation was carried out during Covid restrictions; however, Councillors and the Public were denied the opportunity to ask questions or raise concerns when such a meeting could so easily have been arranged virtually.

2) The majority of the conclusion praises the applicant's efforts for modifying the design in accordance with consultee's wishes, but fails to mention that most of the feedback has been totally ignored. There is only one paragraph in the Design section recognising the objections to the design, with a token effort to improve the visual aspect by including a small section of masonry on the building running adjacent to the road and changing the colour of some cladding. The addition of the masonry wall may improve the appearance the road side, but does nothing to enhance the appearance of the building on the

customer facing front of the units.

3) In the LDP written statement page 74/75 Refers to 'Abermule Business Park' as a high quality local site of regional significance, offering small to medium sized employment opportunities for B1, B2 and B8 uses in high quality surroundings, that are well positioned in relation to the county's main road and transport infrastructure. Outline planning was granted for six units across the whole site, this application proposes nine units on only half the site. The density and design of the units is industrial than business units and sacrifices quality for quantity, fewer units of a better design, would create a better working environment, a more attractive prospect for potential businesses, at the same time improving the visual impact on the entrance to Abermule village.

4) Double door entries if provided at the rear of the units to provide access for larger deliveries, would greatly enhance the frontage of the units. Access to the rear of the units could easily be achieved with fewer units, less depth and wider to maintain the floor space, with the added advantage of allowing more natural light into the units.

5) A roller shutter door on such small units makes absolutely no sense at all. If you have a unit of only 120m2, why would you ever want to leave spare space to reverse a truck into the unit?

6) There are very few windows in the units, requiring artificial light all the year around. The roller shutter doors should be removed and replaced with a frontage with windows allowing natural light for a better working environment appealing to a variety of businesses.

7) Thirty two car parking spaces for nine operational units are totally inadequate at less than 4 cars per. unit.

8) The coloured North East elevation is totally misleading in that it indicates a blue sky above the roof line, where in reality there is a 14m high bulk recycling facility behind the units. It would be nice to see what the proposed blue cladding looks like against the green of the BRF.

9) Recent installation of lighting along the footpath on the entrance to the Business Park is far beyond what is required and has actually been noted as a nuisance to the village, especially as street lights in the centre of the village have been turned off; which begs the question whether Powys County Council takes into account the guidelines referred to in the Ecological Mitigation Strategy (section 4.3.2) of this application? Powys County Council are a strong advocate of the 'Dark Skies Initiative' — indeed a specific Policy (DM7) is included within the Written Statement of the Local Development Plan, which states : Policy DM7 - Dark Skies and External Lighting Development proposals involving external lighting will only be permitted when a lighting scheme has been provided that

demonstrates that the lighting will not individually or cumulatively cause: 1. Unacceptable levels of light pollution especially in the countryside. 2. An unacceptable adverse effect on the visibility of the night sky. 3. A nuisance or hazard to highway users including pedestrians, and local residents. 4. An unacceptable disturbance to protected species. Condition (8) in the 'Outline' part of the Business Park planning application P/2018/0587 requires a detailed lighting scheme (including measures to avoid impacting nocturnal wildlife) to be submitted to and approved in writing by the LPA. These details have NOT been provided.

10) In the landscaping plan it indicates that planting will take place the first planting season after occupation, this should be on completion of development, in order to make the site look presentable to prospective tenants.

11) It has been noted that trees have already been removed from the site which is in conflict with the conditions of the outline planning permission granted by your own planning committee.

12) The Contaminated Land Officer has stated "there is no contamination issues associated with the subject site". Serious asbestos contamination is recorded in numerous documents for this application site. The application must provide a full audit trail and the present status of this known area of contamination.

The Council also wishes to speak to the Committee meeting

PCC-Building Control **16th Nov 2020**

Please be aware that a Building Regulations application will need to be submitted prior to commencement.

Ward Councillor

No comments received at the time of writing this report

PCC-(N) Highways **27th Nov 2020**

The development shall be carried out in accordance with drawing number 20-117-SP03 Rev D.

Notwithstanding the submitted details on drawing number 20-117-SP03 Rev D the Highway Authority wish the following conditions to be applied to any consent given.

1. 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.

2. 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 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.

3. Prior to the first operational use of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from 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. Prior to the first operational use of the development hereby approved, provision shall be made within the site for the parking of vehicles, and operational area[s] as

detailed on the approved site plan 20-117-SP03 Rev D. The parking and operational areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

6. Prior to the first operational 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 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.

7. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 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.

8. Any vehicular entrance gates installed within the application site 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.

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

WG - Highways Directorate 21st Dec 2020

I refer to your consultation of 11 November 2020 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant is required to provide drainage details for the proposed development to

Welsh Government for review.

2) The applicant is required to provide both existing and proposed AADT figures at the B4386 junction with the A487 trunk road, identifying any percentage increase in traffic flow generated

by the proposed development.

Environmental Protection **20th Nov 2020**

Re: Erection of 9 business units (B1/ B2 & B8 use) and all associated works | Busines Park Abermule Powys SY15 6NT.

Noise

The following is stated in the Design and Access Statement:

"The noise assessment for the previous scheme concluded that the principle of development is acceptable but in order to ensure that amenity of existing and nearby residents is protected, a safeguarding planning condition was attached to the planning consent. It is suggested that the same condition is applied to the proposed development which will require the submission of noise information to the LPA prior to the occupation of the units by any individual business. The assessments will ensure accurate information relating directly to the business operations/machinery can be assessed and appropriately mitigated for. It is the strongest condition that could be applied to ensure that residential amenity is protected."

I am in agreement with this approach. Therefore, I would recommend the inclusion of the following planning condition:

Prior to occupation of the business/employments units on the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will include an implementation for any mitigation. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.

PCC-Contaminated Land Officer 19th Nov 2020

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

PCC-(N) Land Drainage 8th Dec 2020

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/1820/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m2 and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

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

Natural Resources Wales (Mid Wales) 1st Dec 2020
DPAS

NRW made comments on this proposed scheme at pre application stage. Our advice and position has not changed as no new information has been provided, and the scheme has

not been modified since we provided comments to the pre planning application consultation on 26/10/2020.

We have no objection to the proposed development and provide the following advice.

European Protected Species (EPS)

We have reviewed the Ecological Mitigation Strategy submitted in support of the above application dated September 2020 by Middlemarch Environmental.

We acknowledge that this development (phase 2) was granted outline planning permission under consent P/2018/0587, and that site preparation works associated with this phase of the overall proposal have started under Great Crested Newt (GCN) Development Licence No: S085108/7.

The ecological submission states that works will continue to be undertaken in accordance with the GCN license and in line with the Ecological Compliance Schedule & Habitat Management Plan (Report RT-MME-127496 Rev A). The implementation of the latter wassecured via Condition 7 in the outline section of planning consent P/2018/0587 (version 4).

We note Section 3.5 of the Ecological Mitigation Strategy concerns Surface Water Compensation and Ecology Mitigation Area which is currently being created as part of the wider site development and will comprise a range of suitable aquatic and terrestrial habitats for GCN.

Through our involvement with the working group we are aware that details of longterm management responsibility and methods for delivery have not yet been finalised. We therefore advise you that details of tenure and long-term surveillance and reporting must be agreed as part of the GCN development license issued by NRW under Reg 55 of the Conservation of Habitats and Species Regs 2017 (as amended). We advise the applicant ensures compliance with the existing development license is maintained and discusses the need for any amendment with our Species Permitting Team vie the following email address: specieslicence@naturalresourceswales.gov.uk

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, 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 environmental 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.

Network Rail **2nd Dec 2020**

Thank you for your email dated 11 November 2020 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk .

The design and access statement states that the scheme will be subject to a Sustainable Urban Drainage Scheme, although the documents/plans for this are not yet available online. Any drainage elements proposed as part of the scheme must be adopted within the design to ensure satisfactory drainage.

Network Rail wishes to review the drainage scheme before it is implemented.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's

property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

Hafren Dyfrdwy **16th Nov 2020**

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding

sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Hafren Dyfrdwy advise that there is a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/ scroll down the page to view the link:

Please visit www.digdat.co.uk

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at:

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/new-connections-charging-arrangement-2019-2020.pdf

WG - Highways Directorate **18th Jan 2021**

I refer to your consultation of 23/12/2020 regarding the above planning application and

advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

Representations

The application was advertised through the display of a site notice, neighbour notification letter and press advertisement. 10 objections have been received and are summarised below;

- Objections raised with regards to the poor design of the proposed development
- Objections raised to the scale of the proposed development
- Objections raised to the type of buildings proposed
- Proposed development not in keeping with the area
- Overdevelopment of the site
- Concern over natural light into the buildings
- Design is more akin to an industrial estate rather a prestigious business park
- Proposed units are too tall
- The colour does not allow the buildings to harmonise with its surroundings
- Trees have already been felled at the site
- Negative impact on amenity of neighbouring properties
- Contamination concerns
- Negative impact of development to users of nearby rights of way

Planning History

App Ref	Description	Decision	Date
19/1236/DIS	Discharge of conditions 8 and 19 (full) and 12 (outline) from planning consent P/2018/0587 in relation to contaminated land and the external colour of the bulking facility	Approve	3rd Oct 2019
18/1019/DIS	Discharge of conditions 8 and 12 of planning approval P/2018/0587	Approve	2nd Jan 2019
19/1161/NMA	Application for a non-material amendment to permission P/2018/0587 to alter the wording of conditions 9, 10, 13 & 14	Approve	22nd Aug 2019
19/1356/DIS	Application to discharge condition 17 of planning approval P/2018/0587	Approve	3rd Oct 2019

P/2018/0587	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works	Approve	2nd Aug 2018
P/2009/1353	Outline planning application for a prestige business park.	Approve	21st Apr 2010
P/2009/1162	Formation of vehicular access, estate road, footway and associated works in connections with proposed business site	Approve	15th Dec 2009

Principal Planning Constraints

Nat Floodzone 2
Rail line nearby
Mineral Safeguarding Sand_Gravel Cat 1

Principal Planning Policies

National Planning Policy

Planning Policy Wales (10th Edition, 2018)

Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 11: Noise (1997)
Technical Advice Note 12: Design (2016)
Technical Advice Note 13: Tourism (1997)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 18: Transport (2007)
Technical Advice Note 20: Planning and the Welsh Language (2017)
Technical Advice Note 21: Waste (2014)
Technical Advice Note 23: Economic Development (2014)
Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan 2018

SP2 – Employment Growth
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM5 – Development and Flood Risk
DM6 – Flood Prevention Measures and Land Drainage
DM7 – Dark Skies and External Lighting
DM10 – Contaminated and Unstable Land
DM13 – Design and Resources
DM14 – Air Quality Management
DM15 – Waste within Developments
DM16 – Protection of Existing Employment Sites
E1 – Employment Proposals on Allocated Employment Sites
T1 – Travel, Traffic and Transport Infrastructure
W1 – Location of Waste Development
W2 – Waste Management Proposals

Supplementary Planning Guidance
Landscape
Biodiversity and Geodiversity

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the development boundary of Abermule as defined by the Powys Local Development Plan 2018.

The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386 and

to the east and south by a railway line. To the south west of the site is the recycling bulking facility which is currently under construction and the A483.

Full planning permission is sought for the construction of nine B1, B2 and B8 units within two buildings. The proposed development will provide 32 staff parking spaces which include 4 disabled spaces and 3 electric vehicle charging spaces. In addition there will be two motorcycle parking spaces and a cycle store. A bin store is also provided for the development.

The two buildings will house 3 and 6 units. The 3 units, shown on the plans as Block 1, building will measure 45.9 metres in width, 21.8 metres in depth with a maximum height of 8.3 metres falling to 5.9 metres at the eaves. The 6 unit building, shown on the plans as Block 2, will measure approximately 61.3 metres in width, a maximum of 14.6 metres in depth, with a maximum height of 8,3 metres falling to 5.9 metres at the eaves. It is proposed that each unit have the following floorspace;

Proposed units	**Floorspace (sq metres)**
Unit 1	250
Unit 2	250
Unit 3	500
Unit 4	120
Unit 5	122
Unit 6	139
Unit 7	139
Unit 8	127
Unit 9	178

Block 1 will be finished with grey (Adventura RAL 7000) profile metal clad roof, grey (Moonstone RAL 7035) profile metal clad walls, with blue (RAL 5014) roller shutter doors, and upvc windows and doors. Solar panels will also be provided on the southern elevation of Block 1.

Block 2 will be finished with grey (Adventura RAL 7000) profile metal clad roof, grey (Moonstone RAL 7035) profile metal clad walls, with blue (RAL 5014) roller shutter doors, and upvc windows and doors. The north east and north west elevations will also have a masonry plinth in a slate blue brick and the projecting elevation to the north west will be finished with blue (RAL 5014) cladding.

The site is accessed from an existing access into the site from the B4386.

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

Members are advised to consider this application 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.

Principle of Development

For the purposes of the Powys Local Development Plan the application site area for the proposed development lies entirely within the development boundary of Abermule. The site is an allocated employment site (P02 EA1). Policy E1 – Employment Proposals on Allocated Employment Sites states that proposals for B1, B2 and B8 employment development will be permitted on allocated sites where they comply with the category of the site and permitted uses of the site.

The site is categorised as a High Quality/Local site which are defined in the LDP as follows;

High Quality Sites: Smaller sites of regional significance offering small to medium sized employment opportunities for B1, B2 and B8 Uses in high quality surroundings that are well positioned in relation to the County's main road and transport infrastructure.

Local Sites: Sites for B1, B2 and B8 Uses providing a varied industrial and / or employment setting with minimised visual impact (for example, screening) yet located within close proximity to the main road and transport infrastructure as well as centres of population. These sites primarily serve a local market and may include local office developments.

As the application seeks planning permission for the construction of 9 units for B1, B2 and B8 use on a site allocated for economic development and with outline planning permission, it is considered that the principle of the proposed development is acceptable.

Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside Towns, Large Villages, Small Villages and Rural Settlements must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristic of the Powys landscape. With regards to the proposed development the scheme will lie entirely within the development boundary of Abermule.

Policy DM13 states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

For the purposes of LANDMAP's Visual and Sensory, the proposed site of development is located within the 'River Severn Flood plain' aspect area which is characterised as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with

numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom. LANDMAPs evaluation assesses the area of Moderate value.

The application site is a vacant business park with an access and associated road which has been constructed. The site is relatively flat and is bound to the south by railway line. The development will be viewed from the adjoining highway to the north of the site and from surrounding dwellings to the west, north and north-east of the site. A right of way is also located approximately 200 metres to the south of the proposed development, which will be able to view the development. Adjoining the site to the south west is a recycling bulking facility which is currently under construction.

The full application proposes 2 steel portal buildings measuring approximately 45.9 metres in width and 21.8 metres in depth and approximately 61.3 metres in width and a maximum of 14.6 metres in depth. The units will measure a approximately 8.3 metres in height. The proposed buildings are of a steel portal construction finished in grey and blue profile steel sheeting for the walls, with a slate blue brick for one unit, and grey profile steel sheeting for the roof. The buildings will each have the appearance of a steel portal building, which is common in the surrounding landscape. Other steel portal style buildings are also found in Abermule, approximately 300 metres to the north east of the site with others being recently granted consent. Steel portal buildings are also commonly used on employment land as they provide flexible work units for perspective tenants and owners.

Landscaping is provided in the form of retention of existing hedgerows, planting of a new native hedgerow adjoining a parking area and to the rear of block 1; shrub planting; tree planting; and the creation of a wildflower meadow to the rear of Block 2.

Whilst the development will be visible from a number of sensitive receptors it is considered that the development does not have such a detrimental impact on the character and appearance of the area to warrant refusal. Concerns of third parties regarding the building are noted however it is considered that the buildings are located on an employment site, are located in close proximity to a number of similarly designed buildings and as such will be seen as an acceptable part of the wider built form.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed topography of the area along with the proposed improvement of existing planting and proposed landscaping, it is considered that the proposed development is in accordance with planning policy. Officers consider that the visual and landscape impact associated with the development is in accordance with policies SP7, DM2, DM4, DM7, DM13, E1 and W1 of the Powys Local Development Plan.

Transport Impacts

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts. Policy DM13 also states that development proposals should meet all highway access requirements, 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.

The application seeks to access the site via an existing access from the B4368 which was constructed following the approval of the access scheme in 2009. Following consultation with Powys Highways Authority no objections were received subject to the imposition of conditions. Further information was requested by the Welsh Government Trunk Road agency in relation to drainage details and transport data and once this was received they were satisfied and removed their direction on the application.

With regards to access to the development, the site benefits from close proximity to the A483 Trunk Road which provides access to the wider area. Bus stops are located approximately 100 and 750 metres from the site providing a service to Welshpool, Newtown and Montgomery. Cycle storage is also provided to promote the use of cycling to the site.

As such it is considered that the proposed development is in accordance with policies T1, DM13, TAN 18 and Planning Policy Wales.

Biodiversity and Ecology

SSSI's and SAC

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 application site lies approximately 370 metres from the Montgomery Canal SAC and SSSI, however the site is separated from the SAC/SSSI by the A483 Trunk Road, the B4386, agricultural land and the River Severn. Following a review of the submitted plans and information it is considered that due to the distance of the proposed development from the SAC/SSI, nature of the land and the lack of potential connections between the proposed development site and the designated site that there is no likely potential for the proposed development to result in direct or indirect impacts on the Montgomery Canal SAC/SSSI.

Protected Species

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development

should not unacceptably adversely affect any habitat or protected species.

The application is supported by an Ecological Mitigation Strategy which identifies compensation and enhancement measures. This advises that a surface water compensation and ecology mitigation area is currently being created as part of the wider development site, which includes the adjoining recycling bulking facility. These areas will comprise two permanent areas of standing water planted with native aquatics surrounded by wetland meadow. New native shrubs will be planted, and surrounding plantation woodland enhanced.

Following consultation with NRW no objections were received with regards to impact on protected species. They have advised that the works on this site and the wider site are being undertaken under a Great Crested Newt (GCN) Development Licence that has been issued. NRW are content that the submission states that work will continue to be undertaken in accordance with the GCN license in line with the Ecological Compliance Schedule & Habitat Management plan which was secured under the previous application (P/2018/0587). This condition was attached to the outline consent element of the scheme and as such a condition will be attached to this consent, if approved, securing this scheme.

Enhancement

The Council also has a statutory duty under Section 6 of the Environment (Wales) Act (2016) to promote and seek enhancements to biodiversity. The Environment (Wales) Act 2016 emphasises the need for 'building resilience'. This recognises five attributes (sometimes termed 'aspects') as building blocks of resilience which can be summarised as: Diversity; Extent; Condition; Connectivity; and Adaptability.

It is considered that enhancements on the development site itself comprising native hedgerow planting, tree and shrub planting and wildflower meadow creation will positively contribute to the biodiversity of the area. In addition it is proposed that a sparrow terrace is provided at eaves level on the north east elevation of unit 9 and a bird box is to be provided. A condition will secure these enhancement features.

The Powys SPG Biodiversity and Geodiversity identifies planting of a native species hedgerow, tree planting and utilising native flower species as enhancement measures that contribute towards improving the resilience of biodiversity.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be

unacceptably affected by development in terms of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

A number of residential dwellings are within close proximity to the site, the closest being;

- Bryn y Maes
- Maes Derwyn
- The Court
- Court Close, an estate of a number of dwellings is located within close proximity to the development

Environmental Health have offered no objection to the proposed development with regards to residential amenity provided that a condition is attached to the grant of consent requiring a noise impact assessment to be submitted prior to the occupation of the business park units.

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys LDP and TAN 11: Noise.

Rights of Way and Tourism

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Whilst concerns raised over the impact of the development on users of the nearby rights of way it is considered that sufficient distance is retained between the proposed development and the public right of way to the south of the application site to not negatively impact upon any users. The buildings will be seen in the wider landscape in close proximity to two farm complexes and Abermule and as part of an employment site.

As such it is considered that the proposed development complies with policy DM13 of the Powys LDP.

Placemaking and Wellbeing Goals

Planning Policy Wales (10th Edition) was amended following the 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 due to the following;

- The development is for business units on land that is allocated within the LDP as employment land.
- The development is located within the development boundary or a Large Village as defined by the Powys LDP.
- The development is located close to existing transport networks; trunk road and bus routes.
- The development utilises solar panels.
- Low carbon emission vehicles are promoted through the provision of 3 charging points.
- Cycling is encouraged and cycle storage is provided.
- Provides flexible and adaptable employment opportunities.
- Enhances the biodiversity and aids in moving towards resilience.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal complies with planning policy. The recommendation is therefore one of conditional approval subject to the conditions outline below.

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 and documents approved on 02/08/2018 (drawing no's; 2395-02/M01/001; BU/500/P/001; P01_001; 20-117-DT01; 20-117-EL01 Rev C; 20-117-EL02 Rev D; 20-117-EL03 Rev D; 20-117-PL01 Rev C; 20-117-PL02 Rev A; 20-117-SP03 Rev D; 20-117-SP04 Rev A and documents; Design and Access Statement dated November 2020; Landscaping Scheme and Biodiversity Enhancements dated November 2020; Transport Statement dated June 2018 and Preliminary Drainage Strategy dated April 2018).

3. Prior to occupation of the business/employment units on the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will include an implementation plan for the for any mitigation. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the

method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.

4. Prior to its installation in the development details of the location and type of bird box to be provided in the development shall be submitted to and approved in writing by the Local Planning Authority. The bird box shall be installed prior to the beneficial use of the development and shall be implemented in full and maintained thereafter.

5. The enhancements identified in Section 4 of the approved Landscaping Scheme and Biodiversity Enhancements dated November 2020 shall be implemented in full prior to the beneficial use of the development and maintained thereafter.

6. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 Rev A produced by Middlemarch Environmental dated July 2018 approved under P/2018/0587 shall be adhered to and implemented in full and maintained thereafter.

7. All planting, seeding or turfing comprised in Section 3 of the approved Landscaping Scheme and Biodiversity Enhancements dated November 2020 detailed on drawing no. 20-117-SP04 Rev A shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. 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. 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.

9. 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 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.

10. Prior to the first operational use of the development clear visibility shall be

maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from 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.

11. 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.

12. Prior to the first operational use of the development hereby approved, provision shall be made within the site for the parking of vehicles, and operational area[s] as detailed on the approved site plan 20-117-SP03 Rev D. The parking and operational areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. Prior to the first operational 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 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.

14. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 20 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.

15. Any vehicular entrance gates installed within the application site 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.

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

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

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

3. To comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.

4. 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 9, November 2016), TAN 5: Nature Conservation and Planning, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

5. 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 9, November 2016), TAN 5: Nature Conservation and Planning, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

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8. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

9. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

10. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

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15. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

16. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.

Informatives

Highways

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

1. 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.

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

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

Further advice on the above highway matters can be obtained from:-

http://www.powys.gov.uk/en/roads-transport-parking/
street.works@powys.gov.uk
Street Works
Powys County Hall

Spa Road East
Llandrindod Wells
Powys
LD1 5LG
0845 6027035

Network Rail

DRAINAGE
Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks. 2

FOUNDATIONS
Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE
The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT
It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. PILING Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

PLANT, SCAFFOLDING AND CRANES
Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING
Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

Land Drainage

The construction area is greater than 100m2 and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk
For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website https://en.powys.gov.uk/article/5578/Sustainable-DrainageApproval-Body-SAB

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

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

Hafren Dyfrdwy

Hafren Dyfrdwy advise that there is a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/ scroll down the page to view the link:

Please visit www.digdat.co.uk

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at:

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/new-connections-charging-arrangement-2019-2020.pdf

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Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk

This drawing should not be scaled and any dimensions verified on site.
All dimensions are in millimetres unless otherwise stated

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Notes

ISSUED FOR PLANNING

KEY

- Application Boundary.
- Ownership Boundary.

Rev	Date	Description	By	Chkd

Amendments

Engineering Design Services

CSCC•CWIC

EDS West Manager : Steve Hallows CEng MICE
01545 572513 hpw@ceredigion.gov.uk
West: Penmorfa, Aberaeron, Ceredigion, SA46 0PA

EDS East Manager : Gareth Price CEng CEnv MICE
0845 607 6060 tls.helpdesk@powys.gov.uk
North: Kirkhamsfield Depot, Pool Road, Newtown, Powys, SY16 3AF
Mid: County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG
South: Neuadd Brycheiniog, Cambrian Way, Brecon, Powys, LD3 7HR

Project
Abermule Business Park Development.
Business Units.

Drawing Title
Location and Boundary Plan.

By	Checked	Scale at A1
LMC	DB	1:1250

Date 15/09/2020

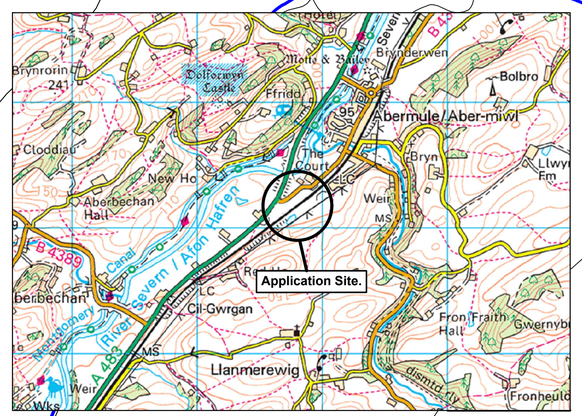
Project Number	Drawing Number	Revision
H2395	2395-02/M01/001	

Drawing Filename : - 2395-02-M01.dwg
Last saved : - 15/09/2020

Drawing Path:- X:\CAD\Drawings (CAD files only)\2300-99\2395 Abermule Business Units\Misc

River Severn
Afon Hafren
Depot
93.0m
Track
The Court
Maesderwen
B 4386
COURT CLOSE
Drain
Track
92.2m
MP 44.4
Level Crossing
Rising Bollard
93.0m
B 4386
Parc Busines Abermiwl
(Abermule Business Park)
Posts
El Sub Sta
Drain
Track
Pond
Drain
Drain
EFL
Bryn-y-Maes
Tanks
MP 44.25
Track
Drain
A 483
Track
Pond
P44.5
Tudalen 85

PLAN
Scale 1:1250



OS LOCATION PLAN
Scale 1:25000

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

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	19/0938/FUL	**Grid Ref:**	E: 320057 N: 308341
Community Council:	Welshpool Community	**Valid Date:**	21.06.2019

Applicant: Owen

Location: Frochas Farm, Frochas, Welshpool, Powys, SY21 9JD

Proposal: Erection of a broiler installation and silos, formation of a vehicular access and associated works

Application Type: Full Application

The reason for Committee determination

The application was called in by the Local Member.

Consultee Responses

Consultee	**Received**
Welsh Historic Gardens Trust	**13th Aug 2019**

The Welsh Historic Gardens Trust is grateful to have this opportunity to comment on the above planning application. The Welsh Historic Gardens Trust (WHGT) is a conservation and heritage organisation set up to protect and conserve historic gardens and park landscapes of Wales. Its aims include the promotion of the restoration and conservation of parks and gardens which are of special historic interest in Wales and to research and document the garden history of Wales. WHGT is recognised by Cadw and by local planning authorities as the only conservation body in Wales routinely consulted on planning applications affecting historic parks and gardens and their settings, including registered sites, in effect the acting non-statutory consultee for planning applications affecting listed historic parks and gardens in Wales. We note that the application is covered by the Environmental Impact Assessment Regulations. The scale and nature of the proposed development mean that it falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 making a full environmental impact assessment (EIA) mandatory.

The site of the current application lies immediately outside the area defined as the

essential setting of the important Grade II* registered landscape of LLanerchydol Hall. The park is described in the Powys Register of Parks and Gardens for Wales as a fine and largely intact example of early nineteenth-century park in an outstandingly picturesque location. Its Grade II* designation places it in the top third of registered designed landscapes in Wales.

With the evidence currently available to us we would recommend refusal of this planning application. We are concerned that relevant guidance on a number of aspects of impact assessment have either been overlooked or misinterpreted leading to a lack of understanding of, and underestimation of, the effects of this proposal on the open rural landscape of this part of Powys and the Registered Park of Llanerchydol in particular.

The submitted Landscape and Visual Impact Assessment (LVIA) includes the statement below: As mentioned above, however, the application is an EIA development and the statement does not explain why the LVIA lacks detail on several key elements - for instance Zone of Theoretical Visibility (ZTV) of the proposal. This is widely mentioned but never clearly presented in the text as a figure, only as a rough area on a photograph, with little description of how this was determined (details of software used, etc). The photomontages as presented in the text are of low resolution and poor quality, making a realistic judgement on visual and landscape impact difficult.

With regard to viewpoint analysis, the submitted LVIA states:

It is regrettable that the above approach has been taken and that best practice for the selection and illustration of viewpoints as set out in the Guidelines for Landscape and Visual Impact Assessment 3 has not been followed.

The location of each viewpoint should be clearly marked on a plan giving all the data needed to find and replicate those locations. The labelling and descriptions of where to find each viewpoint figure are confusing - e.g. 'The viewpoints are listed below and their locations are shown on LV1 and LV2' It is also regrettable that there has been no attempt to analyse sequential views of the proposed development from the rights-of-way network, which includes the National Trail of Glyndwr's Way. Neither has an assessment been made of its cumulative impact taken in conjunction with, as is stated in the LVIA, other agricultural buildings already existing in its vicinity, notably the existing agricultural buildings and the polytunnels at Dingle Nursery.

We recommend a fuller and more rigorous use of the LANDMAP data by the applicants and their consultants to help understand the landscape effects of the proposal. Powys Local Development Plan (2011-2026) Supplementary Planning Guidance on Landscape adopted April 2019 provides clear and relevant guidance on the use of LANDMAP in

landscape appraisal and includes good definitions of both cumulative impact and grouping within the rural landscape. This guidance was adopted before the application was submitted.

In similar vein Cadw's advice on 'Managing Change to Registered Historic Parks and Gardens in Wales' states clearly:

'Before preparing a planning application, you should consider the impact of the proposed development on the registered historic park or garden, and its setting, … When you submit an application for development which is likely to have an impact on a registered historic park or garden, or its setting, we strongly recommend that you include a heritage impact statement with your supporting documents (see section 2.2).'

We recognise that some historic landscape assessment has been undertaken but the same comments apply as to those made on the landscape and visual assessments - i.e. that the amount and quality of information and analysis falls short of that expected in the assessment of a proposal requiring a full EIA.

Wales & West Utilities - Plant Protection Team **2nd Jul 2019**

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Ward Councillor **9th Jul 2019**

I wish to 'call-in' the planning application - Application Ref: 19/0938/FUL- for discussion by Powys County Council Planning Committee.

PCC-(N) Highways **30th Jan 2020**

The proposed development is located approximately 1.6km from the junction of the

A490/C2045. The C2045 is an established HGV route being the main route to the Dingle Nursery, whilst the Highway Authority acknowledges that the nursery operates its own fleet of Articulated HGV's from the site, they also have deliveries by the same types of vehicle.

Due to the existing HGV movements along this section of the C2045 it is the opinion of the Highway Authority, that any additional HGV movements will increase the likelihood of conflictions. We do note that the applicant has also drawn this conclusion and has proposed an additional two HGV sized passing bays be constructed at their expense.

There are several formal and informal passing bays along the proposed route, and the construction of two additional HGV sized passing bays shall reduce the likelihood of conflictions to an acceptable level. Therefore, should the LPA be minded to permit the proposed development, the Highway Authority request that the following conditions be attached to any consent given.

The development shall be carried out in accordance with drawing numbers GD-JTO/01 Rev B & GD-MZ227-05.

Notwithstanding the submitted details on drawing numbers GD-JTO/01 Rev B & GD-MZ227-05 the Highway Authority wish the following conditions to be applied to any consent given.

1. 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.

2. 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 43 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.

3. 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.

4. Upon construction of the access as Condition 2 above, shall be not less than 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.

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 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.

6. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.

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 or (a suitably bound material which is to be approved in writing by the LPA) 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.

8. Prior to any works being commenced on the development site the applicant shall construct two HGV passing bay shown on the approved drawing GD-JTO/01 Rev B.

9. The passing bays referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

10. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 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.

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

12. Any vehicular entrance gates installed within the application site 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.

Hafren Dyfrdwy **8th Jul 2019**

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.

Environmental Protection **25th Jul 2019**

Before I can comment on this proposed development there are issues which require additional information for clarification

Odour

In fig 4 of the odour report, it shows 9 sources, 3 on each shed. I assume these are the extract vents. In other documentation of the application (noise, photos) there are 12 fans on each shed totalling 36.

1. Could the agent confirm if 36 fans in place of 9 alters the modelling calculation?

I would have assumed even accounting for wind and 9 sources those fans placed in the middle of the units would produce some impact on the model.

2. Could the agent explain in fig 6a why the immediate area around the extract fans are not the densest sources of odour, especially on the most northern of the three units?

My concern is that if the modelling data is incorrect the dwelling called Pen y Dyffryn will be affected greater than currently anticipated.

Noise

On table A1, I note that the calculations do not include 36 fans running over night.

1. Could that calculation do undertaken.

My concern is that in hot summer months it is possible that more than 3 (9 in total) fans may be required to operate even for short durations and this has not been considered in the calculation.

Waste

There are 2 supplies within 50m of the areas on the maps, Fronhaul, and Frochas Far both are single supplies one a borehole the other is a well.

The grid reference for these sources unknown, and should be confirmed by the agent.

There is also a supply just over 50m away which is Dingle Nurseries/Dingle House, Frochas which should also be considered if alterations to the site is made.

PCC-Ecologist **20th Jan 2020**

Please find below details of the additional information required prior to determination with regards to ecology/biodiversity in relation to the proposed poultry application at Frochas Farm:

o Ammonia Modelling

o NRW have confirmed in their response dated 29th July 2019 that they are satisfied that the predicted process contributions with regards to statutory designated sites are below they thresholds they apply when considering whether there would be a risk of a negative impact.

o The preliminary modelling for Ancient Woodland sites has indicated that the process contributions would be below the thresholds identified in recognised guidelines.

o Whilst statutory sites and Ancient Woodland have been considered within the ammonia and nitrogen deposition assessment no assessment has been made of potential impacts to other 'local sites' present within 2km of the proposed development - the ammonia and nitrogen deposition report will need to be amended to include these sites. The following SINCs/Local Wildlife Sites are present within 2km:

- Y Frochas SINC - designated for its population of Pearl-bordered Fritillary butterfly a Section 7 Environment (Wales) Act 2016 species, UK BAP Species which has seen significant declines and is classed as highly threatened in Wales and England. This species is dependant on the food plant common dog violet and the site habitat is

Ffridd.

- Moel Y Garth SINC - this site is also designated as Ancient Woodland so has therefore already been considered during the ammonia and nitrogen deposition assessment.

o In addition to SINCs/LWSs there is also a Grade II* Historic Garden and several Ancient Trees identified on the Woodland Trust Inventory within 2km of the proposed development, these will also need to be added to the ammonia assessment to demonstrate that the proposed development would not result in negative impacts to these features of biodiversity importance. Details of the Ancient Trees and the Grade III Historic Garden are provided below:

- Veteran Tree ID 27395 located at OS Grid Reference SJ18880827 full details can be found at https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=27395&from=3523&v=1632363&ml=map&z=15&nwLat=52.66901944746896&nwLng=-3.2180407776358466&seLat=52.65618740846789&seLng=-3.1521228088858466#/

- Llanerchydol Hall Historic Garden - there are multiple ancient, veteran and notable trees within the Historic Garden Boundary it is therefore recommended that the site itself is assessed as a whole under the ammonia and nitrogen deposition assessment - the approximate OS Grid reference for the centre of this site is SJ2078407564 - details of the ancient trees present in and adjacent to this site can be found at https://ati.woodlandtrust.org.uk/tree-search/?v=1632367&ml=map&z=15&nwLat=52.66893516033325&nwLng=-3.1906871783445223&seLat=52.65625929039051&seLng=-3.1577711093137606

o Ecology Survey

o The ecology survey has identified the presence of 2 ponds within 2km of the proposed development, these were assessed as of average suitability to support great crested newts - records of great crested newts are present within 1km of the proposed development, as no presence absence surveys were undertaken the presence of GCN at or around the site can therefore not be ruled out, whilst a method statement has been identified to avoid harm to this EPS species no consideration has been given to the potential impacts to GCN as a result of the removal of a section of hedgerow to accommodate the required access to the site - given the proximity of the hedgerow to one of the ponds and as hedgerows bases are suitable terrestrial habitat for GCN both during the active season and hibernation period the current information does not provide sufficient evidence to demonstrate that there would be no impact to GCN and/or

whether an EPS licence may be required.

o The ecology report recommends the installation of a Barn Owl box on the veteran oak tree - whilst inclusion of potential enhancements is welcomed (and necessary in light of recent guidance from WG) as the veteran tree has also been identified as a potential bat roost the recommendation is considered inappropriate as it presents a conflict between bats and barn owls and could result in damage/destruction or obstruction of a bat roost if present - as such the ecology report should be amended to remove this recommendation and identify alternative enhancement measures,

o Pollution Prevention Plan

o Whilst the measures identified are generally considered appropriate the reference to guidelines in which the document has been produced are out of date PPG5 has been withdrawn as guidance by the EA and has since been replaced by GPP5: Works and maintenance in or near water: Version 1.2 February 2018 which can be accessed at http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017 the document should also include reference to GPP 21: Pollution Incident Response Plans which can be found at http://www.netregs.org.uk/media/1436/gpp-21-final.pdf .

o Manure Management Plan

o Part of field parcel SJ20085452 is identified as semi improved acid grassland on the NRW Wales Phase 1 habitat map (although the previous CCW Wales Phase 1 habitat map identifies it as improved grassland) this field parcel is included in the identified spreading areas. Semi improved acid grassland is a priority habitat (Section 7 of the Environment (Wales) Act 2016) and its protection is covered by LDP policy DM2. Confirmation is required regarding the habitat present in this field parcel, should this identify that the field is semi improved acid grassland then this parcel should be removed from the MMP spreading areas.

o Field parcels SJ1908835 and SJ19089251 are adjacent to the Y Frochas Local Wildlife Site/SINC I note that a no spread buffer has been indicated on the MMP maps however no detail has been provided with regards to size of the no spread area - the MMP Map should be amended to confirm the intended no spread buffer and also to show slope direction of each field parcel to demonstrate whether there would be any

likely potential for nutrient run off to impact the LWS/SINC.

o Drainage Plan

o Having reviewed the clean and dirty water drainage proposals it is considered that whilst the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment it is unlikely that the proposals for surface water management would be considered acceptable by the SUDs Approval Body (SAB) - the proposed development will require SAB approval prior to commencement of development - as the scheme fails to address the required standards including water quality, amenity & biodiversity.

o It should be noted that should the SAB identify that the current proposals are unacceptable and that changes are required then this could result a need for amendments to the planning permission if granted - causing delays and additional costs to the applicant.

o Landscaping

o The proposed landscape planting is welcomed as in addition to providing screening of the proposed development it is considered that the hedgerow and tree planting would provide compensation for the loss of the section of hedgerow in relation to the required access creation as well as potentially providing additional benefits to biodiversity - biodiversity enhancements - in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

o Whilst the landscaping is welcomed in light of my above comments regarding surface water management and SAB requirements there is potential for there to be conflicts between the proposed planting and an appropriate SuDS - again any amendments to a landscaping scheme approved under the planning process would require a Section 73 application which would result in additional costs and delays to the applicant - therefore consideration should be given to the requirements of a SUDs scheme and how this would be tied in with any proposed landscaping.

PCC-Built Heritage Officer **30th Jul 2019**

19/0938/FUL Erection of a broiler installation and silos, formation of a vehicular access and associated works Frochas Farm Frochas Welshpool Powys SY21 9JD

Recommendation No objection in terms of setting of listed buildings

Background to Recommendation

Designation in proximity to;

Registered Historic Park and Garden

Llanerchydol Hall Registered Historic Park and Garden - grade ll*

Scheduled Ancient Monument

Scheduled Ancient Monument MG131 Tan y Clawdd Camp

Listed Buildings

Cadw ID 7736 grade ll* Llanerchydol Hall included on the statutory list on 25/04/1950

Cadw ID 7737 Llanerchydol Hall Stable Block included on the statutory list on 11/03/1981

Cadw ID 7743 Lower Llanerchydol included on the statutory list on 11/03/1981

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

I note the proximity to MG131 Tan y Clawdd Camp and Llanerchydol Hall Registered Historic Park and Garden, however as Cadw are the consultee in respect of the setting of Scheduled Ancient Monuments and Registered Historic Parks and Gardens , I shall defer consideration of this section to Cadw. For clarity my comments are in respect of the setting of the listed buildings only.

The proposal is in relation to the erection of three buildings with feed hoppers each of 115m in length, 21m in width (resulting in 71m width in total.

The proposed site lies to the site of the farm holding on land lower than the main farm holding and below the unclassified road. The topography is noted that the road is at a height of between 180 and 185, directly adjacent to the site, however the site of the buildings is between 160 and 165m AOD.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact. Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 with advice on how to assess the setting of historic assets . Section 1 of the guidance on Setting of Historic Assets identifies that setting often extends beyond the property boundary of an historic asset and in to the surrounding landscape or townscape. The setting of a historic asset can include physical elements of its surroundings, for instance the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields.

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

I shall restrict my comments to those buildings with a ready inter-visibility with the site.

Cadw ID 7736 grade ll* Llanerchydol Hall and Cadw ID 7737 Llanerchydol Hall Stable Block

Given the close proximity of these buildings it would be reasonable to asses them together. Llanerchydol Hall is a large Gothic Revival country house sited in parkland between the Llanfair and Llanfyllin Roads to the W of Welshpool. There are limited views of Llanerchydol from outside the current parkland, however the road between Frocas Farm and the proposed site is one of those locations. However the view from this location is of the stables to the forefront and the principal house to the east of the stables. This layout is significant, the stables are listed as being integral with the remodelling of the house in 1820, and therefore possibly by the Reptons, and the gateway and clock tower form an important visual element in the Picturesque composition at Llanerchydol Hall. However the stables are when travelling to the principal house to the rear and the principal drive to the stables accesses via the east, which was the intended viewpoint of the stables and Llanerchydol Hall itself with the principal reception rooms facing towards Welshpool and beyond that is to the east and north. The western windows of the house face the stables, the icehouse and gardeners cottage is to the south west. The west and south west would as such be considered as the service end of the house, with the principal views out of and into the principal house being in the opposite direction to the proposed development. Records at the Royal Commission on Ancient and Historic Monuments in Wales illustrate the orientation of the drive to the hall and the topography of the area.

https://coflein.gov.uk/en/archive/6354472/details/504

However Llanerchydol is a large estate with many curtilage buildings that would also be considered as curtilage listed. In close proximity to the house are the icehouse, gardeners cottage,a brick structure in what appear to have been dog kennels and Llanerchydol Home Farm to the west of the stables. The icehouse and gardeners cottage are directly to the south west of the principal house and located within the parkland and screened by trees and as such not visible from the proposed site or the road adjacent to the proposed site. The dog kennels are visible from the road adjacent to the proposed site. The building appears to be unused and its condition is noted. The norther western elevation of this building faces the proposed site and is blank brickwork, the principal elevation facing the stables at Llanerchydol. It is not considered that the proposal would

impact on the setting of this curtilage listed building.

Llanerchydol Home Farm to the west of the stables was obviously once in the same ownership as Llanerchydol Hall and old maps indicate its presence before 1 July 1948 and as such could potentially be considered as curtilage listed. However time has not permitted a full assessment of the ownership history of this building for the purposes of this response, to ascertain if it is or is not curtilage listed, so for the purposes of this response I am assuming that it is curtilage listed, however ownership history may prove that this is not the case.

Llanerchydol Home Farm originally had relatively blank brick elevation facing the proposed site, being primarily agricultural buildings centred around a courtyard. However in recent years the building has been converted with 2 dwellings on the northern elevation with windows overlooking the proposed site. However its original function as a curtilage listed building was a rage of farm buildings to serve Llanerchydol Hall. The proposal is for a range of agricultural buildings, albeit more modern and larger, as such I would not consider that the provision of farm buildings in the location proposed with appropriate landscaping would affect the setting of this potentially curtilage listed building.

Lower Llanerchydol Cadw ID 7743 is sited within Llanerchydol Park, NE of the Hall, and 600m approx NW of the entrance to the park from the Llanfyllin Road. The main part of the house is probably late C16; the offset rear wing was probably a slightly later addition, which was itself extended, probably at some time during the C17. Lower Llanerchydol unlike Llanerchydol Hall is sited on ground lower than the adjacent roads. The old farmhouse of Lower Llanerchydol sits within a working farm with a mixture of traditional and more modern farm buildings and relatively new house. The ground undulates and Lower Llanerchydol is not visible from the site however is visible from the road that would serve the proposed buildings. I note the orientation of Lower Llanerchydol with the principal windows facing to the south and the east. I also acknowledge the distance between the proposed site and Lower Llanerchydol and as such I would not consider that the proposal would harm the setting of Lower Llanerchydol. Records at the Royal Commission on Ancient and Historic Monuments in Wales illustrate the relationship of Lower Llanerchydol to the site.

https://coflein.gov.uk/en/archive/6354472/details/504

The proximity of Llanerchydol is a significant consideration. However the topography also plays a part and the siting of the buildings at a ground level lower than the principal vantage points enables the proposal to be more readily absorbed into the landscape than other sites. However that is not to say that the proposed buildings will not be visible from all vantage points, and the height of the hoppers would be a consideration.

I note the Landscape and Visual Impact Assessment and accompanying maps and would not necessarily disagree with the findings, subject to appropriately detailed landscaping and consideration of the size and placement of the hoppers and the landscaping of the hoppers.

I note the proposed planting scheme of an avenue of trees on the access road and native woodland of oak, maple, alder, elm and birch to the south and west of the development.

Given the topography of the land it is considered that the buildings are well sited to enable them to be integrated into the landscape. Nevertheless the Cadw guidance Conservation Principles advises that "Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets"

Given the topography and the parkland nature of much of the adjoining land it is considered that significant planting at appropriate locations would significantly minimise any impact of the proposal. The Cadw guidance Setting of Historic Assets in Wales addresses trees in section 4.4 and section 6 of the guidance suggests enhancement measures.

With that in mind I would request appropriate and robust conditions in terms of landscaping in accordance with the submitted plans be imposed.

Noting the orientation of the listed buildings identified and assessed above, their outlook and the principal views of these buildings, and noting the topography and the siting of the proposed units it is not concluded that the proposed broiler units would harm the setting of; Cadw ID 7736 grade ll* Llanerchydol Hall, Cadw ID 7737 Llanerchydol Hall Stable Block, Cadw ID 7743 Lower Llanerchydol, pr the curtilage listed buildings of the

icehouse, gardeners cottage, the dog kennels and Llanerchydol Home Farm to the west of the stables.

Natural Resources Wales (Mid Wales) **29th Jul 2019**
DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which was received on 02/07/2019.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address the significant concerns we have identified and we would not object provided it is attached to the planning permission.

Condition 1 - Pollution Prevention: To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

o o Manure Management Plan ('Manure Management Plan for Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners)

o o Drainage Plan (plan titled 'Drainage Plan', drawing no. GD-MZ227-04 dated 16/01/2019 by Roger Parry & Partners)

o o Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for land at Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners)

Protected Sites and Aerial Emissions

We have reviewed the Detailed Modelling Report ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Frochas Farm, Frochas near Welshpool in Powys' by AS Modelling & Data Ltd dated 13th July 2018) submitted in support of this proposal.

The background ammonia concentrations (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 2.16_$lg/m3. The background nitrogen deposition rate to woodland is 30.24kgN/ha/yr and to short vegetation is 18.35kgN/ha/yr. The source of this information is Air Pollution Information System (APIS, April 2018).

A permit application was received on 13/07/2018. The air quality aspect of the proposal

has been assessed on the post April 2017 thresholds.

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

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

In conclusion, we are satisfied the process contributions of ammonia and nitrogen deposition from the proposed unit are below the thresholds we apply in our assessment of potential impacts on SSSIs and Special Areas of Conservation (SAC).

Manure Management

We have reviewed the Manure Management Plan ('Manure Management Plan for Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners) submitted in support of this proposal.

The plan states that manure produced will be spread on land at the farm. The plan confirms more manure will be produced than is possible to spread. Manure will be stored on the farm, and excess quantities of manure will be take to an anaerobic digester plant.

The plan includes a contingency plan for the storage of manure when spreading is not possible. The plan also includes measures of dealing with contaminated wash water. The manure spreading map 'Manure Management Plan' (unreferenced) includes a buffer area to watercourses, ponds and wells identified on the site.

Provided the site operates in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Drainage Plan

The drainage plan (plan titled 'Drainage Plan', drawing no. GD-MZ227-04 dated 16/01/2019 by Roger Parry & Partners) received by email from the Agent on 29/07/2019 shows the clean and dirty water being drained separately. The dirty water will be drained to a SSAFO (The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010) compliant underground tank, and the clean surface water will drain to a soakaway.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Pollution Prevention Plan

We have reviewed the pollution prevention plan ('Method Statement and Pollution Prevention Plan for land at Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners) submitted in support of this proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

Environmental Permitting Regulations

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

Advice on poultry units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en

Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en

Groundwater

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution".

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Cadw - SAM **18th Sep 2019**

In summary: It is our view the proposed development is likely to have an adverse impact on the setting of the registered park and garden. However, the application is currently inadequetly documented. The heritage assessment needs to address the following issues and should be undertaken by a qualified and competent expert.

We should be reconsulted once this information is available.

UPDATED 12/08/2020, Lisa Fiddes

Further to our recent telephone conversation please see comments below as discussed:

- we consider that the conclusion of the setting report by Trysor (low adverse impact) underestimates the adverse impact on the setting of the registered park and garden.

- as stated in our letter of 31 January 2020, the visual impact from the edge of the gardens has not been assessed, although we understand that the agent has requested access to Llanerchydol Hall but received no response from the owner. For information please see attached link, the layout of the gardens is depicted on historic Ordnance Survey maps and shows a path around the edge of the gardens which would have offered views across the parkland and wider rural estate. The map shows there is no planting along the edge of the formal gardens. https://maps.nls.uk/view/136052433

- the photomontages at appendix D from Viento Environmental Ltd do not show the full development proposals showing only one building, not the three proposed, nor the concrete apron and access road. This was also stated in our previous consultation response letter.

- the proposed mitigation planting in itself alters the backdrop to the registered park and is unlikely to fully screen the development particularly in the winter months.

- other factors, beyond the purely visual, contribute to setting, including the physical character of the surrounding landscape, historic associations, scenic qualities and sensory factors such as noise and odour (see Cadw guidance Setting of Historic Assets and Managing Change to Registered Historic Parks & Gardens in Wales). The land on which the development is proposed has an historic connection with the registered park having formed part of the wider Llanerchydol estate. Farm buildings were concentrated around the estate farms rather than physically separated from them. David Pugh, the owner of the Llanerchydol estate, made improvements to the grounds and its setting including closing the road which ran along the north boundary of the park. The attached register entry states 'In 1847 David Pugh had the road that ran along the north boundary of the park to Frochas closed; it is now a hollow way.' The picturesque qualities of the scenery around Llanerchydol are referred to in the register entry description (attached) and its 'outstandingly picturesque situation' contributes to its reason for registration at grade II*. As we previously stated in our consultation response letters, the introduction of this modern development will, in our view, dilute the surrounding landscape character and 'outstandingly picturesque situation.'

I hope these comments are helpful,

PCC-Rights Of Way Senior Manager **17th Jul 2019**

The developer is advised that public footpaths L13 and L14 exist within the planning boundary. The proposed development will completely obstruct both public rights of way Countryside Services therefore object to this application.

The developer or their agent is strongly advised to contact Countryside Service, at their earliest convenience, to seek advice on the mechanism whereby the public footpaths might be diverted to facilitate the proposed development.

In the event of a successful planning permission please include a note advising that:

o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc…

o Landscaping & Surfacing - .Advice will need to be sought before interfering or surfacing a public right of way.

o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.

o Legal Diversion - If development directly affects a public right of way, the developer will need to seek 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.

Community Council **25th Jul 2019**

The Town Council STRONGLY OBJECTS to this application on the following grounds:

a) The proposal is for a Chicken Broiler Unit just above Welshpool and will have an adverse effect on the environment of the Town which is only a short distance away. The main issue relates to the environment and flies which are known to be an issue with such developments.

b) Tourism is a major part of the Town's economy and any development which affects or many effect this status is not acceptable, in particular relation to the environmental impact noted above.

c) The Town Council is not convinced that the mitigation measures set out with the application meet the objections put forward at the pre-application stage.

d) Concern over the impact the development might have on the landscape and local environment. There is no clear evidence how this might be reduced by the mitigation measures put forward.

e) Concern over health and environmental issues. It is important that evidence of how these issues can be overcome needs to be part of any planning application. The reports issued to date do not, in the Council's view, offer a workable solution.

f) Concern over the increase in traffic movements of Lorries on a narrow road which already has lorry traffic. The Committee was not convinced that the HGV Lorries could avoid the Town Centre as there is no way from the west or east to get around it without going via villages.

g) The Local Authority needs to complete an assessment on transport to ascertain the different vehicle movements to see and measure what increase in traffic there is in each category.

h) Concerns over the effect on the existing Dingle Nursery business.

i) Concern over the views from Llanerchydol Hall (grade II*) and Llanerchydol Park (other listed buildings such as The Old House) towards development. Llanerchydol Hall is a listed building.

j) Concern about the effect on plant life. The ecology report will be needed to show

how such plant life will be protected.

k) Concern over how manure smells, the attraction of flies and the issue of disease from such a use. Flies in particular have been an issue in such a farm in Llanfair Caereinon.

l) Concern over ammonia, air borne disease and the effect on children, elderly and those who have a respiratory illness.

m) Concern over smells when the manure it is put on the land and how it will be disposed of when the land is 'full'.

n) The site would have an overbearing effect on Glyndwr's Way - a tourist asset.

o) The Town Council has a Climate Change Policy and this scheme does not fit in with that policy.

The Town Council requests that this application is present to the Full Committee at Powys County Council and not decided at Officer level.

The Town Council also requests, that due to the high interest in this scheme, that the Committee meeting is held within Welshpool and not at Llandrindod Wells County Offices. The Town Council can make space available in the Town Hall for this purpose.

The Town Council wishes the Town Clerk to speak on their behalf at any Committee Meeting held with regards the approval or refusal of this scheme.

WG - Highways Directorate 3rd Feb 2020

I refer to your consultation of 09/01/2020 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road does not issue a direction in respect of this application.

Cadw - SAM **31st Jan 2020**

Thank you for your letter of 9 January 2020 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (planning-policy-wales-edition-10.pdf) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Assessment

The additional information includes an assessment of the likely impact of the proposed development on the setting of the registered historic park and garden by Trysor, which can be read in conjunction with the amended LVIA and view point visualisations.

In our previous response to the application, Cadw requested the following viewpoints to be assessed:

1. looking towards the development site from the main approach to Llanerchydol Hall along the historic drive;

2. looking towards the development site from the drive in front of the main entrance gates to the hall and garden;

3. looking towards the development site from the edge of the formal gardens to Llanerchydol Hall.

Cadw's requested viewpoints 1 and 2 have been assessed in the document LVIA Photomontages December 2019 version 2 at viewpoints J and K respectively. The

viewpoints show that the proposed poultry units are clearly visible from the registered park. Although partially screened by mature parkland trees, any tree loss would inevitably increase visibility of the poultry units and 8.44m high hoppers. The existing backdrop to the registered park is created by the surrounding rolling countryside of arable and grazed farmland. The proposed mitigation woodland planting would alter this open backdrop, take a considerable number of years for the trees to grow, and is unlikely to provide screening throughout the winter months. We would also note that the current LVIA only considers the impact of the poultry buildings and does not assess the cumulative impact of the proposed access road.

A viewpoint photomontage from requested viewpoint 3 - looking towards the development from the edge of the formal gardens to Llanerchydol Hall, has not been provided. The setting assessment, para. 7.5.7, notes that access to the private gardens was not possible. The assessment also notes that mature trees surrounding the formal gardens surrounding Llanerchydol Hall would block views of the proposed poultry unit from the gardens or mansion. However, it does not take into account our previous comments which acknowledged that views from much of the formal gardens around the hall may currently be blocked by overgrown and self-sown vegetation, and requested that the impact assessment should take into account the impact on outward facing views from the gardens if they are restored by those who own and/or manage them. As a private garden, it would be reasonable to expect tree management to take place and Cadw would support any future positive management of the gardens around Llanerchydol Hall. It is therefore important that this viewpoint is assessed.

The setting of the historic park at Llanerchydol is created by the surrounding rolling countryside consisting of arable and grazed farmland. It is grade II* registered and its outstandingly picturesque setting contributes to the reasons for registration at this grade. It is described in the register as a fine and largely intact example of an early nineteenth century picturesque Gothic house in an outstandingly picturesque situation, with well - preserved park. The application also falls within the NRW LANDMAP Guilsfield Rolling Farmlands visual and sensory aspect area, defined as: An extensive area of rolling hillsides and pasture land with rounded hill tops. Vegetation is predominantly oak/mixed broadleaf woodland patches with well-defined small field parcels with a high incidence of overgrown/mature hedgerow trees. Strong sense of place with settled, domestic quality to the setting and displaying a traditional farmed landscape. Traditional farming techniques are evident ie hedge laying and general farming practice is extensive rather than intensive. It is evaluated as having high scenic quality as an extensive area of well-defined traditional farming landscape, high aesthetic qualities and limited intrusion by

modern development. As we stated in our previous comments, the proposal is an agricultural development but of an industrial scale sited away from existing agricultural buildings and standing in an undeveloped area of countryside which contributes to the rural, agricultural backdrop of the registered park and garden at Llanerchydol.

In our previous comments we also raised concerns about the impact of non-visual factors including the potential impact on parkland planting from ammonia emissions. We note the consultation response (20th Jan 2020) from the local authority ecologist requesting that due to the presence of multiple ancient, veteran and notable trees within the registered area at Llanerchydol Hall registered park and garden, it is recommended that the whole site is assessed under the ammonia and nitrogen deposition assessment. I support this recommendation to protect the significance of the registered historic park and garden.

We would also reiterate our previous comments that if unpleasant odours produced by the proposed development and/or associated manure storage and manure/dirty water spreading are detectable, there is likely to be an adverse impact on the way the registered park and garden is experienced. Similarly, the cumulative increase in noise from vehicle movement, vehicles reversing and extractor fans, may impact on tranquillity and the way the registered park and garden is experienced.

Therefore, we continue to have significant concerns about the likely adverse impact of this proposal on the grade IIx registered historic park and garden. However, we request further information from the applicant to address the points raised above.

Natural Resources Wales (Mid Wales) **10th Feb 2020**
DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 09/01/2020

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met, and you include the following documents within the condition identifying approved plans

and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement 1: Protected Species: We advise that further information is required to assess the extent of adverse effects on great crested newts and otters and any avoidance or mitigation measures required.

Approved plans/documents:

o Manure Management Plan ('Manure Management Plan for Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners)

o Drainage Plan (plan titled 'Drainage Plan', drawing no. GD-MZ227-06 dated 21/08/2019 by Roger Parry & Partners)

o Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for land at Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners)

Protected Species

We note that the ecological report submitted in support of the above application (Prestwood, W. (2019) Preliminary Ecological Appraisal. Land at Frochas Farm, Welshpool. Arbor Vitae) has insufficient information to assess the need for avoidance / mitigation measures for protected species. Great crested newts (GCN), otter, bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

Requirement 1: Protected Species: We advise that further information is required to assess the extent of adverse effects on great crested newts and otters and any avoidance or mitigation measures required.

This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

i. Great Crested Newt

It should be noted that there are records of GCN within 1km of the application site, and studies highlight that dispersal distances can be over 1.5km.

We note the ecology report states there are two ponds within 2km of the proposed development and were assessed to have average suitability to support GCN. However, no presence/absence has been undertaken.

We do not concur with the conclusions of this assessment with regards to GCN that the

proposal will result in loss of 'typical' as opposed to optimal newt terrestrial habitat within the agricultural landscape.

Therefore, we advise that insufficient information has been provided for the purposes of informing the planning decision making process in respect of GCN.

ii. Otter

We advise that the ecological report requires updating in respect of evidencing consideration of otter, and any reasonable avoidance measures that may be required.

iii. Bats

We agree with the conclusion of the assessment in respect in respect of bats.

Protected Sites and Aerial Emissions

We have reviewed the Detailed Modelling Report ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Frochas Farm, Frochas near Welshpool in Powys' by AS Modelling & Data Ltd dated 13th July 2018) submitted in support of this proposal.

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

o Granllyn SAC (3.66km to the North East)

o Montgomery Canal SAC (2.43km to the East)

o Bron-y-Buckley Wood SSSI (1.80km to the West)

o Lower Garth Meadows SSSI (2.51km to the North East)

o Gungrog Flash SSSI (3.06km to the East)

o Gwern-y-Brain Dingle SSSI (4.80km to the North East)

o Leighton Bat Roosts SSSI (4.94km to the South East)

The background ammonia concentrations (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 2.16_$lg/m3. The background nitrogen deposition

rate to woodland is 30.24kgN/ha/yr and to short vegetation is 18.35kgN/ha/yr. The source of this information is Air Pollution Information System (APIS, April 2018).

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

Following review of the application documents, detailed modelling report and extant environmental permit, we are satisfied the process contributions of ammonia and nitrogen deposition from the proposed unit are below the thresholds we apply in our assessment of potential impacts on SSSIs and Special Areas of Conservation (SAC).

Manure Management

We have reviewed the Manure Management Plan ('Manure Management Plan for Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners) submitted in support of this proposal.

The plan states that manure produced will be spread on land at the farm. The plan confirms more manure will be produced than is possible to spread. Manure will be stored on the farm, and excess quantities of manure will be taken to an anaerobic digester plant.

The plan includes a contingency plan for the storage of manure when spreading is not possible. The plan also includes measures of dealing with contaminated wash water. The manure spreading map 'Manure Management Plan' (unreferenced) includes a buffer area to watercourses, ponds and wells identified on the site.

Provided the site operates in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Drainage Plan

The drainage plan (plan titled 'Drainage Plan', drawing no. GD-MZ227-06 dated 21/08/2019 by Roger Parry & Partners) shows the clean and dirty water being drained separately. The dirty water will be drained to a SSAFO (The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010) compliant underground tank, and the clean surface water will drain to a soakaway.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Pollution Prevention Plan

We have reviewed the pollution prevention plan ('Method Statement and Pollution

Prevention Plan for land at Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners) submitted in support of this proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

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

i. Environmental Permitting Regulations

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

ii. Advice on poultry units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en

iv. Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

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v. Groundwater

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution"

UPDATED 08/10/20

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 09/01/2020

We have concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

Approved plans/documents:

o Manure Management Plan ('Manure Management Plan for Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners)

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o Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for land at Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners)

o Mitigation and Conservation Scheme (Stirling, P (2020) Mitigation and Conservation

Scheme. Frochas Farm, Frochas. Arbor Vitae)

Protected Species

Further to our comments (ref: CAS-106808-Z4G3 dated 10/02/20) we note the submission of a revised Mitigation and Conservation Scheme (Stirling, P (2020) Mitigation and Conservation Scheme. Frochas Farm, Frochas. Arbor Vitae) and are satisfied with the details of the scheme in respect of great crested newts.

To note, when taking into account the revisions to the detail of this scheme, we are now of the view that otter is not a material issue.

Ein cyf/Our ref: CAS-115080-X4M9

Eich cyf/Your ref: 19/0938/FUL

Maes Y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd LL572DW

ebost/email: northplanning@cyfoethnaturiolcymru.gov.uk

Ffôn/Phone: 03000 65 4682

Powys County Hall, Spa Rd E, Llandrindod Wells, LD1 5LG

www.naturalresourceswales.gov.uk

We advise the implementation of recommendations listed in the Mitigation and Conservation Scheme. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Protected Sites and Aerial Emissions

We have reviewed the Detailed Modelling Report ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Frochas Farm, Frochas near Welshpool in Powys' by AS Modelling & Data Ltd dated 13th July 2018) submitted in support of this proposal.

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o Gwern-y-Brain Dingle SSSI (4.80km to the North East)

o Leighton Bat Roosts SSSI (4.94km to the South East)

The background ammonia concentrations (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 2.16_$lg/m3. The background nitrogen deposition

rate to woodland is 30.24kgN/ha/yr and to short vegetation is 18.35kgN/ha/yr. The source of this information is Air Pollution Information System (APIS, April 2018).

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

Following review of the application documents, detailed modelling report and extant environmental permit, we are satisfied the process contributions of ammonia and nitrogen deposition from the proposed unit are below the thresholds we apply in our assessment of potential impacts on SSSIs and Special Areas of Conservation (SAC).

Manure Management

We have reviewed the Manure Management Plan ('Manure Management Plan for Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners) submitted in support of this proposal.

The plan states that manure produced will be spread on land at the farm. The plan confirms more manure will be produced than is possible to spread. Manure will be stored on the farm, and excess quantities of manure will be taken to an anaerobic digester plant.

The plan includes a contingency plan for the storage of manure when spreading is not possible. The plan also includes measures of dealing with contaminated wash water. The manure spreading map 'Manure Management Plan' (unreferenced) includes a buffer area to watercourses, ponds and wells identified on the site.

Provided the site operates in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Drainage Plan

The drainage plan (plan titled 'Drainage Plan', drawing no. GD-MZ227-06 dated 21/08/2019 by Roger Parry & Partners) shows the clean and dirty water being drained separately. The dirty water will be drained to a SSAFO (The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010) compliant underground tank, and the clean surface water will drain to a soakaway.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

Pollution Prevention Plan

We have reviewed the pollution prevention plan ('Method Statement and Pollution Prevention Plan for land at Frochas Farm, Frochas, Welshpool' by Roger Parry & Partners) submitted in support of this proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

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

i. Environmental Permitting Regulations

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

The grant of planning permission does not permit activities that require consent, licence

or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

ii. Advice on poultry units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en

iii. Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en

iv. Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en

v. Groundwater

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution".

PCC-Ecologist **25th Jan 2021**

Thank you for consulting me with regards to the additional/amended information submitted with regards to planning application 19/0938/FUL which concerns an application for the Erection of a broiler installation and silos, formation of a vehicular access and associated works at Frochas Farm, Frochas, Welshpool, Powys.

I have reviewed the amended and additional information submitted to inform the application and have the following comments with regards to ecology matters:

An amended Preliminary Ecological Appraisal Report produced by Arbor Vitae Environment Ltd dated 21st November 2019 and Mitigation and Conservation Scheme produced by Arbor Vitae Environment Ltd dated 20th May 2020 have been submitted to support the application, the amended report and Mitigation and Conservation Scheme have been produced in order to address comments received from myself and NRW in relation to the previous version of the report with regards to the proposed development and potential impacts to features of biodiversity value including European protected species.

The PEA Report identifies that the site of the proposed development consists of arable field, hedgerows and individual trees, the Report concludes that the majority of the site directly impacted by the proposed development was considered to be of low ecological importance - the development will result in the loss of approximately 30m of hedgerow which is noted to be of value to biodiversity and also listed as a Habitat of importance on the Section 7 List of the Environment (Wales) Act 2016. Features present in the vicinity of the proposed development were also noted to be of value to biodiversity including the presence of 2 ponds within 2km of the proposed development - these ponds were assessed to be of average suitability to support great crested newts and a veteran oak tree which was identified as having potential to support roosting bats. With regards to the previous version of the PEA Report I had raised concerns with regards to lack of sufficient detail to assess the potential impacts of the proposed development to great crested newts and the proposed installation of a barn owl box on the veteran oak tree due to the identification that tree had potential to support roosting bats.

The amended PEA Report identifies that the loss of 30m of roadside hedgerow to create a new access to the proposed development will be mitigated by the planting of approximately 150 meters of native species hedgerow. Further compensatory habitat will be created by the planting of approximately one hectare of native woodland. Ecological enhancement will include fencing and protection of the veteran oak and planting of new oaks in the defunct hedgerow - the recommendation regarding installation of a barn owl box on the veteran oak tree has been removed. The measures identified within the amended PEA Report address my concerns and with regards to protection,

compensation and enhancement of feature of biodiversity importance are considered to be appropriate and achievable and it is recommended that implementation of these measures is secured through an appropriately worded planning condition.

As identified above further information requested with regards to the potential for the proposed development to impact great crested newts given the proximity of works to ponds identified as having average potential to support this European protected species. Further surveys to provide the required information were undertaken in April 2020, the details of these additional surveys have been provided in the Mitigation and Conservation Scheme Report produced by Arbor Vitae Environment Ltd dated 20th May 2020, the Report identifies that samples taken from the nearest pond to the proposed development confirmed the presence of GCN eDNA and as such GCN are present in proximity to the proposed development. The Report identifies that discussions held with NRW confirmed that a derogation licence would be required for the development.

A mitigation strategy has been identified with regards to the proposed development which includes temporary exclusion of GCN from the development site through the use of exclusion fencing and trapping/ relocation surveys using pitfall traps and artificial refugia, hand searches, destructive searches prior to works commencing, sensitive timing of works, supervision of sensitive works by an Ecological Clerk of Works, creation of two new hibernacula sites and two ponds as well as additional planting associated with landscaping requirements and compensation planting for hedgerow removal which would also provide improved habitat opportunities for GCN.

The Report identifies that the proposed development will result in loss of 0.726ha of terrestrial habitat (predominantly low-quality habitat i.e., 0.72ha arable land) and it is proposed to create 1.06ha of high-quality habitat (including both aquatic and terrestrial habitat features) which would result in a 33% increase in high quality habitat availability for GCN at the site. Having reviewed the identified measures with regards to mitigation, compensation and enhancement in relation to great crested newts it is considered that the measures proposed are appropriate and achievable and I am satisfied that subject to adherence to the identified Mitigation and Conservation Scheme the proposed development would not result in a negative impact to the favourable conservation status of the population of GCN in its natural range. In addition, I note that NRW have confirmed in their response that they are satisfied with the details of the scheme identified in respect of GCN. I therefore recommend inclusion of a planning condition to secure implementation and adherence to the identified GCN Mitigation and Conservation Scheme should you be minded to approve the application.

I have reviewed the information provided within the updated version of A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Frochas Farm, Frochas, near Welshpool in Powys produced

by AS Modelling & Data Ltd dated 13th July 2018 (uploaded to Powys LPA Planning Portal on the 9th January 2020) submitted to inform the application. This information has also been supplemented by the following documents a copy of the Environmental Permit Reference EPR/BB3093NX issued by NRW on the 26th November 2018 for the operation of the proposed development.

The following Statutory designated sites are present within 5km of the proposed development:

- Montgomery Canal SAC
- Granllyn SAC
- Bron-y-Buckley Wood SSSI
- Montgomery Canal SSSI
- Lower Garth Meadows SSSI
- Gungrog Flash SSSI
- Granllyn SSSI
- Gwern-y-Brain Dingle SSSI
- Leighton Bat Roosts SSSI

With regards to Statutory Designated Sites I note that NRW have reviewed the information and have identified in their responses dated 29th July 2019, 10th February 2020 and 8th June 2020 that as the proposed development has been issued with a permit by NRW in light of the detailed modelling report and extant environmental permit NRW are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are below the thresholds they apply in their assessment of potential impacts on statutory protected sites i.e. SSSIs and SACs.

With regards to Ancient woodland the data search identified 92 parcels of Ancient Woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0 _$lg-NH3/m3. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

The Report has been updated to include details with regards to the Grade II* Historic Garden and Ancient Trees identified on the Woodland Trust Inventory identified as present within 2km of the proposed development, the preliminary modelling indicates that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0 _$lg-NH3/m3 for the Grade II* Historic Garden and Ancient Trees. It is therefore considered that the potential impacts of the proposed development to the Grade II* Historic Garden and Ancient Trees are within the levels considered to be acceptable by recognised current guidelines.

It was also requested that the Report was updated to include assessment of the Local wildlife Site/SINC Y Frochas, this information does not appear to have been included within the report, however having reviewed the preliminary modelling information it is noted that receptor points 9, 10 and 11 are located at points surrounding the Y Frochas LWS/SINC. Having reviewed the predicted deposition rates to these points surrounding the LWS/SINC it is noted that the predicted process contributions would not exceed the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0 _$lg-NH3/m3. It is therefore considered that the potential impacts of the proposed development to the LWS/SINC are within the levels considered to be acceptable by recognised current guidelines.

An amended Manure Management Plan and associated maps produced by Roger Parry & Partners LLP (undated) uploaded to the portal on the 9th January 2020 has been submitted to inform the application. The amended plan identifies that there are insufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha - it has been identified that an agreement is in place for a minimum of 1500 tonnes of poultry manure (equating to 32,670kg of N) will be exported to a local farm for use in their AD Plant. The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations i.e., buffers of 10m have been provided to all watercourses, 50m buffer from wells and boreholes and no spreading will take place in these buffers, the 'no-spread' zones are considered to be in line with current guidelines. The plan includes details of contingency measures when spreading of manure is not possible i.e., wet, waterlogged or frozen conditions; in these instances, manure will be stored on a covered concrete pad at the farm, the MMP identifies that this shed has a dirty water system and an impermeable base as the shed used to be used for wintering cattle. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards and will be applied to the applicant's land by a vacuum tanker in accordance with the MMP. The amended MMP seeks to clarify the queries raised in my previous response to the application, details regarding the size of the

buffer proposed to be implemented on land adjacent to the Y Frochas Local Wildlife Site/SINC have been provided and it is noted that a 10m buffer is identified, the MMP maps have also been annotated to demonstrate the slope of the land in this area which identifies that the land slopes away from the LWS. Clarification has also been provided with regards to field parcel SJ20085452 and its suitability for spreading of manure. Subject to the site being operated in accordance with the amended manure management plan, it is considered unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed that they are satisfied with the identified MMP and associated contingency measures. I therefore recommend inclusion of a planning condition to secure implementation and adherence to the identified measures should you be minded to approve the application.

Details of amended drainage arrangements for the site have been provided on Drainage Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21st August 2019, as per the previous drainage proposals submitted these amended plans identify that dirty and clean water will be kept separate, however the amended details identify that the clean water will be discharged to the south east of the building - this amendment has been provided in order to address my comments with regards to the previous proposals which had identified discharge of clean water into the area of proposed planting to the south of the building and concerns were raised with regards to potential conflicts over this design between tree planting and drainage features, the amended proposals address these concerns and are considered to be acceptable. The submitted information identifies that dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being tankered out as necessary and applied to the land in accordance with the MMP. Clean water from roof and clean surfaces will be drained to stone infiltration trenches and a piped system each side of the buildings which is discharged to a soakaway. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank - the submitted plans identify the installation of a diverter valve to facilitate this requirement. Having reviewed the clean and dirty water drainage proposals it is consider that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment. In addition, NRW have confirmed that provided the development is built in accordance with the amended drainage plan, the proposal is unlikely to adversely impact the surrounding environment. I therefore recommend inclusion of a planning condition to secure implementation and adherence to the identified measures should you be minded to approve the application.

An amended Method Statement Pollution Prevention Plan for Land at Frochas Farm, Frochas, Welshpool document produced by Roger Parry & Partners LLP (uploaded to the Powys LPA Planning Portal on the 7th January 2020) has been submitted with the

application. I have reviewed the amended information and consider that the measures identified are appropriate and have been amended to be in line with current guidelines and best practice with regards to pollution prevention. In addition, NRW have reviewed the information and have stated that they consider that if the construction works and site operations are undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. I therefore recommend inclusion of a planning condition to secure implementation and adherence to the identified measures should you be minded to approve the application.

A Lighting Design Scheme produced by Roger Parry & Partners LLP undated has been submitted with the application. Having reviewed the information identified with the document it is considered that the principles and lighting design identified are considered to be acceptable i.e. the development will not require round the clock external lighting of the site and there will be no use of high intensity security lighting, the main building's gable ends will be lit externally with single low-wattage fitting (1 above each entrance i.e. 16 in total) of low intensity lighting during normal working hours in winter months and the identified lighting will be directed downwards and each light will be protected with a cowl to reduce light spill to surrounding areas. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Lighting Design Scheme to ensure compliance with the requirements of Powys LDP policy DM2 and DM7.

I note that details of landscaping proposals have been identified on the Proposed Landscaping Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21st August 2019, these include two areas of tree planting to the south and west of the proposed buildings and staggered tree planting to the south of the proposed access road as well as what appears to be a new hedgerow - whilst this feature has not been labelled on the submitted plan it is assumed that this hedgerow planting would be that identified as required as compensation for loss of 30m of hedgerow to provide the proposed access. The provision of landscaping planting in addition to the required compensation hedgerow planting is welcomed as in addition to providing a screening effect for the proposed development these features have potential to provide long term increased biodiversity benefits - biodiversity enhancement - in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016. The Environment (Wales) Act 2016 and PPW (Edition 10, December 2018) requires the LPA to seek to enhance biodiversity through the planning process, the need for identification of biodiversity enhancements has been clarified in the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.' Only limited details regarding the proposed woodland, tree and

hedgerow species and planting/maintenance/aftercare specifications have been provided. Therefore, it is recommended that in order to ensure that the proposed landscaping complies with the requirements of LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to the Ecological Qualities of the Landscape as well as Part 1 Section 6 of the Environment (Wales) Act 2016 a suitably worded planning condition to secure submission and implementation of an appropriate detailed landscaping scheme is included should you be minded to approve the application.

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

The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in Sections 6 and 7 of the Preliminary Ecological Appraisal Report produced by Arbor Vitae Environment Ltd dated 21st November 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

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

The development shall be carried out strictly in accordance with the mitigation, compensation and enhancement measures with regards to great crested newts as identified in the Mitigation and Conservation Scheme Report produced by Arbor Vitae Environment Ltd dated 20th May 2020. The identified measures shall be adhered to and implemented in full and maintained thereafter.

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

The development shall be carried out strictly in accordance with the details and measures identified in the following documents:

i. Amended Manure Management Plan and associated maps produced by Roger Parry & Partners LLP (undated) uploaded to the Powys LPA Planning Portal on the 9th January 2020;

ii. Drainage Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21/08/2019;

iii. Amended Method Statement Pollution Prevention Plan for Land at Frochas Farm,

Frochas, Welshpool document produced by Roger Parry & Partners LLP (uploaded to the Powys LPA Planning Portal on the 7th January 2020)

The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, DM4 in relation to ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Installation of external lighting features at the site will be carried out strictly in accordance with specifications identified in the Lighting Design Scheme - Erection of a Broiler Unit including silos and all associated works - Frochas Farm, Frochas Welshpool produced by Roger Parry & Partners LLP (undated) (uploaded to the Powys LPA Planning Portal on the 7th January 2020), the identified external lighting strategy shall be adhered to and implemented in full and maintained thereafter.

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

Notwithstanding the details submitted, prior to the commencement of development a detailed Native Landscaping Planting and Management Scheme building on the details set out in the Proposed Landscaping Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21st August 2019shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season following occupation of the development. The submitted Native Landscaping Planting and Management Scheme shall include the use of native species, details of the planting specification for hedgerow, staggered tree and woodland planting areas - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long-term retention. The approved measures shall be adhered to and 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 ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang+en

Great Crested Newts - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (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 2017 (as amended).

It is therefore an offence to:

o Deliberately capture, injure or kill a great crested newt;

o 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;

o Damage or destroy a great crested newt breeding site or resting place;

o Intentionally or recklessly disturb a great crested newt; or

o 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.

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 Schedule1 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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

o Intentionally kill, injure or take any bats.

o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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 (as amended) and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

Environmental Protection **24th Jan 2020**

It appears that there have been no changes or additional information provided to the questions I raised in the previous memo dated the 25th of July.

Odour

In fig 4 of the odour report, it shows 9 sources, 3 on each shed. I assume these are the extract vents. In other

documentation of the application (noise, photos) there are 12 fans on each shed totalling 36.

1. Could the agent confirm if 36 fans in place of 9 alters the modelling calculation?

I would have assumed even accounting for wind and 9 sources those fans placed in the middle of the units

would produce some impact on the model.

2. Could the agent explain in fig 6a why the immediate area around the extract fans are not the

densest sources of odour, especially on the most northern of the three units?

My concern is that if the modelling data is incorrect the dwelling called Pen y Dyffryn will be affected

greater than currently anticipated.

Noise

I have read through the additional noise information but cannot see any difference from the previous noise report. Could the agent please clearly idenftify where my question has been answered

On table A1, I note that the calculations do not include 36 fans running over night.

1. Could that calculation do undertaken.

My concern is that in hot summer months it is possible that more than 3 (9 in total) fans may be required to

operate even for short durations and this has not been considered in the calculation.

Water

There are 2 supplies within 50m of the areas on the maps, Fronhaul, and Frochas Far both are single

supplies one a borehole the other is a well.

The grid reference for these sources unknown, and should be confirmed by the agent.

2

There is also a supply just over 50m away which is Dingle Nurseries/Dingle House, Frochas which should

also be considered if alterations to the site is made.

I object to the application due to insufficient information being provided in the original and additional information.

UPDATED 25/01/21, Carwyn Jones

I have considered the additional information and have no objection to the application.

I would strongly recommend that the applicant consider a wider exclusion zone for manure spreading in the area above the private water supplies in the vicinity of the nurseries. Given the topography and unknown geology there is the potential for slurry to contaminate the wells.

Representations

The application was advertised through the display of a site notice and press advertisement. 351 contributors have comments on the application.

The 342 objections are summarised below;

- Detrimental impact on neighbour amenity in terms of noise, odour, light
- Detrimental impact on highway safety
- Harm to setting of listed buildings
- Harm to setting of historic park and garden
- Negative impact on the landscape and visual amenity
- Concerns regarding impact on watercourses and private water supplies
- Negative impact on users of nearby rights of way
- Development is detached from the main farm
- Development would be isolated industrial development in the countryside
- Inaccurate information submitted with the application
- Concerns regarding impact on biodiversity
- Negative impact on human health
- Concerns regarding animal welfare
- Concerns regarding nitrogen and ammonia
- Over concentration of intensive livestock installations in Powys
- Adverse impact on tourism in the area
- Adverse impact on neighbouring land uses
- Landscaping will take too long to screen the development
- Concerns regarding manure management and manure spreading
- Concerns regarding impact on air quality
- Scale of development is too large for the area
- Such a development so close to a large urban area is not acceptable
- Impact on rights of way
- Negative impacts on property values

The 9 supporting comments are summarised below;

- Increase in traffic would be minor and not a problem on the road network

- Amenity problems are not an issue on modern poultry units
- Support production of food in the UK

Planning History

App Ref	Description	Decision	Date
None as per GIS			

Principal Planning Constraints

Listed Buildings
Historic Park and Garden
Rights of Way
SSSI and SAC
Scheduled Monument

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
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
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	

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

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

The development exceeds the threshold set out in Schedule 1 and as such is EIA development.

Environmental Permitting Regulations 2010

The operations at the site require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be on site passes the threshold for an environmental permit. It is Natural Resources Wales' role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution.

A permit has been issued by NRW reference EPR/BB3093NX.

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.

Proposed Development

The development relates to the erection of three poultry units to house 150,000 broilers. Combined the buildings will measure approximately 71.4 metres in width, 115 metres in depth with an eaves height of 2.48 metres and a ridge height of 5.53 metres. Each building will have 12 ridge mounted fans. The buildings will be finished in juniper green box profile sheeting. The development will also include the provision of six associated feed bins measuring a maximum height of approximately 8.4 metres. Access will be provided via a new access off the C2045 with a new access track leading to the

development.

Site Location

The development will be in an area of open countryside approximately 1.3km to the west of the settlement of Welshpool. The main farm complex, Frochas Farm, and existing associated farm buildings are located approximately 198 metres to the north of the proposed development.

The site is currently an agricultural field with agricultural land immediately to the south, east and west with the C2045 to the north. Further to the west is the Dingle Nursery and to the south east the Llanerchydol historic park and garden and associated listed buildings.

Principle of Development

Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Technical Advice Note 6 (Planning for Sustainable Rural Communities) sets out the general requirements applied to all agricultural developments such as this proposal. 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. The principal planning considerations relating to this type of development is whether it would cause any unacceptable adverse effects upon Powys' landscape, or upon the natural environment. LDP Policy DM4 sets out the main considerations in terms of the impact of proposals upon the landscape, which will be assessed below.

In addition, policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses.

Planning Policy Wales (2018) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

It is generally accepted that poultry units on existing farm enterprises are an appropriate form of diversification. The applicant currently operates a traditional beef and sheep farming enterprise within Powys.

The application has also detailed that the family have concerns about the future of the

beef and sheep farming industry as well as wishing to aid the UK in being self-sufficient in poultry meat therefore reducing the need to import foreign produced poultry meat and thus reducing greenhouse gas from fossil fuel consumption in transportation of meat across the globe.

Therefore, subject to all other material planning matters being acceptable, the principle of development at this location is considered acceptable.

Having considered the details submitted in respect of the poultry unit, the principal matters considered relevant to determination are as follows;

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on the local amenity;
- The effect of the proposal on nature conservation interests and the environment;
- The effect of the proposal upon highway safety;
- The effect of the proposal on cultural heritage; and
- The effect of other considerations on the overall planning balance.

Landscape and Visual Impact

Policy SP7 and DM4 of the Powys Local Development Plan indicate that development proposals will only be permitted where they would not have an unacceptable adverse impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policies SP7 and DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

A review of Natural Resources Wales LANDMAP has designated the landscape as follows:
Geological Landscape – Outstanding
Landscape Habitat – Moderate
Visual and Sensory – High
Historic Landscape – Outstanding
Cultural Landscape – High

With regards to Visual and Sensory LANDMAP describes the area as 'An extensive area of rolling hillsides and pasture land with rounded hill tops. Vegetation is predominantly oak/mixed broadleaf woodland patches with well defined small field parcels with a high incidence of overgrown/mature hedgerow trees. Strong sense of place with settled, domestic quality to the setting and displaying a traditional farmed landscape. Traditional farming techniques are evident ie hedge laying and general farming practice is extensive rather than intensive.'

NRW's national landscape character areas describe the key characteristics of the Montgomery Hills and Vales as follows; A series of hills and valleys; a mix of both upland and lowland parts; a number of rivers; pastoral agriculture; hedgerows with trees; woodland; archaeology and patchwork of pastoral field and woodland.

A Landscape and Visual Impact Assessment of the development and associated infrastructure, including access track, which includes wireframes and photomontages has been submitted in support of the application.

Whilst acknowledging the scale of the proposed poultry unit in terms of floor area, the buildings are considered to have a relatively low profile reaching a maximum height of the approximately 5.53 metres. The tallest of the ancillary structures will be the feed silos that reach a height of 8.4 metres. The new access track will be screened by new landscaping. Given the location of the building, undulating character of the surrounding landscape together with existing and proposed landscaping, it is not considered that the siting of the proposed buildings and associated infrastructure will adversely affect the character and appearance of the landscape from visual receptors. LANDMAP acknowledges that farmsteads are a common feature of the aspect area and whilst Officers accept that a large scale agricultural development is proposed, it is considered that its siting and appearance will not significantly detract from the noted landscape qualities. The proposed access track will be screened with new landscaping and the hedgerow lost to create the access will be compensated and enhanced through additional hedgerow planting.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development, including ancillary structures and access track, is in accordance with planning policy. It is recommended that any consent is subject to appropriate conditions securing the implementation and retention of existing and proposed landscaping. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13 and E6 of the Powys Local Development Plan.

Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (extractor fans) and general operational activities whilst odour impact may potentially arise from the spreading of manure and cleaning of the unit at the end of the bird cycle.

In order to inform the assessment of potential impact on local amenity, the planning application is accompanied by an Environmental Statement with a chapter on amenity and noise and vibration, odour report and plant noise assessment. The applications is

also accompanied by a design and access statement and manure management plan.

The nearest non-associated sensitive receptors are as follows;

- Pen y Dyffryn - approximately 279 metres from the proposed poultry unit (north east)
- Flat above garage Dingle House – approximately 279 metres from the proposed poultry unit (west)
- Dingle Nurseries – approximately 387 metres from the proposed poultry unit (west)
- Fronhaul – approximately 439 metres from the proposed poultry unit (west)
- Frochas Hill Kennels – approximately 467 metres from the proposed poultry unit (west)
- Pwll y Glo Farm – approximately 641 metres from the proposed poultry unit (north east)
- Pwll y Glo Cottage - approximately 545 metres from the proposed poultry unit (north east)
- Lower Llanerchyddol – approximately 420 metres from the proposed poultry unit (south east)
- Ice House Llanerchyddol - approximately 480 metres from the proposed poultry unit (south)
- The Coach House Llanerchyddol – approximately 463 metres from the proposed poultry unit (south)
- Ramblers Barn - approximately 489 metres from the proposed poultry unit (south)
- Llanerchyddol Hall - approximately 502 metres from the proposed poultry unit (south)
- Pennant - approximately 617 metres from the proposed poultry unit (north)

Noise

The main noise emitting plant associated with the development will be the extractor fans. The plans indicate 36 mechanical extractor fans which will be used in hot weather. When all 36 fans are in operation it is considered that the noise level for Pen y Dyffryn would be around 33 dB(A) with all fans in operation.

The submission also includes the following mitigation measures in relation to noise;

- The adoption of the noise management plan attached to the appendices.
- Use of modern ventilation fans.
- Regular maintenance and repair or replacement of noisy equipment.
- Restriction of all vehicle movements other than bird removals outside the hours of 2300 and 0700.
- Insulation of sheds and provision of double glazing.
- Incorporating a noise baffle and fan canopy surrounding the ventilation fans.

Additional information was requested from Environmental Health, however following the submission of information the Council's Environmental Health Officer has confirmed that they had no objection to the proposed development with regards to noise.

Odour

In terms of odour impacts, the nearest sensitive receptor is approximately 279 metres to the north of the proposed unit. The application is supported by A Dispersion Modelling Study of the Impact of Odour from the Proposed Broiler Chicken Rearing Houses at Frochas Farm. This alongside the Environmental Statement and Design and Access Statement consider the issue of odour.

For assessing odour, poultry rearing is usually placed in the moderately offensive category. The odour report states that the Environment Agency's benchmark for moderately offensive odours (rebranded by NRW in 2014), a 98th percentile hourly mean of 3.0ou$_E$/m^3 over a one year period is used to assess the impact of odour emissions from the proposed poultry unit at potentially sensitive receptors in the surrounding area.

The odour report concludes that the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours, which is a maximum annual 98th percentile mean concentration of 3.0ou$_E$/m^3 at all residential receptors.

In addition, the application has been accompanied by a manure management report in which it is detailed that manure from the units can be stored within existing buildings at the farm when it cannot be applied to the land. Taking into account existing livestock numbers, holding area (excluding no spread areas) and the CoGAP guideline that livestock manure spreading should not exceed 250Kg/ha of total nitrogen per year, there will be a need to export some manure. The manure management plan confirms that agreements are in place to export a minimum of 1500 tonnes of poultry manure to an AD plant. Manure maps demonstrate the area to be spread on the holding and include areas not to be spread, and 10/50 metre buffers from watercourses and private water supplies.

The potential impacts of manure spreading is a material planning consideration. The fact that manure spreading for agricultural purposes does not require planning permission is also a material consideration in the planning balance but cannot be a substitute for a proper assessment of the impacts of manure spreading. Following review of the submitted manure management plan, it is considered that the frequency of spreading is relatively low.

Following consultation with Environmental Health they confirm that the application does not give cause for concern in respect of odour emissions.

Dust

Given the distances from sensitive receptors, it is considered unlikely that existing residents will be affected by dust from the development.

Following consultation with Environmental Health they confirm that the application does not give cause for concern in respect of dust.

Private Water Supplies

Concerns were raised with regards to the impact of the proposed development on the private water supplies.

Following the submission of an amended manure management plan detailing the 50 metre buffers Environmental Health confirmed that they were content with the amended information.

Whilst they have offered no objection EHO have stated that consideration should be given by the land owner to increasing the buffers to private water supplied near the nursey due to the topography of the land. However Officers note that the land to be spread in the vicinity of these PWS is across a road and already benefits from an existing buffer, as such, in the absence of a formal objection from EHO on this matter it is considered that the manure management plan is acceptable in terms of impact on private water supplies.

Amenity Conclusion

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of noise, odour or dust or upon the quality of existing private water supplies, both in terms of individual and cumulative impact. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policies DM13, DM14 and DM2.

<u>Biodiversity, Ecology & The Environment</u>

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.

SSSIs and SACs

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). In their consultation response,

Natural Resources Wales (NRW) confirm that an assessment of the potential air quality impact of a unit on European sites, designated as Special Areas of Conservation (SACs), and Sites of Special Scientific Interest (SSSIs) has been undertaken under the thresholds introduced on the 1st April 2017. NRW assess the air quality impact a unit may have on European protected sites and SSSIs within a screening distance of 5km of the unit. The application is accompanied by an ammonia dispersion and deposition modelling report which identifies the protected sites and the potential impact from the proposed development.

The following national statutory designated sites are present within 5km of the proposed development:

- Bron-y-Buckley Wood SSSI (1.80km to the West)
- Lower Garth Meadows SSSI (2.51km to the North East)
- Gungrog Flash SSSI (3.06km to the East)
- Gwern-y-Brain Dingle SSSI (4.80km to the North East)
- Leighton Bat Roosts SSSI (4.94km to the South East)

The following international statutory designated sites are present within 5km of the proposed development:

- Granllyn SAC (3.66km to the East)
- Montgomery Canal Special Area of Conservation (SAC)

The background ammonia concentrations (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 2.16µg/m3. The background nitrogen deposition rate to woodland is 30.24kgN/ha/yr and to short vegetation is 18.35kgN/ha/yr. The source of this information is Air Pollution Information System (APIS, April 2018).

An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018. Following review of the application documents, detailed modelling report and extant environmental permit, NRW confirm that they are satisfied the process contributions of ammonia and nitrogen deposition from the proposed unit are below the thresholds NRW applies in their assessment of potential impacts on SSSIs and Special Areas of Conservation (SAC).

The Powys Ecologist agrees with this assessment. As such there is considered to be no likely significant effect on the SAC.

On the basis of the responses received, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard

protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

An amended Preliminary Ecological Appraisal Report produced by Arbor Vitae Environment Ltd dated 21st November 2019 and Mitigation and Conservation Scheme produced by Arbor Vitae Environment Ltd dated 20th May 2020 have been submitted to support the application, the amended report and Mitigation and Conservation Scheme have been produced in order to address comments received from Powys Ecology and NRW in relation to the previous version of the report with regards to the proposed development and potential impacts to features of biodiversity value including European protected species.

Further surveys to provide the required information were undertaken in April 2020, the details of these additional surveys have been provided in the Mitigation and Conservation Scheme Report produced by Arbor Vitae Environment Ltd dated 20th May 2020, the Report identifies that samples taken from the nearest pond to the proposed development confirmed the presence of GCN eDNA and as such GCN are present in proximity to the proposed development. The Report identifies that discussions held with NRW confirmed that a derogation licence would be required for the development.

A mitigation strategy has been identified with regards to the proposed development which includes temporary exclusion of GCN from the development site through the use of exclusion fencing and trapping/ relocation surveys using pitfall traps and artificial refugia, hand searches, destructive searches prior to works commencing, sensitive timing of works, supervision of sensitive works by an Ecological Clerk of Works, creation of two new hibernacula sites and two ponds as well as additional planting associated with landscaping requirements and compensation planting for hedgerow removal which would also provide improved habitat opportunities for GCN.

The Report identifies that the proposed development will result in loss of 0.726ha of terrestrial habitat (predominantly low-quality habitat i.e., 0.72ha arable land) and it is proposed to create 1.06ha of high-quality habitat (including both aquatic and terrestrial habitat features) which would result in a 33% increase in high quality habitat availability for GCN at the site. Having reviewed the identified measures with regards to mitigation, compensation and enhancement in relation to great crested newts the Powys Ecologist considered that the measures proposed are appropriate and achievable and are satisfied that subject to adherence to the identified Mitigation and Conservation Scheme the proposed development would not result in a negative impact to the favourable conservation status of the population of GCN in its natural range. In addition, NRW have confirmed in their response that they are satisfied with the details of the scheme identified in respect of GCN.

In addition the Preliminary Ecological Assessment Report identifies that the loss of 30m of roadside hedgerow to create a new access to the proposed development will be mitigated by the planting of approximately 150 meters of native species hedgerow. Further compensatory habitat will be created by the planting of approximately one

hectare of native woodland. Ecological enhancement will include fencing and protection of the veteran oak and planting of new oaks in the defunct hedgerow.

Following consultation with NRW and the Powys Ecologist no objections are raised with regards to protected species subject to the adherence with recommendations and conditions contained within their responses which will be attached to any consent.

The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Ancient Woodland, Ancient Trees and Local Wildlife Site/SINC

With regards to Ancient woodland the data search identified 92 parcels of Ancient Woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0 µg-NH3/m3. The Powys Ecologist therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

The Report has been updated to include details with regards to the Grade II* Historic Park and Garden and Ancient Trees identified on the Woodland Trust Inventory identified as present within 2km of the proposed development, the preliminary modelling indicates that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0 µg-NH3/m3 for the Grade II* Historic Garden and Ancient Trees. The Powys Ecologist therefore considered that the potential impacts of the proposed development to the Grade II* Historic Garden and Ancient Trees are within the levels considered to be acceptable by recognised current guidelines.

The Powys Ecologist also requested that the Report was updated to include assessment of the Local wildlife Site/SINC Y Frochas, this information does not appear to have been included within the report, however having reviewed the preliminary modelling information it is noted that receptor points 9, 10 and 11 are located at points surrounding the Y Frochas LWS/SINC. Having reviewed the predicted deposition rates to these points surrounding the LWS/SINC the Ecologist noted that the predicted process contributions would not exceed the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0 µg-NH3/m3. The Powys Ecologist therefore considered that the potential impacts of the proposed development to the LWS/SINC are within the levels considered to be acceptable by recognised current guidelines.

In light of the above, it is considered that the impacts on ancient woodland, ancient

trees and SINC can be appropriately managed to ensure that there is not an unacceptable impact on these non-statutory designated sites.

Pollution Control

Officers acknowledge that the proposal has the potential to pollute the environment through the spreading of manure, surface water runoff and associated construction and operational activities unless suitable control/mitigation measures are implemented.

An amended Manure Management Plan and associated maps produced by Roger Parry & Partners LLP (undated) has been submitted to inform the application. The amended plan identifies that there are insufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha – it has been identified that an agreement is in place for a minimum of 1500 tonnes of poultry manure (equating to 32,670kg of N) which will be exported for use in an AD Plant. The plan includes details of 'no-spread' zones in accordance with the CoGAP recommendations i.e., buffers of 10m have been provided to all watercourses, 50m buffer from wells and boreholes and no spreading will take place in these buffers, the 'no-spread' zones are considered to be in line with current guidelines.

The plan includes details of contingency measures when spreading of manure is not possible i.e., wet, waterlogged or frozen conditions; in these instances, manure will be stored on a covered concrete pad at the farm, the plan identifies that this shed has a dirty water system and an impermeable base as the shed used to be used for wintering cattle. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards and will be applied to the applicant's land by a vacuum tanker in accordance with the plan. The amended Manure Management Plan seeks to clarify the queries raised by Powys Ecology in their initial response to the application, details regarding the size of the buffer proposed to be implemented on land adjacent to the Y Frochas Local Wildlife Site/SINC have been provided and it is noted that a 10m buffer is identified, the MMP maps have also been annotated to demonstrate the slope of the land in this area which identifies that the land slopes away from the Local Wildlife Site.

Subject to the site being operated in accordance with the amended manure management plan, the Powys Ecologist considered it unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed that they are satisfied with the identified Manure Management Plan and associated contingency measures.

Details of amended drainage arrangements for the site have been provided on Drainage Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21st August 2019, the plans identify that dirty and clean water will be kept separate, clean water will be discharged to the south east of the building – this was an amendment

following concerns raised by the Powys Ecologist which had identified discharge of clean water into the area of proposed planting to the south of the building and concerns were raised with regards to potential conflicts over this design between tree planting and drainage features, the amended proposals address these concerns and are considered to be acceptable.

The submitted information identifies that dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being tankered out as necessary and applied to the land in accordance with the Manure Management Plan. Clean water from roof and clean surfaces will be drained to stone infiltration trenches and a piped system each side of the buildings which is discharged to a soakaway. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank – the submitted plans identify the installation of a diverter valve to facilitate this requirement. Having reviewed the clean and dirty water drainage proposals the Powys Ecologist consider that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment. In addition, NRW have confirmed that provided the development is built in accordance with the amended drainage plan, the proposal is unlikely to adversely impact the surrounding environment.

A Method Statement and Pollution Prevention Plan has been submitted with the application. NRW and Ecology have reviewed the information and have stated that the considered that if the development is undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment.

Having carefully reviewed the information submitted, both NRW and the Powys Ecologist have confirmed that subject to appropriate conditions being attached securing adherence to the submitted documents, it is not considered that the proposed development would have an unacceptable adverse impact on the surrounding environment by reason of pollution.

Enhancements

Details of landscaping proposals have been identified on the Proposed Landscaping Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21st August 2019. These include two areas of tree planting to the south and west of the proposed buildings and staggered tree planting to the south of the proposed access road as well as what appears to be a new hedgerow. The provision of landscaping planting in addition to the required compensation hedgerow planting is welcomed as in addition to providing a screening effect for the proposed development these features have potential to provide long term increased biodiversity benefits – biodiversity enhancement – in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016.

Further ecological enhancements will include fencing and protection of the veteran oak

and planting of new oaks in the defunct hedgerow.

The Powys Ecologist has reviewed the submission and considers the enhancements to be acceptable subject to a condition requiring further details and their implementation being attached to any grant of consent.

Biodiversity, Ecology & the Environment Conclusion

Having carefully considered the proposed development, including associated development and access track, Development Management does not consider that the proposed development will have an unacceptable adverse impact on designated sites, protected species or the environment, both in terms of individual and cumulative impact. In addition, appropriate levels of biodiversity enhancements have been included within the application. As such, the proposal is considered to be in accordance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5, Planning Policy Wales and the Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016.

Highway Safety and Movement

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 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.

The proposed development is located approximately 1.6km from the junction of the A490/C2045. Access to the site will be provided by a new access from the C2045. The proposed development will necessitate an approximate 671.6 additional movements which are broken down as follows;

Bedding delivery – 15.2 movements per annum
Chick delivery – 42 movements per annum
Feed delivery - 280 movements per annum
Fallen stock – 46 movements per annum
Fuel delivery – 15.2 movements per annum
Bird collection – 273.2 movements per annum

The above provides a worst case scenario for movements and is based on 7.6 flock cycles per annum.

The Highways Authority have commented that the C2045 is an established HGV route

being the main route of access to the Dingle Nursery, to the west of the site. The Dingle Nursery operates its own fleet of articulated HGVs and also have deliveries by the same type of vehicle. The Highways Authority commented that due to the existing HGV movements the likelihood of conflicts will increase.

The application proposed the construction of two HGV sized passing places. The Highways Authority consider that the addition of two HGV passing bays along with the existing formal and informal passing places will reduce the likelihood of conflict to an acceptable level.

As such, the Highways Authority do not object to the proposed development subject to conditions securing the passing bays and other highway matters such as visibility splays and the construction of the new access.

Due to the proximity of the site to the A458 the Welsh Government Trunk Road were consulted on the application. Their response advised that they do not issue a direction on the application.

Given the comments received from the Highway Authority and Welsh Government, it is considered that the proposed development will not have an unacceptable adverse impact on highway safety and movement. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

Cultural Heritage

Policy SP7 of the Powys Local Development Plan requires proposed developments to not unacceptably affect strategic resources and assets. A list of such resources and assets are provided within this policy and this contains Listed Buildings, Scheduled Monuments and Registered Historic Park and Garden. This is echoed by Technical Advice Note 24 which requires that the setting of these to be considered in the determination of planning applications.

The application is in close proximity to the following cultural heritage assets;

Listed Buildings
Cadw ID 7736 grade ll* Llanerchydol Hall included on the statutory list on 25/04/1950
Cadw ID 7737 Llanerchydol Hall Stable Block included on the statutory list on 11/03/1981
Cadw ID 7743 Lower Llanerchydol included on the statutory list on 11/03/1981

Scheduled Ancient Monument
Scheduled Ancient Monument MG131 Tan y Clawdd Camp

Registered Historic Park and Garden

Llanerchydol Hall Registered Historic Park and Garden – grade ll*

Listed Buildings
The Planning Authority is required 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.

The closest listed buildings to the development are Lower Llanerchyddol, located approximately 420 metres to the south east of the site and Llanerchyddol Hall Stable block, located approximately 450 metres to the south of the site.

The Powys Built Heritage Officer has reviewed the submission and in particular the heritage reports and LVIA. The Officer concludes their comments as follows;

'Given the topography of the land it is considered that the buildings are well sited to enable them to be integrated into the landscape. Nevertheless the Cadw guidance Conservation Principles advises that "Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets"

Given the topography and the parkland nature of much of the adjoining land it is considered that significant planting at appropriate locations would significantly minimise any impact of the proposal. The Cadw guidance Setting of Historic Assets in Wales addresses trees in section 4.4 and section 6 of the guidance suggests enhancement measures.

With that in mind I would request appropriate and robust conditions in terms of landscaping in accordance with the submitted plans be imposed.

Noting the orientation of the listed buildings identified and assessed above, their outlook and the principal views of these buildings, and noting the topography and the siting of the proposed units it is not concluded that the proposed broiler units would harm the setting of; Cadw ID 7736 grade ll* Llanerchydol Hall, Cadw ID 7737 Llanerchydol Hall Stable Block, Cadw ID 7743 Lower Llanerchydol, or the curtilage listed buildings of the icehouse, gardeners cottage, the dog kennels and Llanerchydol Home Farm to the west of the stables.'

As such it is considered that the proposed development, including associated development and access track, would not harm the setting of nearby listed buildings and is therefore in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Wales, Technical Advice Note 24 and policy SP7 of the Powys Local Development Plan.

Scheduled Monuments

There are a number of Scheduled Monuments within 5km of the site, the closest being Tan y Clawdd Camp. Tan Y Clawdd Camp is described as 'A roughly oval enclosure,

c.68m by 48m, obliterated by farm buildings on the E, defined elsewhere by three lines of ramparts.'

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is not considered to have any direct or indirect impact on Scheduled Monuments or archaeology. Cadw, as the statutory consultee for Scheduled Monuments, have been consulted on the application and have offered no comment.

As such it is considered that the proposed development would not harm the setting of nearby Scheduled Monuments and is therefore in accordance with Planning Policy Wales, Technical Advice Note 24 and policy SP7 of the Powys Local Development Plan.

Registered Historic Park and Garden

Planning Policy Wales identifies that local planning authorities should protect and conserve parks and gardens, and their settings, included in the register of historic parks and gardens in Wales. Whilst inclusion in the register does not introduce any new consent regimes, registered historic parks and gardens, and their settings, may be protected through the planning system.

It is for the applicant to show that they understand the significance of the registered park or garden and the impact that the proposal is likely to have on it. It is for the local planning authority to consider if the impact is likely to be unacceptably damaging.

The grade II* registered historic park and garden at Llanerchydol Hall is located approximately 270 metres to the south east of the proposed development. Consultation was undertaken with Cadw and the Welsh Historic Gardens Trust. Both organisations raised objections to the proposed development regarding its impact on the setting of the registered historic park and garden.

Within Cadw's objections concerns were raised regarding the impact of odour and ammonia and nitrogen depositions on the setting of the park and garden. These concerns were raised with Cadw and their methodology for assessing such impacts was requested, unfortunately Cadw do not have a methodology for assessing such impacts nor do they have any internal experts who would be able to comment on any information relating to these aspects of their objections. The Officer and Cadw held discussion regarding EHO and Ecology and their assessment of impacts. Properties within the park and garden have been assessed as sensitive receptors for the purposes of noise and odour and no objections raised by EHO. Additionally, as advised above, ammonia reports were amended to include ancient trees within the park and garden and this information was deemed acceptable to ecology. As such it is considered that these elements of Cadw's concerns have been addressed in the amenity and biodiversity section of this report and have been deemed acceptable.

Following the concerns raised regarding the setting of the park and garden further work was undertaken by the applicant to demonstrate to Cadw that there would be no harm to its setting. The applicant sought discussions with Cadw to discuss their concerns however Cadw advised that they did not consider that discussing the information with the applicant's heritage consultants was necessary and advised that it would be for the Local Planning Authority to proceed with considering the information.

The application is supported by a number of documents including a Landscape and Visual Impact Assessment which includes cultural heritage assets and Setting Report. The applicant has sought to overcome the concerns raised by Cadw with regards to assessing the setting from the edge of the gardens however have not been given access by the landowners in order to undertake additional assessments.

In their final response Cadw highlight 5 points that they consider remain outstanding.

They advise that they consider that the conclusion of the setting report underestimates the adverse impact of the registered park and garden; that the visual impact from the edge of the gardens has not been assessed; the photomontages do not demonstrate the whole development and only show one building; the mitigation planting alters the backdrop to the registered park and is unlikely to screen the development in winter months; and that other factor such as noise and odour contribute to the setting.

A full assessment in line with Cadw's published guidance was undertaken by Trysor, including site visits, to undertake their Setting Report. The report concludes that the impact on the park and garden would be as follows;

'a Low Negative to Moderate Negative visual impact on parts of the parkland, and an overall Very Low to Low Negative impact on the setting of the parkland which would be gradually reduced to Very Low Negative or Neutral by new tree-planting on a bund to be constructed along the southern edge of the development site. The poultry unit will also be painted dark green to help it blend into the local landscape.'

Cadw guidance states that Setting is not itself a historic asset, though land within a setting may contain other historic assets. The importance of setting lies in what it contributes to the significance of a historic asset.

From reviewing the submitted information, the photomontages, setting report, Cadw's comments and the objections from the Welsh Historic Gardens Trust, Officers consider that the proposed development, including access track, has been thoroughly assessed. The submitted information demonstrates that the development, being low lying in nature with additional planting being provided, would not harm the setting of the registered historic park and garden.

With regards to the visual impact from the edge of the garden not being assessed due to issues with access the submission details that the only significant view which could not be assessed on the ground was that from the sunken garden and its immediate

environs to the northeast of the hall. However, the submission demonstrates that the reverse view has been assessed. The reverse view demonstrates that a shelter belt of trees has existed along the north side since the early 19th century and that the development and the sunken garden are not intervisible. The submission demonstrates that existing mature landscaping around this area would screen any views towards Frochas and the proposed development.

Cadw assert that the photomontages do not demonstrate three buildings but one building. Officers have assessed the submission and the associated wireframes and can see that three buildings are demonstrated on the photomontages. Due to the angle of some of the viewpoints where a side view of the development is shown, this can appear as a single building but this is due to the fact the other units are located behind this.

Whilst Cadw's comments regarding the landscaping are noted it is considered that the area is surrounded by small trees and mature hedgerows. As advised in the landscape impact section the area is characterised by LANDMAP as an area where vegetation is predominantly oak/mixed broadleaf woodland patches with well defined small field parcels with a high incidence of overgrown/mature hedgerow trees. The submitted LVIA also demonstrates that trees and hedgerows are a common theme in the wider landscape. It is considered that the submission demonstrates sensitive landscaping that will aid in softening the impact of the development in such a way that it would not harm the setting on the historic park and garden.

Officers have also reviewed the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales book produced by Cadw which provides information on the Llanerchydol Historic Park and Garden and also contains a map identifying its essential setting and its significant views in and out of the park and garden. Upon reviewing this the proposed development lies adjacent but outside the essential setting of the park and garden. The significant views also demonstrate that these look towards the Hall located to the south of the site and away from the hall to it south east, east and north east. The proposed development lies to north of the hall and therefore not within any of the significant views as defined by Cadw.

Whilst the comments from Cadw are noted it is considered that the application has provided sufficient information to demonstrate that the proposed development would not harm the setting of the historic park and garden.

Cultural Heritage Conclusion

Having considered the potential impact of the proposed development on cultural heritage assets, it is concluded that the proposed will not have an unacceptable adverse impact on the setting of listed buildings, scheduled monuments or the registered historic park and garden. In light of the above, Officers consider the proposed development to be in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990, policy SP7 of the Local Development Plan, TAN24 and Planning Policy

Wales.

Rights of Way

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

The proposed development would involve the extinguishing of two rights of way which the development would be located on (261/L14/1 and 261/L13/2) and would be in close proximity to a number of other rights of way, including the Glyndwr's Way located approximately 488 metres to the south of the proposed development.

Powys Countryside Services have commented on the application, providing objections due to the fact that two footpaths will need to be extinguished and diverted. They advise that contact is made with Countryside Services to seek a mechanism whereby the public footpaths might be diverted to facilitate the proposed development. A plan has been submitted with the application to demonstrate that a diversion can be undertaken successfully, however it is Officers understanding that discussions are ongoing with Countryside Services and that an application to divert the right of way will be made if the planning application is approved.

Whilst concerns raised over the impact of the development on users of the nearby rights of way, tourism and visitors are noted, it is considered that sufficient distance is retained between the proposed development and the public rights of way as well as landscaping to those rights of way nearer to the site to ensure that the development would not negatively impact upon any users. The buildings will be seen in the wider landscape with the farm complex of Frochas and Dingle Nursery. The LVIA has also considered viewpoints along the Glyndwr's Way that demonstrates that whilst the development will be visible, it would not have a detrimental impact on users of the rights of way who will see the development between interspersed trees and against a backdrop of fields.

As such it is considered that the proposed development complies with policy DM13 of the Powys LDP.

Cumulative Impact

Within a letter to all Chief Planning Officers dated 12th June 2018, Welsh Government highlighted the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, it states, *'while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account'.*

It also states that *'Intensive agricultural units particularly pig and poultry farms, can*

affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise.'

All material planning matters have been considered taking into account cumulative impacts where these are relevant to the development, the site, its context and the issue being considered. It is recognised that that there are existing and operating large scale poultry business within the locality of the proposed unit, the closest being at Golfa Farm 1km from the development.

Planning Balance

It is recognised that there are arguments both for and against the sustainability of intensive livestock units in the UK as well as the overall impact of the development on the environment and local populations. All development has an impact and it is the role of the planning authority to assess whether the impact is acceptable or unacceptable taking into account material planning matters.

The application is in respect of a development to accommodate 150,000 broilers at Frochas Farm. Having been assessed by Development Management and taking into account the comments of consultees, the development is not considered to unacceptably adversely affect the environment subject to adherence of the information submitted with the application which will be controlled via the conditions detailed 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.

Placemaking and Wellbeing Goals

Planning Policy Wales (10th Edition) was amended following the 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 due to the following;

- The development will aid in the sustainable growth of an existing farming enterprise to the benefit of the rural economy
- The development will ensure 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
- The development promotes UK self sufficient food production
- Enhances the biodiversity and aids in moving towards resilience
- Promotes and diversifies our rural economy to ensure it is fit for future and economically sustainable

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 application is supported by an Environmental Statement with a chapter on Air Quality, Health and Climate. In this the statement advises that the poultry development would result in emissions of carbon dioxide, However, the fossil-origin carbon dioxide emitted from the proposed facility would be off set as a result of avoided emissions from a reduction of transportation via air travel using fossil fuels. The submission states that the proposal aids in the moving forward of the UK to self sufficiency in the poultry sector. The development also provides solar panels to generate renewable energy.

The development is also considered to be resilient to climate change in that it has built in a provision for climate change in its surface water management as potential increases in storm severity associated with climate change may increase rainfall depths by 20%.

As such, it is considered that the submission has considered climate change.

Recommendation

In light of the above, the development is considered to comply with both national and local planning policies and legislation and is therefore recommended for approval subject to the conditions outlined below.

The information submitted within the Environmental Statement has been considered in full in reaching the decision made on this application.

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 approved plans and documents: GD-MZ227-01 dated 21/08/2019; GD-MZ227-02; GD-MZ227-03; GD-MZ227-05; GD-MZ227-06; GD-MZ227-07; GD-MZ227-08; GD-JTO/01 Rev B; Proposed Landscaping Plan; Environmental Statement dated

December 2019; Non-Technical Summary dated December 2019; Mitigation and Conservation Scheme prepared by Arbor Vitae dated 20/05/20; Lighting Design Scheme; Method Statement Pollution Prevention; A Dispersion Modelling Study of the Impact of Odour from the Proposed Broiler Chicken Rearing Houses at Frochas Farm prepared by AS Modelling & Data Ltd dated 13th July 2018; A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Houses at Frochas Farm prepares by AS Modelling & Data Ltd dated 13th July 2018; Preliminary Ecological Appraisal prepared by Arbor Vitae dated 21/11/2019; Landscape and Visual Impact Assessment prepared by Viento Environmental Limited dated February 2019; Manure Management Plan; Impact on Setting of Llanerchydol Historic Park and Garden prepared by Trysor dated December 2019; Design and Access Statement dated December 2019; Plant Noise Assessment prepared by Matrix dated 30th January 2019; Noise Management Plan . The measures identified shall be adhered to, implemented in full and maintained thereafter.

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

4. 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.

5. The poultry units hereby approved shall be limited to occupation by 150,000 broilers.

6. The external cladding of the buildings and the feed silos shall be Juniper Green in colour for the lifetime of the development. The external elements of the mechanical fans shall also be Juniper Green or Black in colour for the lifetime of the development.

7. The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in Sections 6 and 7 of the Preliminary Ecological Appraisal Report produced by Arbor Vitae Environment Ltd dated 21st November 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

8. The development shall be carried out strictly in accordance with the mitigation, compensation and enhancement measures with regards to great crested newts as identified in the Mitigation and Conservation Scheme Report produced by Arbor Vitae Environment Ltd dated 20th May 2020. The identified measures shall

be adhered to and implemented in full and maintained thereafter.

9. The development shall be carried out strictly in accordance with the details and measures identified in the following documents:

    a. Amended Manure Management Plan and associated maps produced by Roger Parry & Partners LLP (undated) uploaded to the Powys LPA Planning Portal on the 9th January 2020;
    b. Drainage Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21/08/2019;
    c. Amended Method Statement Pollution Prevention Plan for Land at Frochas Farm, Frochas, Welshpool document produced by Roger Parry & Partners LLP (uploaded to the Powys LPA Planning Portal on the 7th January 2020)

    The measures identified shall be adhered to and implemented in full and maintained thereafter.

10. Installation of external lighting features at the site will be carried out strictly in accordance with specifications identified in the Lighting Design Scheme – Erection of a Broiler Unit including silos and all associated works – Frochas Farm, Frochas Welshpool produced by Roger Parry & Partners LLP (undated) (uploaded to the Powys LPA Planning Portal on the 7th January 2020), the identified external lighting strategy shall be adhered to and implemented in full and maintained thereafter.

11. Notwithstanding the details submitted, prior to the commencement of development a detailed Native Landscaping Planting and Management Scheme building on the details set out in the Proposed Landscaping Plan drawing no. GD-MZ227-06 produced by Roger Parry & Partners LLP dated 21st August 2019 shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented in the first planting season following occupation of the development. The submitted Native Landscaping Planting and Management Scheme shall include the use of native species, details of the planting specification for hedgerow, staggered tree and woodland planting areas - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long-term retention. The approved measures shall be adhered to and implemented in full and maintained thereafter.

12. The development shall be carried out in accordance with drawing numbers GD-JTO/01 Rev B & GD-MZ227-05.

13. 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. 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.

14. 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 43 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.

15. Upon formation of the visibility splays as detailed in condition 14 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.

16. Upon construction of the access as Condition 14 above, shall be not less than 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.

17. 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 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.

18. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.

19. 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 or (a suitably bound material which is to be approved in writing by the LPA) 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.

20. Prior to any works being commenced on the development site the applicant shall construct two HGV passing bay shown on the approved drawing GD-JTO/01 Rev

B. The passing bays shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

21. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 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.

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

23. Any vehicular entrance gates installed within the application site 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 approved plans and documents in the interests of clarity and a satisfactory development.

3. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (2018).

4. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (2018).

5. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (2018).

6. In the interests of amenity and a satisfactory development in accordance with polices DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 and Planning Policy Wales (Edition 10, 2018).

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

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

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

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

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

12. In the interests of highway safety in accordance with polies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

13. In the interests of highway safety in accordance with polies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

14. In the interests of highway safety in accordance with polies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

15. In the interests of highway safety in accordance with polies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

16. In the interests of highway safety in accordance with polies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

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23. In the interests of highway safety in accordance with polies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

Informatives

Highways

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. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

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

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

Further advice on the above highway matters can be obtained from:-
http://www.powys.gov.uk/en/roads-transport-parking/
street.works@powys.gov.uk
Street Works
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG
0845 6027035

Ecology

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang+en

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (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 2017 (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.

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 Schedule1 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.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a

bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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 (as amended) and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

Wales and West

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Natural Resources Wales 12/08/20

Environmental Permitting Regulations
An Environmental Permit referenced EPR/BB3093NX for 150,000 birds was issued for the site on 26/11/2018.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

The written consent of NRW or registration for exemption by the developer will be

required for any discharge (e.g. foul drainage to watercourse/ditch etc.) from the site and may also be required for certain discharges to land. All necessary NRW consents or exemptions will need to be obtained prior to works progressing on site.

Advice on poultry units
Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en

Abstractions
Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en

Discharges
The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en

Groundwater
We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution".

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Land Drainage

The construction area is greater than 100m2 and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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

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

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

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

Rights of Way

o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc…

o Landscaping & Surfacing - .Advice will need to be sought before interfering or surfacing a public right of way.

o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

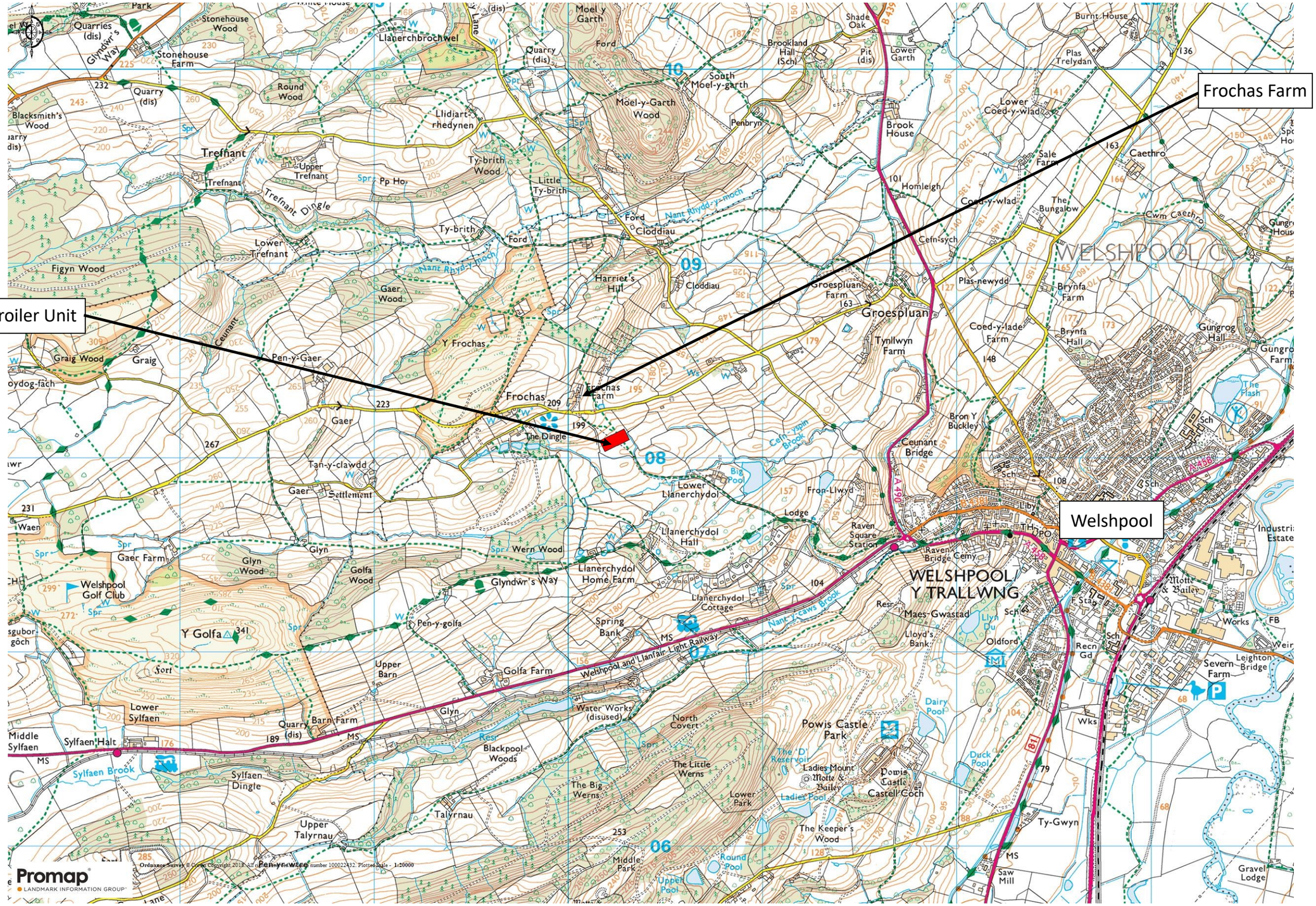
o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.

o Legal Diversion - If development directly affects a public right of way, the developer will need to seek 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.

_____

Case Officer: Tamsin Law, Principal Planning Officer
Tel: 01597 827230 E-mail: tamsin.law@powys.gov.uk

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



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email: welshpool@rogerparry.net

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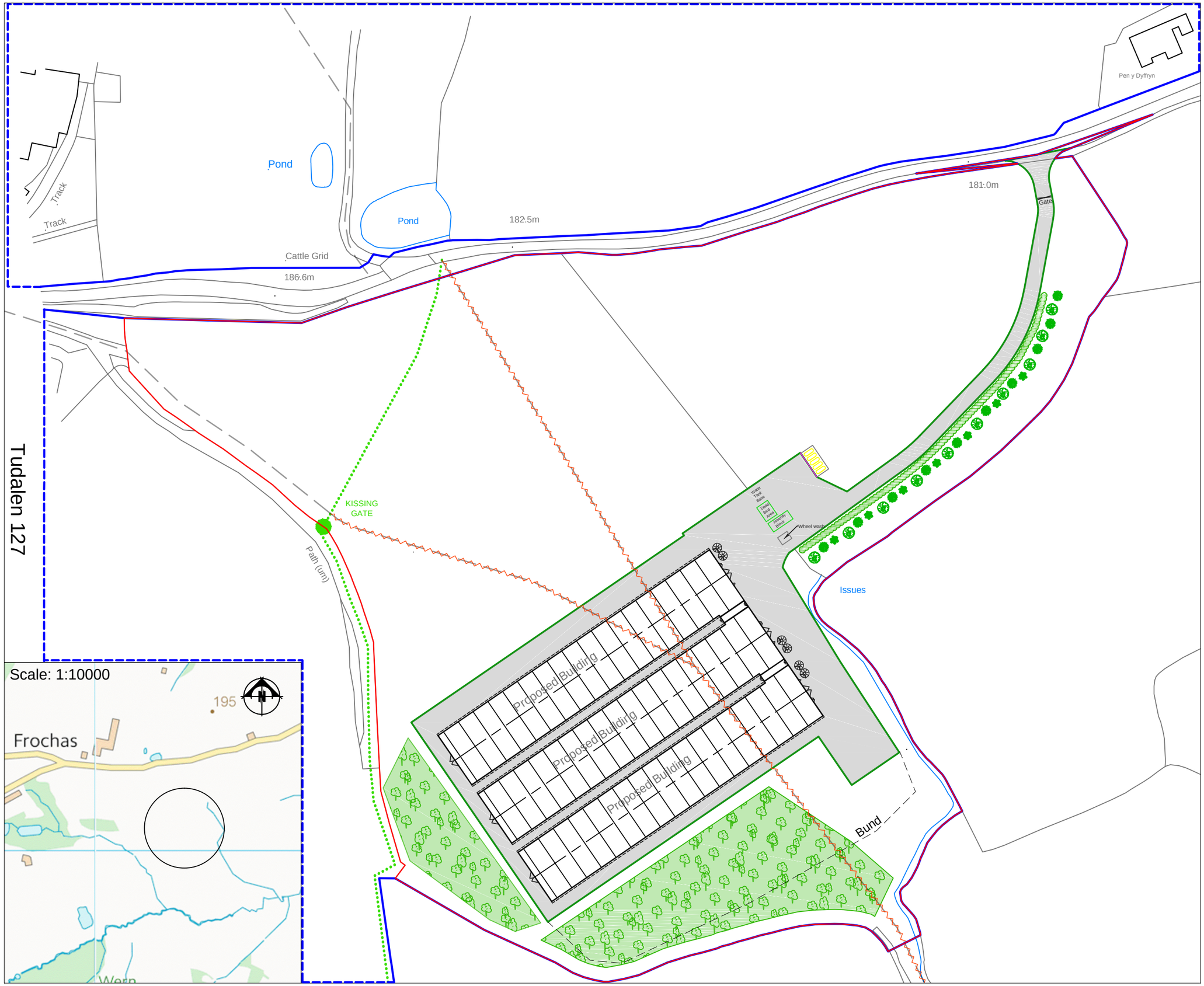
JOB:	Erection of a Broiler unit, silos and associated works
CLIENT:	J T Owen & Co
TITLE:	Site Location in Relation to Area
LOCATION:	Frochas Farm, Frochas, Welshpool
SCALE:	1:20,000 at A3
DATE:	December 2018
DRAWING NO:	AT-JTO-08
DRAWN BY:	AT

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



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- Blue Boundary
- Red Boundary
- Existing footpath
- Proposed diversion of footpath
- Green Boundary
- Footpath to be extinguished

Rev	Description	Date	Dr by	App by

Original by

Roger Parry & Partners

Residential - Agricultural - Commercial

Job	Proposed broiler unit
Title	Location Plan
Location	Owen - Frochas
Client	.
Scales	1:1250 @ A3
Drawing No.	GD-MZ227-01
Drawn by	AZ
Date	21/08/2019

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Delegated List

49 Applications

Excel Version

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abermule And Llandyssil Community	Approved Subject to a Section 106	30/01/2020	20/0081/FUL	Full Application	26/01/2021	Erection of a dwelling, creation of vehicular access, installation of a package treatment plant, and all associated works	Land Opposite Parkside Abermule Montgomery Powys
	Consent	18/11/2020	20/1792/HH	Householder	14/01/2021	Demolition of porch and erection of conservatory	Whym Abermule Montgomery SY15 6JJ
Banwy Community	Approve	20/11/2020	20/1872/FUL	Full Application	22/01/2021	Erection of a building to include the installation of 696kW Ground Source Heat Pump	Land At Two Poultry Units At Land East Of B4395 Llangadfan Welshpool Powys
	Consent	26/06/2020	20/0936/FUL	Full Application	14/01/2021	Siting of five holiday pods and all associated works	Garden Rear Of Cann Office Hotel Llangadfan Welshpool SY21 0PL
Bausley With Criggion Community	Approve	03/12/2020	20/1880/REM	Removal or Variation of Condition	22/01/2021	Section 73 application to vary condition 2 attached to planning approval 19/1628/RES to allow a design change to unit 8 from a 3 bedroom to 2 bedroom dwelling.	Land Adjacent To Belin Mount Crew Green Shrewsbury Powys

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Caersws Community	Permitted Development	30/12/2020	20/2132/AGR	Agricultural Notification	14/01/2021	Erection of a general purpose storage building	Parc Yr Esgob Llanwnog Caersws Powys SY17 5NY
Castle Caereinion Community	Approve	18/11/2020	20/1784/DIS	Discharge of Condition	18/01/2021	Application to discharge conditions 17, 18 & 20 of planning approval P/2016/1065	Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL
Cilmery Community	Approve	25/11/2020	20/1970/HH	Householder	18/01/2021	Erection of a two storey side extension	1 Cefn Llewelyn Cilmery Builth Wells Powys LD2 3FL
	Approve	16/12/2020	20/2075/DIS	Discharge of Condition	15/01/2021	Application to discharge condition 4 of planning approval 19/1062/LBC	Llwyn Gwyn Garth Llangammarch Wells LD4 4BD
Forden With Leighton & Trelystan Com	Approve	25/09/2020	20/1508/LBC	Listed Building Consent	26/01/2021	Listed Building Consent for alterations to the existing fence and pillars to accommodate improved access	Pine Lodge Leighton Welshpool SY21 8LP
Glantwymyn Community	Planning Permission Required	18/12/2020	20/1997/AGR	Agricultural Notification	14/01/2021	Application for prior notification of agricultural development - erection of steel portal framed agricultural building and creation of hard-standing	Mathafarn Llanwrin Machynlleth SY20 8QJ

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Kerry Community	Approve	08/01/2021	21/0025/NMA	Non-Material Amendment	18/01/2021	Application for Non Material Amendment to planning approval 18/0922/RES and P/2017/1489 - removal of window surrounds	Land Adjacent To Southeast Of Village Hall Sarn Newtown Powys SY16 4HQ
Knighton Community	Approve	07/10/2020	20/1646/FUL	Full Application	22/01/2021	Formation of a revised agricultural vehicular access	Jenkin Allis Farm Knighton Powys LD7 1LN
	Approve	09/12/2020	20/2068/TRE	Works to trees in Conservation Area	15/01/2021	Removal of one Alder tree	1 Mill Gardens Off Mill Road (The Cwm) Knighton Powys LD7 1HF
	Approve	17/12/2020	20/2124/TRE	Works to trees in Conservation Area	15/01/2021	Application to remove a tree within a conservation area	Near Mill Barn Mill Road Knighton Powys LD7 1RT
	Consent	10/11/2020	20/1837/HH	Householder	15/01/2021	Extension of garden curtilage	Whitterleys Cottage Knucklas Knighton LD7 1UR
	Planning Permission Required	29/12/2020	20/2066/AGR	Agricultural Notification	26/01/2021	Agricultural notification for excavation works to form a slurry lagoon	Hill House Farm Knighton Powys LD7 1NA

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Llanbister Community	Approve	17/09/2020	20/1472/CLE	Certificate of Lawfulness - Existing	14/01/2021	Section 191 application for a certificate of lawfulness for an existing use of a building (mobile home) and its site as a dwelling	Moelwilym Mobile Home Llanbister Llandrindod Wells Powys LD1 6TY
Llanbrynmair Community	Approve	10/11/2020	20/1832/FUL	Full Application	22/01/2021	Siting of a Geodesic Dome for holiday let use and all associated works	Land At Fronlwyd Bontdolgadfan Llanbrynmair Powys SY19 7AS
Llandrindod Wells Community	Approve	19/08/2020	20/1317/DIS	Discharge of Condition	14/01/2021	Application to discharge conditions 14, 15, 16, 17 and 18 of planning approval 20/0290/FUL	Unit 1 Ddole Industrial Estate Road Llandrindod Wells LD1 6DF
Llanfair Caereinion Community	Approve	17/12/2020	20/2088/TRE	Works to trees in Conservation Area	21/01/2021	Application for works to trees within a conservation area	The Vicarage Llanfair Caereinion Welshpool Powys SY21 0RR
Llanfyllin Community	Consent	30/09/2020	20/1447/FUL	Full Application	27/01/2021	Siting of 5 glamping pods, formation of vehicular access, roadway, installation of sewage treatment plant and all associated works	Land South Of Bodyddon Isaf Penygarnedd Oswestry Powys

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Llangedwyn Community	Approve	04/12/2020	20/1990/HH	Householder	21/01/2021	Erection of an extension	Wenallt Cottage Llangedwyn Oswestry SY10 9JX
	Approve	08/12/2020	20/1994/FUL	Full Application	25/01/2021	Erection of an agricultural livestock building	Banhadla Llangedwyn Oswestry SY10 9LD
Llangors Community Council	Refused	02/07/2020	20/0929/FUL	Full Application	22/01/2021	Erection of an agricultural building	Ysgubornewydd Llan-y-wern Brecon Powys LD3 7UP
Llangynog Community	Approve	07/12/2020	20/1958/DIS	Discharge of Condition	19/01/2021	Discharge of conditions 3 and 4 from listed building consent 20/0075/LBC in relation to the programme of works and lime plaster.	Llechweddygarth Llangynog Oswestry Powys SY10 0HF
Llanidloes Community	Approve	23/11/2020	20/1919/HH	Householder	18/01/2021	Rear extension to garage & link extension from utility to garage	2 Pen Rhos Y Maen Gorn Road Llanidloes Powys SY18 6FA

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Llanidloes Without Community	Approve	04/11/2020	20/1729/FUL	Full Application	22/01/2021	Erection of steel portal framed agricultural building to be used as farm workshop, together with erection of steel portal framed store building and vehicle parking together with all other associated works	Gorn Farm The Gorn Llanidloes SY18 6LA
Llansantffraid Community	Consent	22/10/2020	20/1700/RES	Reserved Matters	14/01/2021	Erection of 2 dwellings and detached garages in respect of outline planning consent P/2017/0688	Land Adjacent To Waen Meadows Llansantffraid SY22 6SX
Llanwddyn Community	Approve	19/11/2020	20/1796/FUL	Full Application	15/01/2021	Erection of an agricultural building	Rhiwagor Llanwddyn Oswestry Powys SY10 0NE
Llanwrtyd Wells Community	Consent	19/10/2020	20/1649/DIS	Discharge of Condition	21/01/2021	Discharge of condition 3 from planning approval 20/1157/HH in relation to bird and bat boxes	1 Glanirfon Court Station Road Llanwrtyd Wells LD5 4AF
Llywel Community	Approve	19/06/2020	20/0990/DIS	Discharge of Condition	14/01/2021	Discharge of conditions 4, 5, 6, 7 and 10 from planning permission 20/0109/FUL in relation to lighting, landscaping, biodiversity, photograpic survey and passing bays	Holiday Letting Units Blaenclydach Llywel Brecon Powys LD3 8RD

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Machynlleth Community	Approve	19/10/2020	20/1623/FUL	Full Application	19/01/2021	Siting of 8 additional static caravans and associated works	Garth Holiday Park Machynlleth Powys SY20 8HQ
	Approve	12/12/2020	20/2048/DIS	Discharge of Condition	15/01/2021	Discharge of conditions 3, 6, 8, 10 and 11 attached to permission 20/0858/CAC	Bro Ddyfi Community Hospital Maengwyn Street Machynlleth SY20 8AD
Meifod Community	Approve	07/12/2020	20/2008/FUL	Full Application	25/01/2021	Proposed demolition of existing dwelling, and erection of replacement dwelling and associated works	The Old Nursery Meifod Powys SY22 6YF
Mochdre Community	Approve	27/08/2020	20/1336/DIS	Discharge of Condition	22/01/2021	Application to discharge conditions 10, 14, 15, 19 & 21 of planning approval 19/1773/FUL	Land At Pwll Glas Mochdre Newtown Powys SY16 4JP
New Radnor Community	Approve	22/09/2020	20/1363/HH	Householder	25/01/2021	Installation of two dormer windows	Caebanal Bungalow New Radnor Presteigne Powys LD8 2TW
Newtown And Llanllwchaiarn Community	Approve	03/11/2020	20/1774/DIS	Discharge of Condition	14/01/2021	Application to discharge condition no. 18 attached to approval 20/0905/FUL - Lighting scheme	Barford Llanidloes Road Llanllwchaiarn Newtown SY16 1HL

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Presteigne Community	Approve	14/10/2020	20/1711/DIS	Discharge of Condition	14/01/2021	Part discharge of condition 5 of listed building consent P/2017/1063 in relation to fenestration	Well Cottage Cannon's Lane Presteigne Powys LD8 2AB
	Approve	26/11/2020	20/1943/DIS	Discharge of Condition	20/01/2021	Discharge of condition 6 of planning permission P/2010/1066 in relation to construction of passing bay	Faraway Stonewall Hill Presteigne Powys LD8 2HB
	Consent	06/04/2020	20/0558/FUL	Full Application	27/01/2021	Demolition of rear single story outbuildings, construction of new rear extension with roof terrace. Loss of 2 No. 1 bed flats and creation of 1 No. 2 bed dwelling.	1 London House Broad Street Presteigne LD8 2AD
	Consent	06/04/2020	20/0559/LBC	Listed Building Consent	27/01/2021	Demolition of rear single story outbuildings, construction of new rear extension with roof terrace. Loss of 2 No. 1 bed flats and creation of 1 No. 2 bed dwelling.	1 London House Broad Street Presteigne LD8 2AD
	Permitted Development	24/11/2020	20/1927/TEL	Telecommunications notification	19/01/2021	Application for Prior notification for ESN 4G Communications Mast and associated development under part 24 of schedule 2 of the GPO 1995	Land At Home Farm Presteigne Powys

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49 Applications

Rhayader Community	Prior Approval Required	09/12/2020	20/1851/AGR	Agricultural Notification	20/01/2021	Agricultural notification for erection of a polytunnel	Coedmynach Elan Valley Rhayader Powys LD6 5HL
Trefeglwys Community	Refused	04/11/2020	20/1860/CLE	Certificate of Lawfulness - Existing	14/01/2021	Section 191 application for a lawful development certificate for the existing use and occupation of a former design studio used as a domestic dwelling	The Cabin Y Fron Llawr-y-glyn Caersws Powys SY17 5RJ
Tregynon Community	Approve	14/12/2020	20/2100/TRE	Works to trees in Conservation Area	25/01/2021	Works to two trees within a conservation area	Trees Adjacent The Old School Tregynon Newtown SY16 3EH
Welshpool Community	Approve	26/10/2020	20/1720/DIS	Discharge of Condition	14/01/2021	Discharge of condition 3 from planning approval 20/0916/HH in relation to biodiversity enhancement plan	16 Sheppards Barns Welshpool Powys SY21 9JH
	Approve	12/01/2021	21/0089/NMA	Non-Material Amendment	27/01/2021	Non material amendment to vary Condition 2 to new rural enterprise condition as per TAN6	Sheridan Grange Trelydan Welshpool SY21 9HL

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Ystradgynlais Community	Consent	17/08/2020	20/1237/FUL	Full Application	22/01/2021	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW REPLACEMENT DWELLING AND DETACHED GARAGE INCLUDING RETAINED ACCESS AND SERVICES AND NEW LANDSCAPING	24 Palleg Road Lower Cwmtwrch Swansea SA9 2QE
Application	**49**						

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/21

gan Mr A Thickett, BA (Hons) BTP Dip RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18th January 2021

Appeal Decision

Site visit made on 05/01/21

by Mr A Thickett, BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18th January 2021

Appeal Ref: APP/T6850/A/20/3260496

Site address: Upper Gwestydd Farm, Upper Gwestydd Lane, Cefn Mawr, Powys, SY16 3LA

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995.
- The appeal is made by Mr WG & Mrs DE Woosnam against the decision of Powys County Council.
- The application Ref: 20/0806/AGR dated 26 May 2020, was refused by notice dated 30 July 2020.
- The development proposed is a steel portal framed general purpose agricultural building, with box profile steel sheeting on the walls and roof, together with access doors.

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 6, Paragraph A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) for a steel portal framed general purpose agricultural building, with box profile steel sheeting on the walls and roof, together with access doors at Upper Gwestydd Farm, Upper Gwestydd Lane, Cefn Mawr, Powys, SY16 3LA in accordance with the details submitted pursuant to Schedule 2, Part 6, Paragraph A.2 of the GPDO.

Main Issue

2. The main issue is whether the alleged impact of the proposed development on highway safety is a relevant consideration in determining whether prior approval is required under section A.2(2) of Part 6 of the GPDO.

Reasons

3. The erection of a building on an agricultural unit of 5ha or more is permitted under Part 6 of the GPDO subject to, amongst other things, the developer applying to the local planning authority for a determination as to whether prior approval is required for the design and external appearance of the building. This appeal is made against a refusal to grant prior approval for the proposed development. It is not an appeal made against the refusal to grant planning permission as the Council in the committee report and decision notice appear to have considered the appeal application.

4. The Development Management Manual (DMM) states: *'When considering a prior approval application, the LPA can only consider specific issues, such as the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings'*. The DMM confirms that provided all GPDO requirements are met, the principle of the development is not for consideration. The DMM goes on to say that, only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings, would the Welsh Government consider it necessary for the authority to require the formal submission of details for approval.

5. The Council determined that prior approval was required; *'on the grounds that the siting of the proposed building, being in an open field and not sited in proximity to existing buildings, may have an unacceptable impact upon the landscape*'. The impact of a building on the landscape is a material consideration in determining applications for prior approval. There is no dispute in this case that all GPDO requirements are met. The principle of the development and the use is not, therefore, a material consideration.

6. The Council's objections are not that the siting of the building would in itself impact on highway safety by say, interfering with visibility, but on the grounds that it would lead to the intensification of the use of an existing alleged sub-standard access to the highway. However, as established above and as the Council accepts, the principle of the development, including its use for the storage of agricultural machinery etc, is established under the GPDO. There are likely to be vehicle movements associated with an agricultural building wherever it is located. Had the authors of the GPDO deemed it important and necessary, they would have included highway safety and traffic generation as a matter for consideration for the prior approval of an agricultural building; they did not.

7. The permitted development rights qualifications for agricultural buildings do extend to their use in that, to protect residential amenity, they include limitations with regard to buildings housing livestock. Had the authors of the GPDO considered it necessary to include other qualifications in terms of the use of buildings erected for the purposes of agriculture, I'm sure they would have included them. Again, they did not.

Conditions

8. None of the conditions the Council invite me to impose relate to the matters to which the consideration of prior approval of an agricultural building are limited.

Conclusions

9. In refusing to grant prior approval for the proposed agricultural building on the grounds of highway safety, the Council misdirected itself. No other reasons for refusing to grant prior approval are given and I have not read anything to indicate that prior approval should be withheld.

10. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Anthony Thickett Inspector