

Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy

Man Cyfarfod
By Teams

Dyddiad y Cyfarfod
Dydd Iau, 11 Tachwedd 2021

Amser y Cyfarfod
10.00 am

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
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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

Sylwer - ar gyfer Dydd y Cadoediad, bydd dwy funud o dawelwch am 11.00am

1. YMDDIHEURIADAU

Derbyn ymddiheuriadau am absenoldeb.

2. COFNODION Y CYFARFOD BLAENOROL

Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 21 Hydref 2021 fel cofnod cywir.

(I Ddilyn)

Cynllunio

3. DATGANIADAU O DDIDDORDEB

(a) Derbyn unrhyw ddatganiadau o ddiddordeb gan aelodau mewn perthynas ag eitemau sydd i'w hystyried ar yr agenda. (b) Derbyn ceisiadau gan aelodau i gofnodi eu haelodaeth ar gynghorau tref neu gymuned lle cafwyd trafodaeth ar faterion sydd i'w trafod gan y Pwyllgor hwn. (c) Derbyn datganiadau gan Aelodau'r Pwyllgor y byddant yn gweithredu fel 'Cynrychiolydd Lleol' mewn perthynas â chais

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

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

(Tudalennau 1 - 2)

4.1. Diweddariadau

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

4.2. 19/0473/FUL Fferm Llanshay, Llanshay Lane, Tref-y-clawdd, Powys LD7 1LW

(Tudalennau 3 - 96)

5.	PENDERFYNIADAU'R PENNAETH EIDDO, CYNLLUNIO A GWARCHOD Y CYHOEDD AR GEISIADAU DIRPRWYEDIG
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Derbyn rhestr o benderfyniadau a wnaed gan y Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd o dan bwerau dirprwyedig.

(Tudalennau 97 - 122)

Hawliau Tramwy

6.	CAIS I GYWIRO COFRESTR TIR COMIN
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Ystyried cais i gywiro Cofrestr Tir Comin, adrannau 22 ac Atodlen 2 o'r Ddeddf Tir Comin 2006 - Cais – Application 20-002CA, Uned Gofrestr RCL026, Bryngwyn a Newchurch Hills, cymuned Castell-Paen.

(Tudalennau 123 - 210)

Planning, Taxi Licensing and Rights of Way Committee
11th November 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:

<p>19/0743/FUL</p> <p>Knighton Community</p> <p>329700 271835</p> <p>13/05/2019</p>	<p>Full: Erection of 2 no. Poultry Buildings and associated infrastructure</p> <p>Llanshay Farm, Llanshay Lane, Knighton, Powys, LD7 1LW</p> <p>Mr Thomas Price</p> <p>Recommendation: Conditional Consent</p>
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Farm, Llanshay Lane, Knighton, Powys.

I previously responded to this application on the 30th April 2020 in which I provided advice and comments with regards to the assessment of the proposed development and appropriate conditions which should be attached should planning permission be granted. Whilst planning permission was granted by the LPA for the development, the decision was overturned following a request for a Judicial Review, further to this revised information has been submitted.

I have reviewed the revised information and have the following comments:

The proposal concerns an application for the construction of 2 Poultry Houses for broiler production with 55,000 birds per building i.e. 110,000 birds in total as well as associated infrastructure including Feed Bins and Feed Blending Room, Ground Source Heat Pump, Concrete Apron, Dirty Water Tanks, Plant Room, Water Tank, Gate House, Gas Tanks, Hardstanding and Surface Water Drainage features.

Chapter 7 of the Revised Environmental Statement summarises the findings of the assessment of ecological impacts associated with the proposed development. In order to inform this assessment an update Preliminary Ecological Appraisal was undertaken the findings of this assessment are presented in Appendix 3 Rev A of the Environmental Assessment in the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19th February 2021. The report details the findings of desk studies and a field survey which was undertaken on the 17th February 2021. The field survey comprises both an Extended Phase 1 Habitat Survey – including a search for invasive non-native species (INNS) – and Protected Species Assessment which evaluated the potential for the site to support protected or priority species.

The Report identifies that the proposed development site is situated within an agricultural landscape dominated by pastureland, habitats present on and adjacent to the site were identified as including grassland and hedgerows. No ponds are present on the site of the proposed development itself, however 3 ponds were identified within 500m of the site boundary. The majority of the site of the proposed development was found to comprise improved grassland which is currently heavily grazed by sheep, species recorded are consistent with this habitat classification and are widespread and common – in addition the classification of the site as improved grassland is consistent with the current NRW and historic CCW Wales Phase 1 habitat maps - an area of arable land was found to be present over a small area of the eastern part of the site – the Report notes that at the time of the survey this area had recently been ploughed. A Sunken Track – Caleck's Lane – was identified as present adjacent to the western boundary of the northern part of the site, the majority of this feature is identified as being outside of the proposed development footprint and the Report identifies that all of this track will remain undamaged and in situ during the proposed development as the proposed new access track only breaches the habitat through an existing gateway – species recorded within this feature were identified as being widespread and common species.

Access to the site comprises a combination of use of existing farm access tracks and previously approved new farm road which would then join with a new section of farm road. The ecology report identifies that access to the new farm road will pass through improved grassland and require a narrow breach to be made through two sections of hedgerow (identified as Hedgerow 1 and Hedgerow 2 in the Report)– the sections of hedgerow affected has been identified as immature hawthorn bushes.

An intact species-poor hedgerow (Hedgerow 1) is present on the site's northern boundary, the hedgerow was assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important and found to have negligible potential to support roosting bats. The south-eastern boundary of the site was identified as native species-rich hedge and trees this hedgerow (Hedgerow 2) was also assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important the hedgerow and trees were also assessed as having negligible potential to support roosting bats due to absence of potential bat roosting features. Whilst neither hedgerow was found to meet the criteria of ecologically important as defined by the Hedgerow Regulations 1997 linear features including hedgerows are considered to be habitats of high biodiversity value, Powys LDP Policy DM2 states that: 'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 – Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

In addition, whilst the hedgerows were found to lack suitable features to support roosting bats, it is likely that bats would use these features for the purposes of foraging and commuting through the wider landscape. I note that that the report identifies that the hedgerows on the northern and eastern boundaries of the site will be for the majority be retained in-situ and unaffected by the proposed development with the exception of short sections – identified as comprising immature hawthorn at the locations of the proposed breaches– that would be required to be removed to provide the proposed access from the main part of the site to the smaller part of the site in the east. In

accordance with the Environment (Wales) Act 2016 the LPA is required to seek to maintain and enhance biodiversity through all of its functions including the planning process, therefore it would be necessary to provide appropriate compensation for the loss of any features of biodiversity value.

I note from the submitted Site Plan drawing no. IP/LF/02A produced by Ian Pick Associates Ltd dated March 2021 that it is proposed to provide a native tree planting belt along the southern and western elevations of the proposed poultry sheds – taking into account the extent and condition of hedgerow proposed to be removed to accommodate the required access it is considered that the proposed native tree planting belt would provide appropriate compensation in this instance. Whilst the submitted plans indicate the provision of a native tree planting belt around the proposed unit, no specific details regarding the species or planting specifications and aftercare measures 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.

In addition in order to ensure protection of the retained hedgerows and trees surrounding the proposed development footprint it recommended that adherence to the Tree and Hedgerow Protection Measures Statement detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 is secured through an appropriately worded planning condition to ensure that these features would appropriately protected during the construction phase of the proposed development.

No ponds were found to be present within the footprint of the proposed development itself, three ponds were identified as present within 500m of the 'initial' red line boundary. These ponds were subject to Habitat Suitability Index (HSI) assessments in 2019, the ponds were found to score between average and excellent suitability for great crested newts (GCN). Further detailed surveys were undertaken in 2019 and GCN were confirmed to be present in the 'excellent' pond – Caleck's Pool located approximately 195m north of the proposed development site – the population assessment surveys confirmed the presence of a medium-sized population.

Assessment of the proposed development site for its potential to support protected and priority species was also undertaken during the field survey. The report provides the results of the assessments and provides recommendations with regards to further surveys and/or mitigation measures.

The site was found to support widespread and common plant species, no protected or priority plant species were noted during the survey.

No GCN were observed on the site of the proposed development and the habitats covering the development site – heavily grazed improved grassland – were considered to be generally poor terrestrial habitat for GCN. 3 ponds were identified within 500m of the proposed development site, these were subject to HSI assessments in 2019, the ponds were found to score between average and excellent suitability for great crested newts (GCN). Further detailed surveys were undertaken in 2019 and GCN were confirmed to be present in the ‘excellent’ pond – Caleck’s Pool located approximately 195m north of the proposed development site – the population assessment surveys confirmed the presence of a medium-sized population.

No other amphibians were observed during the field survey and due to the absence of suitable breeding habitat on the proposed development site itself i.e. ponds. The report concludes that no further surveys would be required.

The vegetation at the base of the boundary hedgerows was identified as having some limited suitability to support low numbers of reptile species – common lizard and slow worm - known to occur in Powys. The habitats were considered to be of limited value due to lack of associated potential basking areas, refugia and hibernacula and no evidence of indication of reptiles was observed during the survey. However the report concludes that the presence of low numbers of reptiles cannot be ruled out and in order to ensure compliance with the legislation afforded to reptile species known to occur in Powys a scheme of mitigation measures have been identified – having reviewed the identified mitigation measures it is considered that they are appropriate and in line with current guidelines. 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.

Bird species commonly associated with the habitat present on and adjacent to the proposed development site were identified, no Wildlife & Countryside Act Schedule 1 birds were noted during the survey and whilst no active nests were found during the survey evidence of historic nesting by carrion crow, magpie, blackbird and goldfinch was noted in the hedgerows on the site. The Report concludes that common farmland and woodland birds have and would be likely to breed in the boundary hedgerows. Recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for nesting birds through the provision of four nest boxes of mixed designs erected on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process – therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No existing structures are present on the site and trees and hedgerow bushes were assessed as having negligible potential to support roosting bats due to lack of suitable features therefore the Report concludes that the proposed development would not result

in any impacts to roosting bats. The site was considered to have some potential to be used by foraging and commuting bats, especially along the hedgerows present around the proposed development site, as these features will be retained – with the exception of 2 short sections required to be removed to accommodate proposed access points – the report concludes that there would be minimal impacts to bat activity across the site as a result of the construction of the proposed development.

Whilst minimal impacts as a result of the construction of the proposed development are considered likely, the report identifies that installation of external lighting in relation of the operation of the development could result in negative impacts – measures to minimise negative impacts from artificial lighting as a result of the proposed development have been identified within the ecology report in accordance with the recommendations of *the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series* – the identified measures are considered to be appropriate. Limited details have been provided regarding the need to install exterior lighting associated with the proposed development – some reference is made to this in Section 3.10 of the Environmental Statement however the information provided is not considered sufficient to enable appropriate exterior lighting to be secured through a planning condition. In order to ensure that any proposed external lighting at the site would not have a negative impact on local wildlife, I recommend that if planning permission is granted a planning condition is included requiring that any external lighting identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7 – should external lighting be proposed it will need to be demonstrated that the plan complies with the recommendations identified in Preliminary Ecological Appraisal Report, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. It is therefore recommended that an appropriately worded condition is included to secure submission of a lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

In addition recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for bats - through the provision of four bat boxes of mixed designs on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process – therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No suitable habitat to support otter or water vole was identified during the survey and the report concludes that no further surveys for these species would be required.

The boundary hedgerows were assessed as being potentially suitable to support dormice, however the report concludes that as there would be minimal impacts to these hedgerows the risk of impacts to this species is minimal and that detailed surveys for this species would not be required.

No badger setts or evidence of badger activity was observed on the proposed development site or within 50m of the sites' boundary and no impacts to badger setts are anticipated.

The report includes recommendations to provide new nesting sites for hedgehog through the installation of two hedgehog nesting boxes to be located in the base of hedgerows within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process – therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

A Great Crested Newt Survey Report Produced by Craig Emms and Dr Linda Barnett dated May 2019 has been submitted to support the application. The Report details the findings of great crested newt surveys undertaken at the tree ponds identified within 500m of the proposed development – the surveys were undertaken between March and May 2019 using a combination of torch survey, bottle trapping and egg searches.

Ponds 1 and 3 were surveyed four times to determine presence or absence of GCN – during these surveys no great crested newts were found and the report concludes that GCN are considered to be absent from these ponds. Whilst GCN were found to be absent from these ponds breeding populations of common frog and common toad were found to be present in Pond 1, and smooth newt was identified as present in both Pond 1 and Pond 3

GCN were confirmed to be present in Pond 2 and six surveys were conducted to establish a population estimate, the surveys identified a maximum count of 23 GCN which classes the population in the pond as medium. The report concludes that due to the confirmed presence of GCN within 500m of the proposed development an EPS Licence will be required for the proposed development.

Further to the submission of the Great Crested Newt Survey Report a the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019 was submitted to support the planning application.

As detailed in my previous response regarding this application having reviewed the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019 I consider that the

measures identified are appropriate and achievable and subject to their implementation would ensure that the proposed development would not result in negative impacts to the favourable conservation status of GCN in its natural range.

The Report details mitigation and enhancement measures including Reasonable Avoidance Measures during the pre-construction phase, terrestrial habitat protection including the use of exclusion zones, recommendations regarding artificial lighting, vegetation clearance/management works, protection of aquatic and terrestrial habitats, search of potential refugia, methods for storage of material on site, removal of spoil from the site and excavations, protocol to follow in the event of discovering GCN/amphibians on site. In addition to mitigation measures habitat enhancement measures have been identified including aquatic habitat restoration/enhancement works to Pond 2 and Pond 3, provision of two artificial hibernacula to be constructed close to ponds 2 and 3 and restoration/enhancement of grassland through reduction of grazing pressure allowing the grassland to grow longer and develop a more varied structure and floral composition – a contingency plan for restoration of the grassland has also been identified in the event that limiting grazing does not prove to be effective. Protection measures to prevent pollution of the ponds has been identified, measures identified include the construction of an artificial swale between the broiler sheds and pond 2 to intercept run-off and prevent contaminated water reaching the pond. An outline scheme of long-term monitoring and management has also been provided indicating monitoring would be undertaken in the 1st, 3rd, 5th, 10th, 15th, 20th and 25th year after works on the development site have been completed. The results of the GCN monitoring visits and the monitoring of the mitigation and habitat restoration/enhancement measures will be reviewed following each survey year and any necessary remedial actions identified.

NRW reviewed the Mitigation and Compensation Strategy for Great Crested Newts Report dated December 2019 and confirmed in their response dated 24th January 2020 that whilst the amended Mitigation and Compensation Strategy only partly addresses the comments of their response dated 14th November 2019 they are satisfied that the submitted report is satisfactory for the purposes of informing the planning decision subject to the inclusion of a suitably worded condition to secure submission and implementation of an Amphibian Conservation – following submission of the revised information regarding the proposed development NRW have reiterated this position in their responses dated 28th April 2021 and 2nd July 2021. Full details of the condition requested to be attached by NRW should planning permission be granted can be found in the NRW response reference CAS-106171-W9R4 dated 24th January 2020.

I have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5th February 2021 submitted to inform the revised application – Appendix 4 Rev A of the revised Environmental Statement. The updated proposals and associated ammonia report identify that the proposed development has been amended to include the installation of Inno+ air scrubber units, the air scrubber units would provide the majority of the ventilation for the proposed poultry units. Further

information regarding the scrubber units has been provided in Appendix 3A of the Environmental Statement.

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

- River Teme Site of Special Scientific Interest (SSSI)
- Gwernaffel Dingle SSSI
- Brampton Bryan Park SSSI

NRW have reviewed the information provided within the Report with regards to National and International statutory designated sites, in their response dated 28th April 2021 NRW have confirmed that the revised application has now been assessed under the thresholds introduced by NRW on 1st of April 2017 – the application had previously been assessed using the pre April -2017 thresholds, this was due to the fact that the an NRW permit application for the proposed poultry units had been received prior to this date. NRW Have confirmed that the ammonia critical levels and nitrogen critical levels used in the assessment with regards to the Statutory designated sites present within 5km of the proposed development are considered to be correct and that the predicted process contributions would be below the thresholds applied by NRW to determine potential impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.

I note that a review of the Ammonia Report submitted to inform the application has been presented by a third party, NRW confirm in their response dated 2nd July 2021 that they *'have been presented with a report titled 'Marshes Planning, Llanshay Farm, Knighton Review of Odour and Ammonia Assessments', project No. 014 version 2 dated 19 April 2021 by Michael Bull & Associates and letter from Marches Planning titled 'Further objection to Planning Application Reference 19/0743/Ful Erection of 2no. poultry units and associated infrastructure Llanshay Farm, Knighton, LD7 1LW On behalf of Sustainable Food Knighton'.*

NRW's response confirms that they *'have reviewed both these documents. The information included in these documents does not change the advice which we've previously provided on our advice regarding aerial emissions and protected sites'.*

The biodiversity data search identified the presence of 48 parcels of Ancient Woodland and one Local Wildlife Site - Knighton Railway Station Meadow LWS - within 2km of the proposed development site.

With regards to Ancient woodland the modelling indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m³ and the Critical Load of 10.0 kg/ha, at the ammonia sensitive Ancient Woodland sites the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed 1% of the

precautionary Critical Level of $1.0 \mu\text{g}/\text{m}^3$ and the Critical Load of $10.0 \text{ kg}/\text{ha}$. 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.

I note that the Local Wildlife Site present within 2km of the proposed development has not been included in the ammonia and nitrogen deposition modelling, whilst this non-statutory site has not been included within the assessment having reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland in proximity to the identified Local Wildlife Site it is considered that this provides sufficient evidence to demonstrate that the predicted process contribution to the Local Wildlife site would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site and as such I do not consider it necessary in this instance to require additional information to be submitted.

I note that CADW have raised concerns with regards to potential for impacts to the Stanage Park – Historic Park and Garden – this site has been included in the ammonia and nitrogen deposition assessment – receptors 53-65 (inclusive) within the Report consider the predicted process contributions to the Stanage Park Site, these receptors have been identified as NH₃ Sensitive Ancient Woodland and the modelling identifies that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would be below 1% of the precautionary Critical Level of $1.0 \mu\text{g}/\text{m}^3$ and the Critical Load of $10.0 \text{ kg}/\text{ha}$, it is therefore considered that the potential impacts of the proposed development to the Stanage Park – Historic Park and Garden are within the levels considered to be acceptable by recognised current guidelines.

I note that CADW also make reference to the Review undertaken by Michael Bull & Associates, given the specialist technical nature of this review, I have deferred to the advice provided by NRW who as identified above have stated that the evidence provided in the Review would not alter their conclusions provided with regards to the predicted process contributions Ammonia Report submitted to support the application.

The predicted process contributions identified within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5th February 2021 are reliant on the installation of the Scrubber units, it is therefore necessary to ensure that the installation of the units is secured to ensure that if approved operation of the development would not result in negative impacts to the environment, NRW have also identified that it will be necessary to ensure the ammonia scrubber unit detailed within the ammonia modelling report is installed and, monitored and maintained in perpetuity – I therefore recommend that a condition securing installation and operation of the ammonia scrubbing unit is included should you be minded to approve the application.

The revised Environmental Statement identified that all manures and dirty water arising from the operation of the proposed development will be disposed of via export from the site to a licensed Anaerobic Digester Plant – it has been identified that the manure and dirty water will be removed under a formal contract with Whitchurch Biogas Ltd – confirmation of this arrangement has been provided in the ‘replacement’ Appendix 8 of the environmental Statement which comprises a letter from Whitchurch Biogas Ltd detailing an offer of a contract to received all of the poultry manure form the proposed poultry unit.

Details of contingency measures i.e. if for any reason it is not possible to export the manure to the AD Plant; have been provided in Section 9.38 of the Environmental Statement, this identifies that in the event that the AD Plant is unable to receive the manure from the proposed development manure can be temporarily stored in an emergency within a concrete floored cattle building on the applicants holding. Wash water will be stored in one of 2 underground dirty water tanks - 2 x Underground 40m³ tanks complying with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations. Subject to the site being operated in accordance with the manure management proposals, it is considered unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed in their response dated 2nd July 2021 that they are satisfied with the identified MMP and associated contingency measures. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage arrangements for the site have been provided in Section 10 of the Environmental Statement and detailed on the amended Drainage Layout Plan A1 drawing no. IP/TP/05C produced by Ian Pick Associates Ltd dated May 2021, these identify that dirty and clean water will be kept separate. The poultry buildings will be sealed and contaminated water produced in the washing out process from the buildings will be drained to one of 2 underground dirty water tanks - 2 x Underground 40m³ tanks complying with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations.

Clean water from roof and clean surfaces has been identified as being drained to clean water drainage system each side of the buildings which is then discharged to an attenuation pond located to the north-east of the proposed poultry sheds. The attenuation pond will outfall into the stream to the north of the attenuation pond through a restricted orifice which will limit discharge to the appropriate greenfield rate.

Having reviewed the clean and dirty water drainage proposals it is considered 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, NRW have also confirmed that subject to the development being undertaken in accordance with the identified plans the proposal would not be likely to negatively impact the surrounding environment. I therefore recommend that should you be minded to approve the application that a suitably worded planning condition is included to secure adherence to

the identified drainage scheme.

A Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton (unreferenced & undated) has been submitted with the application. I have reviewed the submitted information consider that the measures identified are appropriate and the measures proposed are also in line with current guidelines. NRW have confirmed that they consider the submitted information and measures identified within these plans to be appropriate and subject to adherence to these Plans there would be no likely adverse impacts from the proposed development to the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

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

Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) will be submitted to and approved in writing by the Local Planning Authority to confirm that the Inno+ air scrubber unit equipment as detailed in Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5th February 2021 have been installed in the approved poultry units and are fit for purpose. The air scrubber units shall be operated and maintained thereafter.

Reason: 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 11, February 2020), 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. Manure Management Plan – as detailed in Sections 9.36, 9.37 and 9.38 of the Environmental Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021;*
 - ii. Drainage Plan – as detailed in Sections 10.3, 10.4, 10.5 of the Environmental Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021 and detailed on the Drainage Layout Plan A1 drawing no. IP/TP/05C produced by Ian Pick Associates Ltd dated May 2021 produced by Ian Pick Associates Ltd dated June 2019;*
 - iii. Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton (unreferenced & undated)*
- 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 and to meet the requirements of Planning Policy Wales (Edition 11, February 2020), 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 and enhancement measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19th February 2021 (Pages 24 – 25 (inclusive)). The identified measures 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 and meet the requirements of Planning Policy Wales (Edition 11, February 2020), 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, enhancement, monitoring and management measures with regards to great crested newts as detailed within the Recommended Mitigation and Habitat Enhancement Measures Section (Pages 8-13 (inclusive)), Amphibian Friendly Surface Water Management System Section (page 14), Long Term Monitoring and Management Section (page 15) and Appendix 1 Restricted Activities in and Around Exclusion Zones of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019. The identified measures 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 and meet the requirements of Planning Policy Wales (Edition 11, February 2020), 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 Tree and Hedgerow Protection Measures Method Statement as detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019. The identified measures 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 and meet the requirements of Planning Policy Wales (Edition 11, February 2020), 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 for the Native Tree Planting Belt as outlined on the Site Plan drawing no. IP/LF/02A produced by Ian Pick Associates Ltd dated March 2021 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 - 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 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the first beneficial use of development, an ecological consultant shall visit the site to check that all of the biodiversity mitigation and enhancement measures for birds, bats, hedgehogs and great crested newts have been implemented and are fit for purpose and a written report shall be submitted to the LPA confirming that this the case.

Reason: 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 11, February 2020), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations identified in the Ecological Constraints and Opportunities Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19th February 2021, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved 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 11, February 2020), 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/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?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 Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

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 Fri 10 Sep 2021

Thank you for inviting our comments on the amended information that has been submitted for the above planning application.

Having reviewed the documentation and noted the additional information, I am able to offer my comments.

Noise

Having reviewed the Noise Impact Assessment, Environmental Protection have no concerns with regards to noise.

Manure

As the proposed development will be housing 110,000 broilers which is above the threshold of 40,000 for regulation of poultry farming under the Environmental Permitting (England and Wales) regulations (EPR) 2016 and as such a permit has been issued by Natural Resources Wales. The permit will address the relevant issues relating to air, water and land and including management and operations.

All manures will be disposed of via export from the site to a licensed Anaerobic Digester Plant located in Whitchurch Shropshire and none being spread locally.

Removal of the waste will be planned with the receiver however, the manure could be temporarily stored in an emergency within a concrete floored cattle building on the applicants holding.

Given that there will be no spreading locally and all waste will be transported off site in sealed sheeted trailers Environmental Protection are satisfied with the manure management arrangements.

Recommended conditions

Manure.

No manure to be spread to land with all manures being exported off site to an Anaerobic Digester

Reason: To minimise odour dispersion and prevent population increase of insects.

Manure transportation

All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

Natural Resources Wales (Mid Wales) DPAS Mon 12 Jul 2021

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 02/06/2021.

Further to our previous letter referenced CAS-141145-B6J9 dated 28/04/2021, we have the following advice to provide.

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

- o The installation of air scrubbers on the proposed building, in accordance with the ammonia report titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys' by AS Modelling & Data Ltd. dated 05/02/2021.
- o Drainage plan titled 'Drainage Layout Plan A1', referenced IP/TP/05C dated May 21 by Ian Pick Associates Ltd.
- o 'Environmental Statement Rev B' by Ian Pick Associates Ltd. dated May 2021 for this proposal.
- o Pollution Prevention Plan titled 'Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at Land forming part of Llanshay Farm, Knighton'

Condition 1 - No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

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

Drainage Plan

We have reviewed the amended drainage plan titled 'Drainage Layout Plan A1', referenced IP/TP/05C dated May 21 by Ian Pick Associates Ltd. submitted with this proposal.

The plan indicates the clean and dirty water drainage systems will be kept separate. The plan confirms the size of the proposed underground dirty water tanks, and states that these tanks will be compliant with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

We advise the proposal must be built in accordance with this plan, and that this plan must be listed in the condition listing the approved plans and documents.

Manure Management

We have reviewed the amended document titled 'Environmental Statement Rev B' by Ian Pick Associates Ltd. dated May 2021 for this proposal.

Environmental Statement Section 9.36 to 9.38 confirms the manure from the proposal will be exported to an anaerobic digester plant and includes an agreement document to confirm. As a manure contingency plan, should the export of manure not be possible, temporary storage provisions can be made within concrete floored cattle building on the farm.

Provided the measures set out in this plan are adhered to, the proposal is unlikely to cause pollution to the wider environment. We advise this plan must be listed in the condition listing the approved plans and documents.

Protected Sites and Aerial Emissions

We provided our detailed advice on the ammonia report titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys' by AS Modelling & Data Ltd. dated 05/02/2021 in our previous letter referenced above.

We have been presented with a report titled 'Marshes Planning, Llanshay Farm, Knighton Review of Odour and Ammonia Assessments', project No. 014 version 2 dated 19 April 2021 by Michael Bull & Associates and letter from Marches Planning titled 'Further objection to Planning Application Reference 19/0743/Ful Erection of 2no. poultry units and associated infrastructure Llanshay Farm, Knighton, LD7 1LW On behalf of Sustainable Food Knighton'.

We have reviewed both these documents. The information included in these documents does not change the advice which we've previously provided on our advice regarding aerial emissions and protected sites. Regarding odour we advise that you contact your own Environmental Health and/or Public Health Wales for advice.

European Protected Species

Our advice on great crested newts and the condition can be found in our letter referenced CAS-106171-W9R4 dated 24/01/2020.

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.

Cadw – SAM Wed 09 Jun 2021

Thank you for your letter of 15 March 2021 inviting our comments on the amended information submitted for the above planning application. Apologies for the delay in our response.

In our letter of 29th January 2020 we expressed concern about the projected levels of ammonia levels from the proposed development in the Grade 1 Registered Stanage Park Historic Park and Garden.

An ammonia report prepared by AS Modelling & Data Ltd has been submitted in support of the application. This report indicates that the proposed development will lead to increased level of ammonia in the registered historic park and garden. The report suggests that this level will not be significant, but we have also seen a review of this report, produced by Michael Bull & Associates that concludes it is not possible to have confidence in the outcome of this assessment. Cadw are therefore concerned that increased ammonia may have an impact on mycorrhizal fungi leading to an adverse

effect on historic trees in the historic park and garden.

Cadw do not have the in-house expertise to determine the accuracy of the ammonia assessment and the impact of increased ammonia on the registered historic park and garden. We had expected this impact to have been addressed in the NRW response to the ammonia report (letter dated 28th April 2021) as Stanage Park is an identified "N-sensitive Ancient Woodlands and Parklands: N-sensitive Lichens or Bryophytes" but it is not mentioned. As such we strongly recommend that the LPA should contact NRW to provide information on the impact on the proposed development on N-sensitive Ancient Woodlands and Parklands, especially that of Stanage Park.

PCC-Built Heritage Officer Wed 26 May 2021

Recommendation No Objection

Background to Recommendation

Designation

Cadw ID 9034 Llanshay Farmhouse included on the statutory list on 30/09/1995
Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995

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 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings 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

Thank you for consulting me on the amended details for this application. I had previously commented on 22 August 2019, and would request that these comments are an appendix to the previous comments.

I note that there have been some changes to the current proposal in comparison with the previous application, the most obvious would be in respect of manure disposal however the changes to the works on site appear to be;

- (i) Solar panels on the south roof elevation.
- (ii) A reduction in the number of visible vents from 16 per shed to 3, (iii) The introduction of an air scrubber attached to the west elevation ,
- (iv) Clarification in respect of the access.

I note the solar panels on the south elevation of the roof, however as the listed buildings are to the north of the proposed poultry units, I would not consider that the proposed solar panels would harm the setting of the listed buildings. Nevertheless I would request that consideration be given to black frames to the panels as opposed to the grey metal frames if possible.

I understand that the introduction of an air scrubber on the west elevation, is the reason/part of the reason why fewer vents are required on the ridge line. The air scrubber has the visual impression of an "extension" to the poultry unit as opposed to the visual appearance of plant of machinery. The increase in the size of the proposed poultry units would not be considered to result in harm to the setting of the listed buildings, however the reduction in visible vents would be considered as an improvement to the previous plans.

I note previously the access road included a section annotated on the plan as " approved farm road AGRI/2017/0096", however for the avoidance of doubt this section of farm road retains the annotation but is coloured red as included in this application site. The clarification is welcomed, however the road as part of the previous plans was considered in respect of setting of listed buildings, most notably the section of road on higher land closer to the poultry units. As such I can confirm that I am still of the opinion that the road to the poultry units as clarified was previously considered however my opinion would be the same that is I would not consider that the proposed access would harm the setting of the listed buildings.

I would confirm that the amended details have been acknowledged and taken into account, however I would not consider that the amendments would change the consideration previously given in my comments dated 22 August 2019, and as such I would maintain my previous comments of no objection. For the avoidance of doubt these comments should be considered as an appendix to my previous comments.

In making these comments I am mindful of the advice in Section 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 11th edition 2021 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 11 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 11th 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"

Natural Resources Wales (Mid Wales) DPAS Tue 11 May 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 15/03/2021.

Further to our previous letter referenced CAS-106171-W9R4 dated 24/01/2020, we understand new information has been submitted with the application. Our advice is therefore as follows.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met, the following conditions are attached and documents listed below are included within the condition identifying approved plans and documents on the decision notice.

Requirement 1 - Clarification on details of the drainage plan to confirm the development will be built to comply with the current environmental standards.

Requirement 2 - Confirmation of temporary storage (contingency) measures of manure if export is not possible.

Condition 1 - No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority

Approved plans and documents:

i) Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for

Proposed Broiler Unit at Land forming part of Llanshay Farm, Knighton) Drainage Plan

We have reviewed the amended drainage plan (plan titled 'Drainage Layout Plan A1', dated Mar 21 by Ian Pick Associates, uploaded to your Authority's website on 15 Mar 2021) submitted with this proposal.

Requirement 1 - Clarification on details of the drainage plan, to ascertain the proposal will be built to comply with the required environmental standards

1. The drainage plan shows the clean and dirty water will be drained separately. However, section 10.5 of the Environment Statement (titled 'Environmental Statement Rev A' by Ian Pick Associates, dated March 2021, uploaded to your Authority's website on 15 Mar 2021) states 'The concrete apron will be enclosed by a catchment drainage with a switch system.' We advise that switch systems are not considered to be environmentally acceptable due to the risk of environmental pollution from improper operation. Therefore, the proposal must be amended so no switch systems between the clean and foul drainage systems will be proposed. The clean and dirty water systems must be kept separate.

2. The drainage plan includes a dirty water tank. To confirm the tank will comply with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, the capacities of the proposed tanks and calculations provided to demonstrate these are large enough for the proposal.

3. Manure Management Plan

We have reviewed the manure management plan (document titled 'Manure Management Report by Farming Connect Cyswllt Ffermio dated 1st November 2018, uploaded to your Authority's website on 3rd May 2019) submitted with this application. Requirement 2 - Confirmation of temporary storage (contingency) measures of manure if export is not possible

A written confirmation letter from Whitchurch Biogas Ltd dated 9th February 2021 has been provided which confirms they are willing to accept all the manure from the proposed development.

The manure management plan referenced above in Section 4 states there will be the availability of 'concrete floored cattle buildings' for the storage of manure prior to being spread on land. Confirmation is required on what the temporary storage measures of manure if export of manure is not possible.

Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). This proposal has been re-assessed and has now been considered under the thresholds introduced on 1st of April 2017. NRW assesses the air quality impact a unit may have on the National Site Network and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit. This farm has been granted an Environmental Permit under reference EPR/AB3593ZL for a maximum capacity of 110,000 birds at any one time. We have reviewed the latest ammonia report (document titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay

Farm, Llanshay Lane, near Knighton in Powys' by AS Modelling & Data Ltd. dated 05/02/2021) submitted with this application.

Section 2 of the report states the two proposed poultry units will be ventilated by Inno+ air scrubbing units. Within 5km of the unit there are three SSSIs which have been considered using the following ammonia critical levels and nitrogen critical loads: We accept these figures used by the report.

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.14µg/m³. The background nitrogen deposition rate to woodland is 26.64kgN/ha/yr and to short vegetation is 14.84kgN/ha/yr. The source of these figures is the Air Pollution Information System (APIS) February 2021.

The report predicts the process contributions to ammonia concentrations and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites.

To avoid adverse impacts to protected sites, ammonia scrubbers must be secured via planning condition, and verification provided to your Authority by an appropriately qualified engineer/ installer that the scrubbers have been installed on the buildings in accordance with the ammonia report (i.e. size and volume etc) before the first operational use.

European Protected Species - Great Crested Newts

Our advice on great crested newts and the condition can be found in our previous letter referenced above. Should you have any queries regarding that advice please do not hesitate to contact us again for further discussion.

Foul Drainage

The drainage plan referenced above indicates a package treatment plant will be installed.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having considered the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to

mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

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.

Town Council Thu 08 Apr 2021

Knighton Town Council recommended approval of this application subject to the manure being sent to an anaerobic digester.

Historic England Tue 30 Mar 2021

Thank you for your e-mail of 15th March 2021 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Hafren Dyfrdwy Fri 26 Mar 2021

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

PCC-Countryside Services Manager Fri 26 Mar 2021

Thank you for the opportunity to comment on this application.

The applicant is advised that a public bridleway exists within the application area and the proposed development as shown on the application plans provided will directly affect it.

In the Local Development Plan, DM13 criterion 9 requires the public right of way to be enhanced and integrated within the layout of the development proposal. Should planning permission be granted the applicant must ensure that;

- o the increased use of the farm track with vehicles associated with the proposed development does not adversely affect the bridleway
- o the drainage pipes from the attenuation pond, under the bridleway must be of an appropriate size and strength, and buried at an appropriate depth to not cause a hazard to users of the public right of way; and the surface must be reinstated to at least its current condition or better.

In the applicants plans it is proposed to carry the clean water under the public bridleway. In order for the applicant to carry out these works within the highway, a temporary Traffic Regulation Order (TRO) will be needed to allow for a safe working area during works and appropriate reinstatement of the surface to a standard appropriate for a bridleway. The applicant can apply for a TRO via the application form at the bottom of this webpage; <https://en.powys.gov.uk/article/734/Traffic-delays-and-planned-road-works>

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant 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 applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- o Legal Diversion - If development directly affects a public right of way, the applicant 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.

PCC-(M) Highways Fri 26 Mar 2021

Thank you for consulting the Highway Authority on this matter.

The Highway Authority notes the additional information submitted in support of this

application and does not wish to make any further comment at this time. Furthermore, the highway conditions provided by the Highway Authority on 11th June 2019 remain valid and should be included within any given consent, however condition 1 should be replaced with the one provided below.

1. 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 120 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.

Environmental Protection Mon 11 May 2020

As the proposed development will be housing 110,000 broilers which is above the threshold of 40,000 for regulation of poultry farming under the Environmental Permitting (England and Wales) regulations (EPR) 2016 and as such will require a permit issued by Natural Resources Wales. I note that the permit has been issued and will address relevant issues relating to air, water and land and including management and operations.

A concern is that of odour from spreading and exporting, the Manure management plan states that the applicant will follow the Code of Good Agricultural Practice and should be adhered to at all times but with the transport off site I would request the following condition is added to planning permission if granted.

Manure transportation

All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

PCC-Ecologist Fri 01 May 2020

I have reviewed the proposed plans and supporting information submitted with the application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 15 records of protected and priority species within 500m of the proposed development, no records were identified for the site itself. Species recorded within 500m included wall butterfly, white-letter hairstreak, hedgehog, hare,

badger, polecat, palmate newt, smooth newt, adder and bluebell.

No statutory or non-statutory designated sites were identified within 500m of the proposed development, 3 parcels of ancient woodland (as identified on the Ancient Woodland Inventory) are present within 500m, the closest parcel of which is approximately 387m west of the proposed development site.

The planning application is accompanied by an Environmental Statement which includes a Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated May 2019, the report details the findings of desk studies and a field survey which was undertaken on the 24th September 2018. The field survey comprises both an Extended Phase 1 Habitat Survey - including a search for invasive non-native species (INNS) - and Protected Species Assessment which evaluated the potential for the site to support protected or priority species. It is noted that the section of the Report entitled Limitations (page 10 of the report) identifies that the red line boundary for the site has been extended in the second version of the report to encompass the proposed new attenuation pond and drainage pipes in the northern part of the site. An old tree-lined farm access track which lies on the western edge of the northern extension was therefore not surveyed, as it was outside of the initial red line boundary. The report states that it is understood that all of the access track and the trees that line it would be retained and not be damaged by the proposed development and as such the overall conclusions of the report are considered to remain valid despite this area not being surveyed.

The report identifies that the proposed development site is situated within an agricultural landscape dominated by pasture land, habitats present on and adjacent to the site were identified as including grassland and hedgerows. No ponds are present on the site of the proposed development itself, however 3 ponds were identified within 500m of the 'initial' site boundary. The site of the proposed development was found to comprise an area of improved grassland, species recorded are consistent with this habitat classification and are widespread and common - in addition the classification of the site as improved grassland is consistent with the current NRW and historic CCW Wales Phase 1 habitat maps.

Access to the site appears to use a combination of existing farm access tracks and previously approved new farm road which would then join with a new section of farm road - which is included within the redline boundary of the application. The ecology report identifies that access to the new farm road will pass through improved grassland and require a narrow breach to be made through a section of hedgerow (off site) to the north-east of the site - the section of hedgerow affected has been identified as immature hawthorn bushes.

An intact species-poor hedgerow is present on the sites northern boundary, the hedgerow was assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important and found to have negligible potential to support roosting bats. The eastern boundary of the

site was identified as native species-rich hedge and trees this hedgerow was also assessed following the Hedgerow Regulations 1997 'Ecological Importance' criteria and found to fail to meet the criteria as ecologically important the hedgerow and trees were also assessed as having negligible potential to support roosting bats due to absence of potential bat roosting features. Whilst neither hedgerow was found to meet the criteria of ecologically important as defined by the Hedgerow Regulations 1997 linear features including hedgerows are considered to be habitats of high biodiversity value, Powys LDP Policy DM2 states that:

'Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage'

LDP Policy DM2 part 3, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan - 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

LDP policy DM2 part 2 identifies the need to protect habitats afforded protection under National policy and legislation including those listed as a "habitats of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016 - Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

In addition whilst the hedgerows were found to lack suitable features to support roosting bats, it is likely that bats would use these features for the purposes of foraging and commuting through the wider landscape. I note that that the report identifies that the hedgerows on the northern and eastern boundaries of the site will be for the majority be retained in-situ and unaffected by the proposed development with the exception of a short section of the eastern hedgerow - identified as comprising immature hawthorn - that will be removed to provide access from the main part of the site to the smaller part of the site in the east and the section of hedgerow removed to enable joining the existing farm road and proposed farm road. In accordance with the Environment (Wales) Act 2016 the LPA is required to seek to maintain and enhance biodiversity through all of its functions including the planning process, therefore it would be necessary to provide appropriate compensation for the loss of any features of biodiversity value.

I note from the submitted Site Plan drawing no. IP/LF/02 produced by Ian Pick Associates Ltd dated March 2019 that it is proposed to provide a native tree planting belt along the southern and western elevations of the proposed poultry sheds - taking into account the extent of hedgerow to be removed to accommodate the required access it is considered that the proposed native tree planting belt would provide appropriate compensation in this instance. Whilst the submitted plans indicate the

provision of a native tree planting belt around the proposed unit, no specific details regarding the species or planting specifications and aftercare measures 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.

In addition in order to ensure protection of the retained hedgerows and trees surrounding the proposed development footprint it recommended that adherence to the Tree and Hedgerow Protection Measures Statement detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 is secured through an appropriately worded planning condition to ensure that these features would appropriately protected during the construction phase of the proposed development.

No ponds were found to be present within the footprint of the proposed development itself, three ponds were identified as present within 500m of the 'initial' red line boundary. These ponds were subject to Habitat Suitability Index (HSI) assessments, the ponds were found to score between average and excellent suitability for great crested newts (GCN) and GCN were confirmed to be present in the 'excellent' pond. The report identifies that detailed surveys of all three ponds were being undertaken to establish presence/absence in ponds 1 and 3 and population size in pond 2 - the results of these surveys have been provided in a separate report and are discussed in detail below.

Assessment of the proposed development site for it's potential to support protected and priority species was also undertaken during the field survey. The report provides the results of the assessments and provides recommendations with regards to further surveys and/or mitigation measures.

The site was found to support widespread and common plant species, no protected or priority plant species were noted during the survey.

No GCN were observed on the site of the proposed development and the habitats covering the development site - heavily grazed improved grassland - were considered to be poor terrestrial habitat for GCN. 3 ponds were identified within 500m of the 'initial' redline boundary, these were subject to HSI assessments and found to range between average - excellent suitability for GCN . The presence of GCN was confirmed in Pond 2 and further surveys to establish the population size of the GCN population in Pond 2, and to establish whether this species is present in Ponds 1 and 3 were identified as required - the results of which have been provided in a separate report.

No other amphibians were observed during the field survey and due to the absence of suitable breeding habitat on the proposed development site itself i.e. ponds. The report concludes that no further surveys would be required.

The vegetation at the base of the boundary hedgerows was identified as having some limited suitability to support low numbers of reptile species - common lizard and slow worm - known to occur in Powys. The habitats were considered to be of limited value due to lack of associated potential basking areas, refugia and hibernacula and no evidence of indication of reptiles was observed during the survey. However the report concludes that the presence of low numbers of reptiles cannot be ruled out and in order to ensure compliance with the legislation afforded to reptile species known to occur in Powys a scheme of mitigation measures have been identified - having reviewed the identified mitigation measures it is considered that they are appropriate and in line with current guidelines. 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.

Bird species commonly associated with the habitat present on and adjacent to the proposed development site were identified, no Wildlife & Countryside Act Schedule 1 birds were noted during the survey and whilst no active nests were found during the survey the report concludes that common farmland and woodland birds would be likely to breed in the boundary hedgerows. Recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for nesting birds through the provision of four nest boxes on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process - therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No existing structures are present on the site and trees and hedgerow bushes were assessed as having negligible potential to support roosting bats due to lack of suitable features - it is noted that trees present along the old farm access track on the western edge of the northern part of the site were not included in this assessment, however it has been identified that these trees will not be affected by the proposed development - therefore the report concludes that the proposed development would not result in any impacts to roosting bats. The site was considered to have some potential to be used by foraging and commuting bats, especially along the hedgerows present around the proposed development site, as these features will be retained - with the exception of 2 sections required to be removed to accommodate proposed access points - the report concludes that there would be minimal impacts to bat activity across the site as a result of the construction of the proposed development.

Whilst minimal impacts as a result of the construction of the proposed development are considered likely, the report identifies that installation of external lighting in relation of the operation of the development could result in negative impacts - measures to minimise negative impacts from artificial lighting as a result of the proposed development have been identified within the ecology report in accordance with

accordance with the recommendations of the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series - the identified measures are considered to be appropriate. Limited details have been provided regarding the need to install exterior lighting associated with the proposed development - some reference is made to this in Section 3.10 of the Environmental Statement however the information provided is not considered sufficient to enable appropriate exterior lighting to be secured through a planning condition. In order to ensure that any proposed external lighting at the site would not have a negative impact on local wildlife, I recommend that if planning permission is granted a planning condition is included requiring that any external lighting identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7 - should external lighting be proposed it will need to be demonstrated that the plan complies with the recommendations identified in Preliminary Ecological Appraisal Report, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. It is therefore recommended that an appropriately worded condition is included to secure submission of a lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

In addition recommendations have been made within the report regarding opportunities to increase opportunities to enhance the site and surrounding area for bats through the provision of four bat boxes on suitable trees within the curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process - therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

No suitable habitat to support otter or water vole was identified during the survey and the report concludes that no further surveys for these species would be required.

The boundary hedgerows were assessed as being potentially suitable to support dormice, however the report concludes that as there would be minimal impacts to these hedgerows the risk of impacts to this species is minimal and that detailed surveys for this species would not be required.

No badger setts or evidence of badger activity was observed on the proposed development site or within 50m of the sites' boundary and no impacts to badger setts are anticipated.

The report includes recommendations to provide new nesting sites or hedgehog through the installation of two hedgehog nesting boxes in the base of hedgerows within the

curtilage of the farm - the identification of provision of biodiversity enhancements is welcomed in line with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires LPAs to seek to maintain and enhance biodiversity through the planning process - therefore should you be minded to approve the application I recommend inclusion of an appropriately worded condition to secure adherence to and implementation of the identified enhancement measures.

A Great Crested Newt Survey Report Produced by Craig Emms and Dr Linda Barnett dated May 2019 has been submitted to support the application. The Report details the findings of great crested newt surveys undertaken at the tree ponds identified within 500m of the proposed development - the surveys were undertaken between March and May 2019 using a combination of torch survey, bottle trapping and egg searches.

Ponds 1 and 3 were surveyed four times to determine presence or absence of GCN - during these surveys no great crested newts were found and the report concludes that GCN are considered to be absent from these ponds. Whilst GCN were found to be absent from these ponds breeding populations of common frog and common toad were found to be present in Pond 1, and smooth newt was identified as present in both Pond 1 and Pond 3

GCN were confirmed to be present in Pond 2 and six surveys were conducted to establish a population estimate, the surveys identified a maximum count of 23 GCN which classes the population in the pond as medium. The report concludes that due to the confirmed presence of GCN within 500m of the proposed development an EPS Licence will be required for the proposed development.

Further to the submission of the Great Crested Newt Survey Report a Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated August 2019 was submitted to support the planning application, following comments received from NRW on the 14th November 2019 a revised version of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 has been submitted.

I have reviewed the revised Mitigation and Compensation Strategy for Great Crested Newts Report dated December 2019 and consider that the measures identified are appropriate and achievable and subject to their implementation would ensure that the proposed development would not result in negative impacts to the favourable conservation status of GCN in its natural range.

The Report details mitigation and enhancement measures including Reasonable Avoidance Measures during the pre-construction phase, terrestrial habitat protection including the use of exclusion zones, recommendations regarding artificial lighting, vegetation clearance/management works, protection of aquatic and terrestrial habitats, search of potential refugia, methods for storage of material on site, removal of spoil from the site and excavations, protocol to follow in the event of discovering GCN/amphibians on site. In addition to mitigation measures habitat enhancement measures have been

identified including aquatic habitat restoration/enhancement works to Pond 2 and Pond 3, provision of two artificial hibernacula to be constructed close to ponds 2 and 3 and restoration/enhancement of grassland through reduction of grazing pressure allowing the grassland to grow longer and develop a more varied structure and floral composition - a contingency plan for restoration of the grassland has also been identified in the event that limiting grazing does not prove to be effective. Protection measures to prevent pollution of the ponds has been identified, measures identified include the construction of an artificial swale between the broiler sheds and pond 2 to intercept runoff and prevent contaminated water reaching the pond. An outline scheme of long term monitoring and management has also been provided indicating monitoring would be undertaken in the 1st, 3rd, 5th, 10th, 15th, 20th and 25th year after works on the development site have been completed. The results of the GCN monitoring visits and the monitoring of the mitigation and habitat restoration/enhancement measures will be reviewed following each survey year and any necessary remedial actions identified.

NRW have reviewed the amended Mitigation and Compensation Strategy for Great Crested Newts Report dated December 2019 and confirm in their response dated 24th January 2020 that whilst the amended Mitigation and Compensation Strategy only partly addresses the comments of their response dated 14th November 2019 they are satisfied that the submitted report is satisfactory for the purposes of informing the planning decision subject to the inclusion of a suitably worded condition to secure submission and implementation of an Amphibian Conservation. Full details of the condition requested by NRW can be found in the NRW response reference CAS-106171-W9R4 dated 24th January 2020.

I have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 22nd March 2017 submitted to inform the application.

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

- o River Teme Site of Special Scientific Interest (SSSI)
- o Gwernaffel Dingle SSSI
- o Brampton Bryan Park SSSI

The following International statutory designated sites are present within 10km of the proposed development:

- o River Clun Special Area of Conservation (SAC)

NRW have reviewed the information provided within the Report with regards to National and International statutory designated sites, in their response dated 8th July 2019 NRW have confirmed that the application has been assessed under the pre April -2017 thresholds, this is due to the fact that the an NRW permit application for the proposed poultry units was received prior to this date. NRW Have confirmed that the predicted process contributions would be below the thresholds applied to determine potential

impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.

The biodiversity data search identified the presence of 46 parcels of Ancient Woodland and one Local Wildlife Site - Knighton Railway Station Meadow LWS - within 2km of the proposed development site.

With regards to Ancient woodland the preliminary modelling indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 $\mu\text{g}/\text{m}^3$ and the Critical Load of 10.0 kg/ha. 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.

I note that the Local Wildlife Site present within 2km of the proposed development has not been included in the ammonia and nitrogen deposition modelling, whilst this non-statutory site has not been included within the assessment having reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland it is considered that this provides sufficient evidence to demonstrate that the predicted process contribution to the Local Wildlife site would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site and as such I do not consider it necessary in this instance to require additional information to be submitted.

A Manure Management Report produced by Farming Connect dated 1st November 2018 has been submitted to inform the application. Further to comments received from NRW dated 8th July 2019 which identified that the figures in the MMP failed to include details of manure for a 12 month period - the MMP only included calculations for the periods when livestock would be housed at the site - an addendum to the MMP has been submitted (uploaded to PCC Planning Portal on the 9th August 2019). The amended calculations identify that 49811kg of Nitrogen would be produced at Llanshay farm over a 12 month period this would require 199.24ha of ground to accommodate the spreading of all of the manure produced by the proposed poultry 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. The MMP and associated maps include 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 MMP and associated addendum identifies that 139.59ha is available when no spread areas are deducted from the land within the ownership of the applicant i.e. there is insufficient land available at Llanshay farm to accommodate all of the manure produced at the site and that 14912.5kg of manure would need to be exported. It has been identified that the surplus manure would be exported to Lower Pedwardine Farm,

Brampton Bryan, Bucknell, Shropshire - details of N loading at Lower Penwardine have been provided which identify that this site has sufficient capacity to receive the exported manure and also adhere to CoGAP requirements regarding upper limits and no-spread zones.

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 from the buildings will be stored in one of a number of covered areas on the farm prior to spreading to land. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards - once this reaches capacity, it will be collected and taken off site by a sealed tanker and disposed of whenever it is full. Subject to the site being operated in accordance with this 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. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage arrangements for the site have been provided on the Drainage Layout Plan drawing no. IP/TP/05A produced by Ian Pick Associates Ltd dated June 2019, these identify that dirty and clean water will be kept separate. Dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards) dirty water will then be collected and taken off site by a sealed tanker and disposed of whenever it is full. Clean water from roof and clean surfaces has been identified as being drained to clean water drainage system each side of the building which is then discharged to an attenuation pond, all downpipes will be sealed at ground level to prevent contamination. The Drainage Layout Plan identifies that a diverter valve is included within the system which would enable the clean water system to be diverted to the dirty water tank during wash-down or in the event of a pollution incident.

Having reviewed the clean and dirty water drainage proposals it is considered 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. NRW have also confirmed that subject to the development being undertaken in accordance with the identified plans the proposal would not be likely to negatively impact the surrounding environment. I note that due to the size of the proposed development the surface water drainage scheme will also require approval from the SuDS Approval Body (SAB), whilst the plans submitted for the application are considered to be acceptable with regards to consideration of the potential impacts of the proposed development to the wider environment with regards to a planning application it should be noted that further detail with regards as to how the proposed SuDS will maximise benefits for biodiversity will need to be identified as part of the SAB application. Having reviewed the clean and dirty water drainage proposals it is considered 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 I therefore recommend that should you be minded to approve the application that a suitably worded planning condition is included to secure adherence to the identified drainage scheme.

A Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, 'Knighton (unreferenced & undated) has been submitted with the application. I have reviewed the submitted information consider that the measures identified are appropriate and the measures proposed are also in line with current guidelines. NRW have confirmed that they consider the submitted information and measures identified within these plans to be appropriate and subject to adherence to these Plans there would be no likely adverse impacts from the proposed development to the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

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 details and measures identified in the following documents:

- i. Manure Management Plan Report Erection of a free-range egg production unit including silos and associated works at Bache Farm, New Radnor, Presteigne produced by Roger Parry & Partners LLP (undated) and associated Maps;
- ii. Drainage Layout Plan drawing no. IP/TP/05A produced by Ian Pick Associates Ltd dated June 2019;
- iii. Manure Management Report produced by Farming Connect dated 1st November 2018 and associated addendum report (undated and unreferenced)

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 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.

The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated May 2019. The identified measures 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 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 and enhancement measures with regards to great crested newts identified in the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019. The identified measures 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 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 Tree and Hedgerow Protection Measures Statement detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019. The identified measures 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 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

Notwithstanding the details submitted, prior to the commencement of development a detailed Native Landscaping Planting and Management Scheme 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 - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long term retention. The measures identified 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.

Prior to the first beneficial use of development, an ecological consultant shall visit the site to check that all of the biodiversity enhancement measures for birds, bats, hedgehogs and great crested newts have been implemented and are fit for purpose and a written report shall be submitted to the LPA confirming that this the case.

Reason: 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.

No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations identified in Preliminary Ecological Appraisal Report, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved.

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.

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 Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,
- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 - which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

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:

Cadw – SAM Thu 30 Jan 2020

I refer to the above planning application and this letter supersedes our previous response of 6 September 2019 as additional information has been brought to our attention by CPRW.

I understand that the ammonia produced by this development could increase levels in the Grade 1 Registered Stanage Park Historic Park and Garden to a level which could have an adverse impact on its trees and vegetation. Ammonia can have a significant impact on mycorrhizal fungi which have an important symbiotic relationship to parkland trees. Mycorrhizal fungi enables the trees to extract nutrients and hold onto water. In effect, the fungus provides a secondary root system which is more efficient and extensive than the tree's own root system. Thus an impact on the fungi could have an effect on the health of the trees and given the age of the trees inside the registered historic park and garden this could lead to their loss. Many of the trees in registered historic park were planted as part of the original design and therefore their loss would have a significant impact.

I understand that ammonia levels of more than 0.01 ug/m³ may have an impact on mycorrhizal fungi. The closest receptor points to the registered historic park and garden surveyed as part of the ammonia report submitted with this application (receptor points 24 and 26) are above this level. However, these points are to the west and well outside the boundaries of the registered historic park and garden. It is therefore recommended that the current assessment is expanded to include new receptor points inside the registered historic park and garden and that the impact of increased ammonia on mycorrhizal fungi and the historic trees is fully assessed. This is particularly important as Planning Policy Wales (PPW) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. Furthermore, any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way. PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

I can confirm that without this additional information we consider that the impact of the

proposed development on the Grade 1 Registered Stannage Park Historic Park and Garden is potentially significant and would give us cause to object to this application.

CADW Mon 09 Sep 2019

Thank you for your letter of 09 August 2019 inviting our comments on the consultation submitted for the above mentioned proposal. We have no change to our previous advice given on 10 June 2019.

Natural Resources Wales (Mid Wales) DPAS Mon 27 Jan 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/12/2019, and for allowing more time for us to reply.

Further to our previous letter referenced CAS-97355-M9K3 dated 14/11/2019, we have the following advice to provide.

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

Condition 1 - No development shall commence until a Great Crested Newt conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 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:

- i. Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)
- ii. Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')
- iii. Manure Management Plan (subject to the satisfaction of requirement for revised GCN mitigation/compensation)

European Protected Species - Great Crested Newts

We have reviewed the Mitigation and Compensation Strategy for Great Crested Newts (GCN) (reference Emms, C and Barnett, L. (2019). Mitigation and Compensation Strategy for Great Crested Newts: Llanshay Farm, Llanshay Lane, Knighton, Powys. Craig Emms and L K Barnett. Unpublished) submitted in support of this proposal.

Further to the requirements set out in our previous letter, we confirm the submission partly addresses the following:

1. Dedicated provision for a long-term Great Crested Newt compensation area
2. Revised GCN amphibian avoidance scheme, however we advise amphibian fencing could be used.
3. Management plan. No detail is provided on licencing requirements or contingency prescriptions.

The information provided which is not satisfactory include:

- a. Information on an amphibian friendly surface water management system
- b. Biosecurity
- c. Long term monitoring
- d. Ecological compliance audit.

Having considered the first revision of the document, we consider our requirements can

be addressed by means of an appropriately worded condition. We would have no objection to the scheme on the grounds of GCN subject to the imposition of a condition requiring the submission of a conservation plan.

Condition 1 - No development shall commence until an Amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The Conservation Plan shall include, but not necessarily limited to:

- o Build upon the principles outlined in the ecological report (reference Emms, C and Barnett, L. (2019). Mitigation and Compensation Strategy for Great Crested Newts: Llanshay Farm, Llanshay Lane, Knighton, Powys. Craig Emms and L K Barnett. Unpublished);
- o Submission of updated details and plan regarding GCN avoidance and mitigation measures to include fence construction and maintenance. Submission to include timescales and reporting requirements;
- o Submission of a long term site management that includes habitat management prescriptions; contingency measures if fish or invasive non-native species are detected; licensing requirements for undertaking habitat management and surveillance; current and any proposed tenure to the compensation area; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposals that are capable of being implemented in the event of failure to undertake identified or contingency actions;
- o Submission of detail on the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots;
- o Details of timing, phasing and duration of construction activities and conservation measures

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- o Timetable for implementation demonstrating that works are aligned with the proposed development
- o Ecological Compliance Audit, including key performance indicators
- o Persons responsible for implementing the works
- o Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include biennial abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site. Frequency of monitoring visits shall be increased in the event of fish and or aquatic invasive non-native species are detected;
- o Submission of a biosecurity risk assessment.

The Conservation Plan shall be carried out in accordance with the approved details.

Condition 2

Condition 2 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:

- i. Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)
- ii. Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')

iii. Manure Management Plan (subject to the satisfaction of requirement for revised GCN mitigation/compensation)

Further details of condition 2 can be found in our previous letters.

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.

If you have any queries on the above, please do not hesitate to contact us.

Natural Resources Wales (Mid Wales) DPAS Fri 15 Nov 2019

Further to our previous letter referenced SO27/GB/CAS-89831-K7D8 dated 08/07/2019, we have the following advice to provide.

We continue to 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 attach the following condition to the permission. Otherwise, we would object to this planning application.

European Protected Species - Great Crested Newt (GCN)

Following review of the submission of the GCN survey¹ and mitigation strategy², in our view, the overall proposal has the potential to cause disturbance to this European Protected Species (EPS). GCN are protected under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Where GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS (i.e. GCN) on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN at this site. We therefore consider the submitted proposal provides insufficient information to demonstrate the development will not be detrimental to the maintenance of the favourable conservation status of the local population of this species.

Requirement: European Protected Species -The submission of revised great crested newt (GCN) mitigation and compensation measures to demonstrate the proposal is not detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.

A satisfactorily revised mitigation and compensatory scheme to include the following must be submitted:

- i. A dedicated long-term GCN compensatory scheme including plan of habitat creation and enhancement proposals such as pond construction and details of size, location and future tenure;
- ii. A revised GCN avoidance and mitigation scheme during the construction phase;
- iii. A GCN management plan that includes provisions concerning long term management for a period of not less than 25 years; and,
- iv. Details of measures designed to prevent the accidental capture/killing of GCN post-construction. This is essentially the design and construction of an amphibian friendly surface water management system.

Pollution

Once suitable information has been provided to demonstrate that the proposal would not have adverse effects on favourable conservation status of GCN, we request the following condition is included in your planning approval:

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

- i. Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)
- ii. Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')
- iii. Manure Management Plan (subject to the satisfaction of requirement for revised GCN mitigation/compensation)

Manure Management Plan

We have reviewed the additional manure management document provided (document titled 'In relation to planning application at Llanshay Farm, Llanshay Lane, Knighton, Powys LD7 1LW (SO297718)') submitted in support of this proposal, and we are satisfied that the information fulfils Requirement 1 in our previous letter (SO27/GB/CAS-89831-K7D8). However, we advise that this is in relation to emissions to air, land and water only and does not consider factors such as odour, noise and vibration which may need to be considered by your authority.

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.

PCC-Built Heritage Officer Fri 23 Aug 2019

19/0743/FUL Erection of 2 no. poultry buildings and associated infrastructure Llanshay Farm Llanshay Lane Knighton Powys LD7 1LW

Recommendation No objection - subject to usual landscaping conditions and roof colour.

Background to Recommendation

Designation

Cadw ID 9034 Llanshay Farmhouse included on the statutory list on 30/09/1995
Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995

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

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"

Llanshay Farmhouse is located approximately 3/4 mile SE of Knighton, set back on an uphill site and facing south. The house is mainly C19 roughcast front to house with earlier, probably C15 and C17, interior and origins 1-storey and attic with 2-storey cross range to left.

The long barn to south of Llanshay Farmhouse is later dated 1811 on plaque to west gable end. Very long coursed rubble barn partly weatherboarded to upper floor of east end.

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

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity
- o 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.

The farmhouse and barn are sited immediately outside Knighton on sloping land and are visible from various viewpoints including the A488 in Shropshire on the approach to Knighton, in proximity to Knighton railway station a listed building Historic England UID 1054940.

Llanshay house and barn are nestled halfway up a hill and the farmhouse is evident in the landscape when viewed from the north being rendered and white, the barn is less evident being stone.

When viewed from the A488 the farmhouse is visible as are the more recent barns erected to the south of the farmhouse and barn on higher land. I note that the Landscape and Visual Impact Assessment does not address the more long distance views from the English side of the border where some of the best views of the farmhouse can be sought.

From the A488 when viewed from the vicinity of Stud Farm, the white coloured Llanshay farmhouse is readily apparent, as are the new barns sited above it to the south, however the contours of the land and Fronhir Wood will screen the new buildings to a considerable degree. I also note the location of the proposed buildings adjacent to an existing hedge, on relatively flat land. I note that the silos are to be sited on the eastern edge of the buildings which will afford the greatest screening from Fronhir Wood.

The proposed access road has the potential to impact on the setting of the listed buildings, however due to topography the proposed access road is curved and when viewed from the A488 from the vicinity of Stud Farm the access road will be well screened.

The access onto the A4113 is existing but will be improved, and it is noted from that viewpoint due to the levels of the land and the hedge Llanshay Farm is not readily

apparent and as such the access road will not affect the setting of Llanshay farm at that viewpoint.

Taking into account the topography vegetation and existing farm buildings on site I would not consider that the medium-long distance view of Llanshay farmhouse from the A488 from the vicinity of Stud Farm would be harmed by the proposed buildings.

There is a view of Llanshay farm from the vicinity of the railway station at the junction of Kinsley Road, Station Road and the A488. The listed farmhouse is viewed with the backdrop of field to the rear (south) , the more modern sheds are not so readily apparent from this location, and the fields form an important backdrop to the historic town. This medium to long distance view over the roof of buildings adjacent to the railway could potentially permit a view of the roof of the proposed buildings with the current landscaping. However, the distance from the farm is noted, the topography, the existing hedgerows and a cluster of trees which is assumed was a former hedgerow and taking all those factors into consideration it is considered that should there be any harm from this viewpoint it would be slight and could be alleviated by mitigation. I note that the existing hedgerow is high and would appear to screen the vast majority of the building, and note the proposed landscaping to the south, and would request that consideration be given to the colour of the roof to be absorbed into the landscaping. It is considered that a blue slate grey such as B 18B28 would be desirable in this instance.

With the caveat that the existing hedges are to be retained as per Site plan A1 and additional planting as proposed, subject to appropriate landscaping conditions and consideration of the roof colour, I would not consider that given the distance and topography that the proposal would harm the setting of the listed building when viewed from the vicinity of Knighton railway station.

There will be short term views of the building when viewed from Llanshay Lane. However the buildings would not be sited adjacent to the lane, the field is lower at that point and there is planting proposed to the south and west of the buildings. However at this viewpoint Llanshay Farm and barn is at a lower level and not visible from Llanshay Lane. Similarly when in close proximity to Llanshay Farm and barn on Llanshay Lane the proposed site is not visible, and as such it is not considered that the short term views of the setting of the listed farmhouse and barn would be harmed by the proposed development.

Subject to the usual landscaping conditions and consideration of the roof colour, I would confirm that I would not consider that the proposal would harm the setting of Cadw ID 9034 Llanshay Farmhouse and Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995 in either short term views from Llanshay Lane or medium-long distance views from the A488.

Welsh Water Fri 23 Aug 2019

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

CATCHMENT This planning application falls within a Drinking Water Protected Area under Article 7 of the Water Framework Directive. This Article requires the UK to take action to protect drinking water sources. Section 7.3 states that the aim is 'to avoid deterioration in water quality where this may lead to additional purification treatment being required. The site is located within a DCWW Drinking Water Catchment known as 'Teme at Whitbourne'. The farm is 81.85km down gradient of our abstraction point at Whitbourne WTW with a travel time of 22hours. The importing farm at low Penwardine is 72.17km with a travel time of 23hours to Whitbourne WTW. Please note distances and travel times are approximate. With regard to this application, Dwr Cymru Welsh Water presumes that relevant authorities have been consulted, including Natural Resources Wales, to ensure compliance with current regulations and best practice guidelines are being followed in respect to any new building and maintenance of this installation. We would like to reiterate to the applicant that the facility is within a Drinking Water Catchment and trust that all the particulars from the permit will be followed during the lifetime of the treatment plant.

DCWW would like to request further information from the applicant to assess the impact of the proposed development on drinking water quality: 1. During the clean down process will any chemicals be used? If so what are they and what do they contain? 2. What mitigation and management has been proposed with regards to the foul water tank and clean water tank over their lifetime? What is in place to prevent, identify, mitigate and monitor potential leakage of tanks?

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

Town Council Fri 23 Aug 2019

Knighton Town Council at its meeting last night by majority recommended approval of this application subject to the conditions in Natural Resources Wales concerns are met in their letter of 8th July

Wales & West Utilities - Plant Protection Team Wed 14 Aug 2019

With regards to your below request, this is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Email: plantprotection@cadentgas.com
Telephone: 0800 688588

Natural Resources Wales (Mid Wales) DPAS Wed 10 Jul 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 07/06/2019.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the scheme can meet the following requirements and you attach the condition listed below. Otherwise, we would object to this planning application.

Requirement 1 - re-calculation of manure management to include all manure for the complete 12 month period

Requirement 2 - Further survey work for great crested newts, as recommended by the report

Requirement 3 - Submission of a long term great crested newt mitigation and compensation scheme

Subject to the satisfaction of this Requirements, we would request the following condition:

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

i i) Drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.)

ii ii) Pollution Prevention Plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton')

iii iii) Manure Management Plan (subject to the satisfaction of Requirement 1)

Manure Management Plan

We have reviewed the Manure Management Plan ('Manure Management Report', Company name: ADAS Ltd. by Cyswllt Ffermio Farming Connect dated 1st November 2018) submitted in support of this proposal.

The correct Nitrogen emission factors have been used. The risk maps have included the correct buffers to sensitive receptors. A contingency plan has been included for contaminated wash water and for water contaminated from disease outbreak and the proposed dirty water tanks will be SSAFO compliant.

The nitrogen calculations only calculate the livestock for the housed period.

Requirement 1 - re-calculation of manure management to include all manure for the complete 12 month period

The nitrogen calculations produced by all livestock on the farm will need to be calculated for the complete 12 month period, regardless of being housed or not.

Calculations of the nutrient loading for all manures generated over a 12 month period, and the land which may receive this either by spreading or from grazing deposition must be included, so to assess against the maximum guide of 250kgN/ha/yr farm limit. This is likely to result in increases in the quantity of manure which needs to be exported.

It is proposed that poultry manure will be stored in concrete floored cattle buildings prior to spreading. If manure is to be stored in a structure like a cattle building, this must meet the storage standards of SSAFO.

Protected Species

Great crested newts and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

We have reviewed the ecological report (Emms, C and Barnett, L (2019). Preliminary Ecological Appraisal: Llanshay Farm, Llanshay Lane, Knighton, Powys. Craig Emms and Linda Barnett. Unpublished) submitted in support of this proposal.

We consider the survey and assessment is satisfactory for bats, dormouse, water vole and otter. We do not consider the proposal is likely to be detrimental to the maintenance of the favourable conservation status of any local population of bat, dormouse, otter or water vole.

We understand that preliminary great crested newt surveys have been undertaken. The report advocates further survey work is undertaken. We agree with this recommendation.

Requirement 2 - Further survey work for great crested newts, as recommended by the report

Requirement 3 - Submission of a long term great crested newt mitigation and compensation scheme

We will be able to provide further advice on great crested newts upon the receipt of this additional information. Upon submission of a satisfactory mitigation and compensation scheme, we are likely to condition its implementation.

Protected Sites and Aerial Emissions

Intensive agricultural units have the potential to impact protected sites through aerial emission (ammonia and nitrogen deposition). This proposal has been assessed under the pre-April 2017 thresholds, as the NRW Permitting have confirmed a Permit application was received before this date. NRW has assessed the proposal using the screening criteria of any Site of Special Scientific Interest (SSSI) within 5km of the unit, and any Special Area of Conservation (SAC)/Special Protection Area (SPA) within 10km of a poultry unit.

The report states there are 3 SSSIs within 5km of the proposal, which are:

- o River Teme
- o Gernaffel Dingle
- o Brampton Bryan Park

The report also states part of the River Clun SAC are within 10km of Llanshay Farm.

The report has assessed the proposal using the 1 μ g/m³ critical level for each site.

The background ammonia concentration (annual mean) near the proposed poultry unit and the wildlife sites is 1.34 μ g/m³. The background nitrogen deposition rate to woodland is 27.02kgN/ha and to short vegetation is 16.24kgN/ha. The source of these background figures is the Air Pollution Information System (APIS) March 2017.

The report concludes the process contribution from the proposal would be below the thresholds we apply in our assessment of potential impacts on protected sites.

Drainage Plan

We have reviewed the drainage plan (drawing reference IP/LF/05 dated April 19 by Ian Pick Associates Ltd.) submitted in support of the proposal.

The plan shows the clean and dirty water being drained separately. The dirty water will drain to a SSAFO certified dirty water tank. The clean surface water will drain to an attenuation pond before being discharged to a small watercourse.

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

Pollution Prevention Plan

We have assessed the pollution prevention plan ('Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton') submitted in support of the proposal.

Provided the construction works and site operations take place 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 Permit

We note a copy of the Environmental Permit for this proposal has been submitted, referenced EPR/AB3593ZL.

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.

Foul Drainage

We note a package treatment system is to be installed to serve the control building. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk.

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.

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.

Hafren Dyfrdwy Mon 24 Jun 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.

Town Council Thu 20 Jun 2019

Knighton Town Council agreed to recommend approval of this application by majority if carcasses are frozen upon death and the carbon footprint is kept to a minimum with the introduction of solar panels etc

PCC-Rights Of Way Senior Manager Mon 17 Jun 2019

Further to the amended location plan, Countryside Services wishes to amend its comments on this application.

The re-sited attenuation pond is now proposed to be away from the above bridleway, but the applicant must ensure that the any landscaping works associated with the attenuation pond and the ponds outfall do not obstruct or encroach upon the bridleway.

The pipe used to drain the pond into Caleck's Pool should be an appropriate size and strength, and buried at an appropriate depth, to not cause a hazard to users of the public right of way; and the surface must be reinstated to at least its current condition or better.

The applicants can apply to the Authority to temporarily close the public bridleway during development if they feel that they that they cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

As such, Countryside Services wishes to remove its holding objection to the development, subject to the advice above being part of the approved plans, if planning is granted. If the applicant wishes to have a site visit with Countryside Services please contact, us direct.

PCC-Rights Of Way Senior Manager Wed 12 Jun 2019

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

The proposed development directly effects the above bridleway, and if built as per the applicants plans the attenuation pond will obstruct the bridleway. Countryside Services therefore wishes to submit a holding objection, and advises the landowner to either re-site the attenuation pond or submit an application to us to divert the bridleway to an alternative route.

It is therefore strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located.

The applicants can apply to the Authority to temporarily close the public footpath during development if they feel that they need the space and cannot guarantee the safety of the public.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

We would therefore advise that advice is sought from Countryside Services before any development begins.

Wales & West Utilities - Plant Protection Team Tue 11 Jun 2019

With regards to your below request, this is not Wales & West Utilities area.

CPAT Tue 11 Jun 2019

I can confirm that there are no significant direct or indirect impacts resulting from the proposed poultry sheds at this location and we would have no objection.

PCC-(M) Highways Tue 11 Jun 2019

1. 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 60 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.
2. 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.
3. 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 20metres 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.
4. Prior to the first operational use of either poultry building 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.
5. 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.
6. The width of the access carriageway, constructed as Condition 3 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.
7. 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.
8. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Welsh Water Mon 10 Jun 2019

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

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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

Shropshire Council - Planning

Consulted but no response received.

Herefordshire Council

Consulted but no response received.

Natural England

Consulted but no response received.

Environment Agency

Consulted but no response received.

Cadent Gas

Consulted but no response received.

Public Health Wales

Consulted but no response received.

Representations

There have been 60 representations of objection and 35 representations of support for the development.

Summary of the grounds of objection

- The development does not accord with guidance, policy or legislation.

- Powys County Council will fail in its duties should the development be permitted.
- Concerns with NRW's use of outdated guidelines. Suggestion that PCC must use most up to date guidance.
- LVIA not undertaken in accordance with up to date best practice, includes inaccurate information and has omissions regarding relevant considerations. Landscape character has not been assessed. Mitigation in the form of planting suggested but landscaping plans not available.
- Impact to amenity – reports within the ES have not taken account of permitted housing developments within close proximity to the site.
- Loss of trees to form new roadway – ancient trees that are important to wildlife.
- A section of private road does not benefit from permitted development and therefore does not have permission as it is not included within the application.
- Contamination of surface water including the River Teme - Run off from Manure spreading and during cleaning of the sheds.
- Unacceptable impact to sensitive sites.
- Impact to insect and bird populations – Article from the Guardian Newspaper referenced.
- Powys has the highest concentration of poultry units in Europe.
- Impact to human health - Article from the Guardian Newspaper referenced and concerns raised over community acquired pneumonia.
- Nitrates and phosphates change the mineral content of soil which has an impact on plants and animals.
- Alternative manure management proposals suggested (send to an AD plant rather than spread on land).
- Impact to water supplies – IPU use large quantities of water.
- Intensive farming contributes toward global warming – importation of soy.
- Too close to the town of Knighton.
- Impact to Stanage Park.

- Increased traffic – impact to amenity from noise.
- Welfare of animals – inhumane way to rear livestock.
- Impact to tourism.
- Impact to use of right of way not evaluated.
- Queries over the validity of data within the submitted documents.
- The review document by Dr Bull must be a material consideration.
- The need for cheap meat questioned.
- IPU's benefit the few to the detriment of many.
- Environmental risks cannot be addressed without a credible means of regulatory control over manure export arrangements.
- In conflict with aims of reducing carbon emissions and meeting climate change targets.
- Cumulative impact of other IPU's has not been fully considered.
- Potential for zoonotic transmission of viruses from animals to humans in intensive farming.
- Not sustainable farming – feed includes soya which has high environmental costs.
- The export of manure will have environmental implications with additional lorries on the road.

Planning History

None for site

Adjacent to site

RAD/2004/0572 - Outline: Amended application for residential development of 103 dwellings, vehicular access and associated engineering works (all matters reserved) Approved August 2019.

P/2012/0573 | Full: New site access road from A4113 to the Llanshay Lane and the creation of passing places to enable access to the consented Reeves Hill Windfarm –

withdrawn

AGRI/2017/0096 - Construction of a new farm track – No planning permission needed.

Principal Planning Policies

Future Wales - The National Plan 2040 (2021)

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11) 2021		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
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026

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
SPG	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape (2019)	
SPG	Historic Environment (2021)	

Other Legislative Considerations

Environment (Wales) Act 2016.
 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) Regulations 2017 lists types of development and thresholds to define 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 proposed development falls within the definition of Schedule 1 (17a) – *‘Installations of the intensive rearing of poultry and pigs’* as it exceeds the threshold of 85000 broilers. Therefore, an Environmental Statement is mandatory to accompany this planning application, which has been processed as EIA development in accordance with the 2017 Regulations.

Environmental Permitting Regulations

The operations at the site require an environmental permit issued by Natural Resources Wales. This is required on the basis that the number of broilers to be reared 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.

It is noted that the applicant has already been granted an Environmental Permit for the operation of this proposal under reference EPR/AB3593ZL. Given the proposed changes to the planning application in 2021, it is likely that the details within the permit application vary to that contained within the planning application and it will be the responsibility of the landowner or operator of the units to ensure compliance with both regimes.

With regards to the extent the presence of a permit is relevant to the current planning application, Planning Policy Wales states that *‘The planning system should not be used to secure objectives which are more appropriately achieved under other legislation. The aim should be to maintain the principle of non-duplication, wherever possible, even where powers and duties resulting from other legislation may also be the concern of local authorities. This does not mean failing to address issues which the planning system should be properly concerned with’*. It specifically states that *‘the granting of other consents should not be used to justify the granting of planning permission’*.

Therefore, whilst it is acknowledged that the development does benefit from an environmental permit, the planning application must be considered on its merits taking account of all material matters, even where they overlap the considerations of a permit, and the presence of a permit cannot be used as a substitute for the full and proper consideration of those planning matters.

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.

The Scheme

The development relates to the erection of two broiler rearing units accommodating 110,000 birds in total. The buildings will measure 104m by 24.7m with a ridge height of 6.282m. Each poultry house has an attached control room and catching canopy on the east elevation extending to 14.35m x 3m; and air scrubbers attached to the west elevations measuring 24.7m x 7.5m and 7.21m at their highest point. The development will also include the provision of associated feed bins, a feed blending room, a steel container to accommodate a ground source heat pump, hardstanding areas, plant room, underground dirty water tank, water tank, gate house, 3 gas tanks, a backup generator and drainage to an attenuation pond. Access will be taken from the A4113 via an existing entrance and along an approved agricultural access permitted under reference AGRI/2017/0096, an existing agricultural track and then via a new section of private roadway (all of which is included in the application site area).

Site Location

The development will be located south-east of the existing dwelling and farmstead at Llanshay Farm and will be an isolated form of development in the open countryside. The site is currently an agricultural field with agricultural land to the north, south and east. To the west of the site, there is Llanshay Lane, a minor county highway. The application site is approximately 700 meters from the existing built form and residential areas of Knighton at its closest.

Policy Context

Future Wales is the national development plan framework for Wales. Its focus is on national and regional spatial issues and as such, whilst its policies will need to be considered, the Local Development Plan policies provide the detailed development management framework in the vast majority of cases.

Planning Policy Wales Edition 11 (PPW) confirms the key principles for the planning system in Wales. It establishes what development plans and decisions taken by the planning system must achieve and how development should be shaped to deliver the best possible outcomes. It is the Welsh Government's primary statement of planning policy and it is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters.

The primary objective of PPW is to ensure that the planning system contributes towards

the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. In order to achieve this, it requires decision makers to embrace the concept of placemaking. 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.

Finally, Local Development Plans must be prepared in accordance with national planning policies and provide certainty for developers and the public about the type of development that will be permitted at a particular location. By determining applications in line with the Development Plan and other material considerations, Local Planning Authorities will be promoting the delivery of sustainable development.

Principle of Development

Planning Policy Wales as well as Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside. Local Development Plan (LDP) policy SP6 regarding the distribution of growth recognises that agricultural development will occur in the open countryside and details that such proposals will be assessed against national policy and all other relevant policies of the plan.

Planning Policy Wales suggests that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. However, it is also recognised that care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

LDP Policy E2 supports proposals for developments that are appropriate in scale and nature to their location and are supported by a business case which demonstrates that its location is justified. It is accepted that poultry rearing is a land based business that requires purpose built buildings on farms that propose to run them.

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 either individually or through cumulative impact. Policy E6 seeks to encourage diversification to take place within existing buildings in the first instance, or adjacent to an existing farm building complex where this cannot be achieved. Whilst it is noted that the proposal would be an isolated form of development, it is recognised that intensive poultry units require bespoke buildings and due to their scale, there are often site constraints that lead to the most appropriate siting of the unit

being detached, particularly when taking all material matters into account.

Therefore, subject to all other material planning matters being acceptable, the principle of the development at this location is considered to be acceptable in accordance with the planning policy framework detailed above.

Need and benefits

It is generally accepted that poultry units on existing farm enterprises are an appropriate form of diversification. The applicant currently operates a traditional sheep farming enterprise within Powys which extends to 188 hectares and includes 100 suckler cows and 900 breeding ewes.

The applicant argues that the demand for UK produced chicken is rising (around 3% per annum) and currently only 80% of UK consumed chicken is produced in the UK. With a number of processors in the UK now expressing a commitment to cease reliance on imported chicken, and move to a majority of British, there is a need and strong market for the production of British reared chicken, as proposed within this application. The UK broiler industry currently produces approximately 21,000,000 birds per week with imports representing the equivalent of 5,000,000 birds per week. These figures have not been verified by the Local Planning Authority.

Although actual job creation has not been detailed within the application, it has been noted that employment will be created via both the construction and operational phases of the development and the scheme represents an investment of approximately £1,500,000 in the construction of the site.

Supporters of the application welcome the economic benefits it will bring to the locality.

Principal Matters

Taking into account the details submitted in respect of the development, the principal matters relevant to determination are considered in turn below.

Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside of settlements defined in the Settlement Hierarchy will only be permitted where they would not have an unacceptable adverse impact on the valued characteristics and qualities of the Powys landscape and would be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its topography, development pattern and features, historical and ecological qualities, open views and tranquillity. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where significant impacts are likely on the landscape and/or visual amenity 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.

The Environmental Statement includes a Landscape and Visual Impact Assessment which has accompanied the application. It is acknowledged that the assessment has not been updated to take account of some later changes to the application including the provision of air scrubbers and the inclusion of part of the access track which has previously had approval under an agricultural notification. However, officers consider that the changes do not significantly alter the nature or overall scale of the development such that would lead to different conclusions being drawn as a result of the assessment and otherwise the methodology employed sufficiently accords with best practice principles for its use in the consideration of the planning application. The report concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have an overall weighted medium landscape character sensitivity. The proposals would have a magnitude of landscape impact that could be considered small as they are not uncharacteristic when set within the attributes of the existing landscape. Therefore, the significance of landscape effect can be considered minor; i.e. not significant.

With regards to visual impact, the report concludes that the visual effects are minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme. The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate. i.e. significant, from a viewpoint close to the site boundary. Mitigation in the form of additional tree and hedgerow planting, maintenance of existing vegetation and the colour of the building being green has been suggested. With suitable mitigation measures, the development is considered to have a minor visual impact i.e. not significant.

LANDMAP has designated the landscape as follows:

Geological Landscape – Moderate
Landscape Habitat – Moderate
Visual and Sensory – Moderate
Historic Landscape – Outstanding
Cultural Landscape – High

Within the visual and sensory layer of LANDMAP, the landscape has been described as having rolling hills and valleys with strong pastoral field patterns. There are wooded watercourses, scattered trees and small woodlands with scattered farms. The landscape is described as being typical of Radnor. The application site and immediate surrounding area fits the description of the aspect area well in terms of its characteristics.

It is noted that the Historic Landscape layer has an overall 'outstanding' value and is described as *'An area dominated by large and historically (and nationally) important area of early 19th century parkland, designed by Humphry Repton. Surrounded by a*

predominantly post medieval fieldscape in good condition'. Whilst the proximity to Stanage Park and the connections with Humphry Repton are noted, as are the comments from a third party on this matter, it is not considered that the proposed development affects the noted qualities that give the aspect area its overall evaluation to any extent that would warrant an objection on this matter.

Whilst acknowledging the scale of the proposed poultry units in terms of floor area, the buildings are considered to have a relatively low profile reaching a maximum height of 7.21 metres. The tallest of the ancillary structures will be the feed silos that reach a height of 7.53 metres. Given the location of the development, 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 and there are no viewpoints from which the proposed development would be seen with another intensive livestock unit in order to add to any cumulative visual impacts from such developments.

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. Similarly, with regards to cumulative impacts, whilst there are other intensive livestock units in the area (the closest being at a distance of 1.2kms) officers do not consider that the proposed development would give rise to any cumulative landscape impacts taking account of the nature of the development, the receiving landscape and the extent of other development in the area. Officers concur with the conclusions of the LVIA and raise no objection with regards to landscape and visual impact also taking account of cumulative impacts and any impact experienced outside of Powys. Consultation has taken place with adjoining local authorities but no responses have been received.

The proposed agricultural units will be accessed by a combination of existing farm track, a section of track which was the subject of an agricultural notification (AGRI/2017/0096) and a new section of track. The red line of the application has been amended to clarify that the whole proposed access track is included within the application. The visual and landscape impact of the whole proposed access track which will provide access to the poultry development has also been considered by officers who consider that the landscape and visual impacts of the access track will be acceptable taking into account its siting, scale and nature within an existing agricultural setting. Furthermore, it is accepted that it is necessary to provide a suitable access to the poultry units and the agricultural holding.

Trees are a material consideration in the planning process and it is noted that the development will necessitate the loss of a small number of trees to facilitate part of the access track development. It is recognised that trees can have ecological, amenity and cultural value and that both local and national planning policy seeks to protect trees that offer significant benefits in these regards. However, despite the loss of a small number of trees to facilitate the access road, the majority of existing tree coverage within the

immediate vicinity will remain and will continue to offer ecological, cultural and amenity benefits. Furthermore, the development of this specific piece of track was the subject of an agricultural notification (AGRI/2017/0096) where the LPA resolved that prior approval was not required and therefore can now lawfully proceed independent of the current planning application.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. It is recommended that any consent is subject to appropriate conditions restricting the colour of external materials as well as 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 broiler development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13, E6 and DM2 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. It is acknowledged 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 at any time during the cycle but particularly from the cleaning of the unit at the end of the bird cycle.

When considering the impact to amenity from intensive livestock units Planning Policy Wales states that the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

The planning application was subject to amendments in 2021 which now details that the buildings will be fitted with air scrubbers. This change has resulted in revised versions of the odour and plant noise assessment reports also being submitted in support of the application so full account can be taken of the effect of the development on these matters.

The proposed development has been located on a site relatively remote from residential receptors. The nearest non associated dwelling is approximately 440m from the centre of the sheds and is known as Law's Barn. It is also recognised that the town of Knighton is approximately 700 metres from the proposed development and a recently approved housing development (outline) has been permitted under reference RAD/2004/0572 approximately 500 metres north-west of the proposed poultry units.

Noise

The main noise emitting plant associated with the development will be the extractor fans. The proposal indicates the use of 14 gable end extract fans per shed (28 total) which will be linked to the air scrubber system and 3 roof mounted extract fans per shed (6 total). A plant noise assessment accompanies the planning application which has assessed the

ventilation extract fans (roof and air scrubber system) for the proposed broiler units in accordance with BS4142:2014. The report concludes that the roof fans will have a low noise impact and the air scrubber system will have a negligible impact for the closest non associated properties from the development.

Although the report does not take into account the recently approved housing development, given the distances, topography and available information, it is considered that the proposal would not have an unacceptable impact upon the occupiers of these potential units. The comments from objectors regarding the adequacy of the report are noted but it is considered that the report is sufficient to appropriately assess the planning application and its impact upon receptors.

The development will also generate increased traffic to and from the application site which has the capacity to increase noise at receptors. Traffic will access the site along a private road from the A4113 which runs within close proximity to the recently approved housing development. Given existing usage of the main road and the private road, the amount of increased traffic generated and the distance from the closest receptors, it is not considered likely that there would be any significant additional noise from traffic relating to the development.

The noise assessment has been undertaken on the basis of predicting the likely impact of the development against background noise levels. As such it inherently deals with the issue of cumulative impact with all other existing forms of development. Therefore, on the basis of the submitted noise assessment it can be concluded that there will be no cumulative noise impacts as a result of this development. Furthermore, there are no other permitted or proposed but not built developments (including intensive agricultural development) that are likely to have a cumulative impact with regards to noise.

Odour

In terms of odour impacts, the nearest sensitive receptor is over 400m to the south-east from the edge of the application site area. The application is accompanied by a report that has used computer modelling to assess the impact of odour emissions on the nearest receptors. The modelling predicts that, should the proposed development of the poultry unit at Llanshay Farm proceed, the odour exposure would be below the Natural Resources Wales benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³, at all nearby residential receptors considered. It is noted that the report does not make reference to the newly permitted residential development as a receptor, however, given the distances, the locations of the two developments and available information, it is considered that the proposal would not have an unacceptable impact upon the occupiers of these potential units. In particular, the submitted assessment provides sufficient detail regarding discrete receptors around the site such that likely impacts can be inferred for the residential development and do not give cause for concern.

Members may take comfort that the inclusion of air scrubbers will have significant benefits

for reducing odorous particles that would otherwise be expelled from the buildings and the environmental permit was approved and considered acceptable without the use of air scrubbers.

A third party has submitted a review of the submitted odour assessment titled '*Marshes Planning, Llanshay Farm, Knighton Review of Odour and Ammonia Assessments*', project No. 014 version 2 dated 19 April 2021 by Michael Bull & Associates. As part of the planning process the Planning Authority seek the advice of our Environmental Health colleagues on matters relating to amenity, nuisance and pollution control. It is confirmed that the review report was made available to Environmental Health Officers prior to their latest response which does not offer any objections to the scheme. Officers note that the review report does not conclude that there will be, or are likely to be, odour impacts on a particular receptor or site but rather challenges assumptions regarding certain variables which could have some limited impact on the on the modelling results. Officers accept that the assessment is a prediction with a certain degree of limitation but consider the information provides a sufficient indication of likely effects on nearby receptors and are satisfied that amenity is unlikely to be unacceptably affected. Furthermore, the Environmental Health Department within Powys is familiar with poultry development of this scale and as part of their response they will have exercised their own professional judgement over the acceptability of the proposals in addition to considering the content of the submitted report. In this instance, it has led them to conclude that they have no objections to the development subject to the inclusion of a condition.

With regards to manure management, the application details that all manures and dirty water arising from the operation of the proposed development will be disposed of via export from the site to a licensed Anaerobic Digester Plant. A letter from Whitchurch Biogas Ltd detailing an offer of a contract to receive all of the poultry manure from the proposed poultry unit also accompanies the planning application as supporting information. As a contingency plan for when manure cannot be exported off site, it could temporarily be stored in an existing building on the holding.

On the basis that manure and dirty water will be exported from the site and will not be applied to the land at Llanshay, the potential for it to generate amenity concerns for nearby residents has been reduced. The Environmental Health Officer has also suggested that all manure exported off site shall be sheeted to minimise odour dispersion. On the basis that the measures set out in the Environmental Statement are adhered to, the proposal is unlikely to cause any unacceptable amenity impacts. In order to secure this, planning conditions have been recommended as detailed at the end of this report.

Objectors to the application have raised concerns that the letter from Whitchurch Biogas Ltd is not legally binding and have concerns that Whitchurch Biogas Ltd could be in breach of their planning consent if they were to accept the manure. Should permission be granted for this development, it would not permit the conditions of any existing consent from being breached and enforcement of controls will remain the responsibility of Shropshire Council as the Local Planning Authority. They have been consulted on this planning application and have not raised concerns regarding the arrangement.

The consideration of whether the manure would constitute 'waste' and require licences for transportation is not a matter for the Planning Authority as these regimes are managed by other public bodies with sufficient enforcement powers to ensure compliance should issues arise. In this instance, Officers consider that the current planning application presents a reasonable proposal to the issue of manure management – that it will be exported off site and not applied to the land at Llanshay Farm and thus is unlikely to raise amenity concerns for residents of nearby properties.

Given the extent of the predicted odour plume from the proposed buildings, the development is not considered to have a cumulative odour impact with any other developments.

Dust

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

Private water supplies

It is considered that the development would not unacceptably affect private water supplies given that manure and dirty water from the unit will not be spread on land at Llanshay Farm and that the development has been designed with pollution control measures in place for its operation.

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, dust or the quality of 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 and DM14.

Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain and enhance 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. Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

Under section 28G of the Wildlife and Countryside Act 1981 the Council has a duty in so far as the grant of planning permission is likely to affect the flora, fauna, or geological or physiographical features by reason of which SSSI is of special interest to take reasonable steps to further the conservation and enhancement of those features.

SSSIs -

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

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

- River Teme Site of Special Scientific Interest (SSSI)
- Gwernaffel Dingle SSSI
- Brampton Bryan Park SSSI

The planning application has been subject to revisions in 2021 and now proposes the use of air scrubbers on both of the proposed units. A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm produced by AS Modelling & Data Ltd dated 5th February 2021 has been submitted to inform the revised application. This states that the process contribution from the proposal at each of the SSSIs will be below 1% of Critical Level. Critical level is the level above which adverse effects on human beings, plants, ecosystems or materials may occur according to present knowledge.

NRW have reviewed the information provided within the report with regards to National - statutory designated sites and have confirmed that the revised application has now been assessed under the thresholds introduced by NRW on 1st of April 2017.

NRW have confirmed that the ammonia critical levels and nitrogen critical levels used in the assessment with regards to the Statutory designated sites present within 5km of the proposed development are considered to be correct and that the predicted process contributions would be below the thresholds applied by NRW to determine potential impacts to statutory protected sites.

NRW have also confirmed that they have considered the document completed on behalf of a third party which has reviewed the ammonia assessment completed on behalf of the applicant and that it does not alter their advice regarding aerial emissions and protected sites.

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 subject to the use of the proposed air scrubbers. The proposal is therefore considered to be

compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales. A condition has been recommended at the end of this report regarding the implementation of the air scrubber.

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.

A Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated May 2019 has been submitted with the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact features of biodiversity importance. The report has been reviewed and it is considered that the survey effort employed was in line with current best practice guidelines.

The assessment considers the likelihood for presence of protected or priority species including badgers, otters, bats, breeding birds, great crested newts, reptiles and dormouse. The survey has revealed that the site's habitats which will be affected by the works are common and widespread and are considered to be of low intrinsic biodiversity value. As such the proposed development would not adversely affect these species listed except for great crested newts for which further survey work was recommended. Further to the submission of the Great Crested Newt Survey Report, a Mitigation and Compensation Strategy for Great Crested Newts Report Produced by Craig Emms and Dr Linda Barnett dated August 2019 has been produced. NRW has confirmed that they are satisfied that the submitted report is satisfactory for the purposes of informing the planning decision subject to the inclusion of a suitably worded condition to secure submission and implementation of an Amphibian Conservation Plan. In their response dated 12th July 2021, NRW have re-iterated their position as set out within their response dated 24th January 2020.

In light of the nature of the development combined with the habitats surrounding the development, the report has concluded that there is unlikely to be negative impact to protected species as a result of the proposed development subject to adherence to the recommendations identified. Appropriate conditions are detailed at the end of this report as recommended by NRW and the Council's Ecologist.

Ancient Woodland

The biodiversity data search identified the presence of 46 parcels of Ancient Woodland within 2kms of the site.

With regards to Ancient Woodland the preliminary modelling indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's

lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m³ and the Critical Load of 10.0 kg/ha. 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.

In light of the above, it is not considered that the proposed development will have an unacceptable impact on Ancient Woodland.

Local Wildlife Site

It has been noted by the Council's Ecologist that there is a Local Wildlife Site present within 2km of the proposed development which has not been included in the ammonia and nitrogen deposition modelling. Whilst this non-statutory site has not been included within the assessment, the Ecologist has reviewed the results of the modelling that has been undertaken with regards to Ancient Woodland and considers that this provides sufficient evidence to demonstrate that the predicted process contribution to the Local Wildlife site would not exceed the lower threshold (100% for non-statutory sites) of the precautionary Critical Level for this site. As such it is not considered necessary in this instance to require additional information to be submitted.

Pollution Control

Officers acknowledge that the proposal has the potential to pollute the environment through surface water runoff and associated construction and operational activities unless suitable control/mitigation measures are implemented. A number of third party representations have also been made regarding this issue.

Details of the proposed site drainage are identified within Section 10 of the Environmental Statement and detailed on the amended Drainage Layout Plan A1 drawing no. IP/TP/05C produced by Ian Pick Associates Ltd dated May 2021 and indicate that dirty and clean water will be kept separate. Dirty water e.g. from wash down will be collected in underground sealed tanks and disposed to Whitchurch Biogas Ltd.

Subject to implementation of the identified drainage proposals it is considered that the proposed development would not cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2. It is noted that objectors have raised concerns that the site will not be managed in a responsible way, however there is no indication that this would be the case and any breaches could be enforced by the Planning Authority or Natural Resources Wales as appropriate.

A Method Statement and Pollution Prevention Plan has also been submitted with the application. It is considered that the measures identified are appropriate and in line with current guidelines. The Ecologist has reviewed the information and considers 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. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

It is recognised that the site is within a Drinking Water Protected Area under Article 7 of the Water Framework Directive. This Article requires the UK to take action to protect drinking water sources. However, compliance with current regulations and best practice guidelines as detailed within the application will ensure the protection of drinking water sources can be maintained. Appropriate conditions and an informative are recommended at the end of the report.

Having carefully reviewed the information submitted, both NRW and the County 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.

Biodiversity Enhancements

Part 1 Section 6 of the Environment (Wales) Act 2016 requires LPAs to seek to maintain and enhance biodiversity through the planning process. Furthermore, the Welsh Government wrote to all planning authorities in Wales to clarify 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*'.

It is recognised that the application proposes the loss of a small number of trees and two small sections of hedgerow to facilitate access, however, the application demonstrates a net gain to biodiversity as a result of the development through enhancements for birds, bats, hedgehogs and great crested newts as well as additional planting. Overall, it is considered that the proposals are sufficient to ensure that the LPA has met its duty under Part 1 Section 6 of the Environment (Wales) Act 2016.

Biodiversity, Ecology & the Environment Conclusion

Having carefully considered the proposed development, 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 for birds, bats, hedgehogs and great crested newts. 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.

Access to the site will be provided by the existing access to the A4113 which is located approximately 700m to the north-west of the application site and serves an existing HGV depot. The junction with the A4113 is located within a 40mph speed limit and provides good levels of visibility in both directions. Beyond the depot, permission has been granted under reference AGRI/2017/0096 for the construction of a new section of road to link into the existing network of internal farm roads within Llanshay Farm. There is also another new section of road to be created from an existing track to the poultry units. This is approximately 300 metres in length. The application is also accompanied by a breakdown of associated traffic movements and the type of vehicles used for each activity.

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions which are detailed at the end of this report to ensure that the existing junction of the private road onto the A4113 accords with the appropriate standards. Given the comments received from the Highway Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement, and there is sufficient capacity within the existing highway network to absorb the traffic created as a result of this development. 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

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 Llanshay Farmhouse and the Long Barn at Llanshay Farm. Due to the topography of the land, there will be no direct visibility between the development and the listed buildings. However, the scheme, including the proposed access track, has been assessed by the Council's Conservation Officer from a number of viewpoints including the A488 by Stud Farm, Knighton Railway Station and

from Llanshay Lane.

Subject to the use of landscaping conditions and consideration of the roof colour, it has been concluded that the proposal would not harm the setting of Cadw ID 9034 Llanshay Farmhouse and Cadw ID 9035 Long barn to Llanshay Farmhouse included on the statutory list on 30/09/1995 in either short term views from Llanshay Lane or medium-long distance views from the A488.

Conservation Area

The building is located approximately 1400 metres from the Knighton Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Given the location of the building in the open countryside, the significant distance between the development and the conservation area as well as the lack of direct views of the development from the conservation area, it is concluded that the development would cause no harm to the character or appearance of the conservation area or its setting.

Scheduled Ancient Monuments

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 Ancient Monuments or archaeology, a view also expressed by the Clwyd Powys Archaeological Trust.

Registered Historic Park and Garden

Stanage Park is listed on the National Register of Historic Parks and Gardens in Wales. It is located approximately 1600 metres distance from the proposed development at Llanshay Farm at its closest point. There are no direct or indirect views between the proposed development and the asset of Stanage Park.

At both pre application and initial consultation on the planning application stages, Cadw, the statutory consultee for Registered Historic Parks and Gardens, offered no objection comments to the proposed development. In their response dated 29th January 2020 Cadw commented that *'I understand that the ammonia produced by this development could increase levels in the Grade 1 Registered Stanage Park Historic Park and Garden to a level which could have an adverse impact on its trees and vegetation. Ammonia can have a significant impact on mycorrhizal fungi which have an important symbiotic relationship to parkland trees'*. In their response dated 28th May 2021, Cadw confirm that they have considered the third party review of the ammonia assessment submitted in support of the application and continue to have concerns *'that increased ammonia may have an impact on mycorrhizal fungi leading to an adverse effect on historic trees in the historic park and garden'*. They confirm that they do not have the in-house expertise to determine the accuracy of the ammonia assessment and the impact of increased ammonia on the

registered historic park and garden and have suggested that the Local Planning Authority should seek the advice of NRW on this matter. Officers have made NRW aware of the response from Cadw. The response from NRW does not make specific reference to the Cadw comments but it does confirm that the content of the third party report has not led them to a different conclusion with regards to aerial emissions and the resultant impact to protected sites. On seeking further clarification, NRW have provided a copy of a letter they sent to the Welsh Government dated 9 June 2020. The letter confirmed that neither APIS nor NRW had any data suggesting critical levels or loads for mycorrhizal fungi. It acknowledged that there was a potential that due to nitrogen deposition on mycorrhizal fungi that eventually the ecosystem of a parkland tree or ancient woodland wood be lost. NRW advised that following the published guidance it was reasonable to use ancient woodland as a proxy to undertake a screening assessment for the potential impacts of the proposed development to the parkland at Stanage Park. The letter went on to confirm that the process contribution from the proposal was significantly below the screening threshold in published guidance of 100% of Critical Level. Officers note that the process contribution of the proposal is now lower due to the effects of the air scrubber.

With regards to the Cadw comments, so far as officers are concerned, their response appears to be based on a misunderstanding of the submitted information. For instance, the Cadw response suggests that *'ammonia levels of more than 0.01 ug/m³ may have an impact on mycorrhizal fungi'* However, as confirmed by NRW there are no recognised Critical Levels for mycorrhizal fungi. As confirmed by NRW with regards to the impacts to the parkland trees, therefore, a more appropriate proxy would be to use the Critical Levels associated with ancient woodland which for some particular sensitive sites may have a Critical Level of 1 ug/m³. 0.01 ug/m³ is therefore 1% of the Critical Level. This 1% level is merely a regulatory threshold that is normally considered negligible or insignificant for assessment purposes. Exceedance of this threshold does not imply significance or harm, it is exceedance of the Critical Level itself that may cause harm which would be a factor 100 times higher and which would require further consideration. In this instance the aerial emissions modelling includes receptors within Stanage Park and identifies that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would be below 1% of the precautionary Critical Level of 1.0 µg/m³ and the Critical Load of 10.0 kg/ha, it is therefore considered that the potential impacts of the proposed development to the Stanage Park – Historic Park and Garden are within the levels considered to be acceptable by recognised current guidelines. Therefore, based on the advice given by NRW officers do not consider it likely that the proposal will have an effect on parkland trees at Stanage Park.

It is recognised in line with PPW that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application. However, in this instance, the objections received from Cadw appear to be based on a misunderstanding of guidance and cannot be supported. It is important to note that Cadw are a statutory consultee in relation to the historic environment, not in relation to ecological impacts and

have not provided any evidence to demonstrate that the proposal would have an unacceptable impact.

Therefore, whilst the comments from Cadw have been considered, there is no evidence that they are soundly based and should not be supported. Officers have concluded that the proposed development would not have a significant effect on Stanage Park, its setting or the setting of the Registered Park and Garden. In reaching that conclusion, consideration has also been given to the comments made within third party representations regarding the scale of the setting of Stanage Park incorporating a large area of local landscape including the site in question, however, it is considered that this has been appropriately assessed within the landscape section of this report where it is resolved that the impact of the development is acceptable.

Cultural Heritage Conclusion

Having considered the potential impact of the proposed development on built heritage assets, it is not concluded that the proposed will have an unacceptable adverse impact on the setting of listed buildings, the setting of a conservation area, scheduled ancient monuments, archaeology or registered parks and gardens. In light of the above, Officers consider the proposed development to be in accordance with policy SP7 of the Local Development Plan, TAN 24 and Planning Policy Wales.

Public Rights of Way

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

Countryside Services have commented on the application and have highlighted the landowner's legal responsibility towards the right of way network. The proposed plans indicate the intention to carry clean water under the public bridleway to Caleck's Pool. In order for the applicant to carry out these works within the highway, a temporary Traffic Regulation Order (TRO) will be needed to allow for a safe working area during works and appropriate reinstatement of the surface to a standard appropriate for a bridleway.

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 to ensure that the development would not negatively impact upon any users.

As such the proposed development is considered to be compliant to policies SP7 and DM13 of the Powys Local Development Plan and Planning Policy Wales.

Impact on Tourism Assets

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

It is noted that the development is in close proximity to Knighton, a town that contains some visitor attractions and accommodation. The third party representations in relation to this matter are also noted but it should be highlighted that they make no reference to any specific tourist attractions or assets that are likely to be impacted as a result of the development. As noted within the amenity section of this report, it is not considered that the development will lead to any significant detriment to amenity. In addition, this report notes that there will be no significant harm with regards to landscape and visual impacts, or unacceptable impacts to the enjoyment of the rights of way network. In light of this, it is concluded that the proposal is unlikely to lead to any impact to the appeal of Knighton as a visitor attraction.

Flood Risk and Surface Water Drainage

The application has been accompanied by a Flood Consequence Assessment. The development is shown to be within Zone A on the Development Advice Map i.e. beyond the 1:1000 year fluvial flood extent (not at risk from fluvial flooding).

The risk of surface water flooding is generally very low at the site. NRW flood risk maps do not show any areas of potential surface water flooding, or indeed any indication of topographical depressions which may influence surface water flooding at the site. To manage surface water effectively on site, an attenuation pond is proposed to the north of the site.

With regards to surface water management associated with the proposed development, as the construction area of the proposed development would exceed 100m², the development will require approval from the SUDs Approval Body.

Based on the information available, the development would accord with the provisions of the Local Development Plan, in particular, policies DM5 and DM6 as well as Technical Advice Note 15 and Planning Policy Wales.

The Best and Most Versatile Agricultural Land

It is recognised that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future as set out within Planning Policy Wales (Edition 11). Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is

unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

In this instance, the site is mainly on grade 2 and partly grades 3a and 3b land. Whilst considerable weight has been given to the location of the site on such important land, it is noted that the site has been chosen taking into account its acceptability with regards to visual, environmental, cultural and amenity impacts. The site is considered to be the most suitable for the development within the applicant's ownership and the benefits of the development with regards to food production are considered to be an overriding factor in this instance.

Minerals Safeguarding

Mineral safeguarding areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal. LDP policy DM8 requires development proposals in mineral safeguarding areas to be subject to additional considerations to ensure that mineral resources are not needlessly sterilised by other development, and they remain accessible to future generations.

According to the aggregate safeguarding maps, there are no mineral implications as a result of the proposed development.

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 there are existing and operating large scale poultry business within the locality of the proposed unit but is considered that the development does not give rise to any unacceptable cumulative impacts as has been detailed within the individual sections of the report and summarised below, with specific reference to the issues raised within the chief planning officer letter and Planning Policy Wales.

With regards to cumulative impacts, consideration has been given to similar developments located within five kilometres of the site that have been through the planning system and are operational, permitted or applied for. The following sites have been identified -

- Grove Farm, Knighton – 1.2km south west of the site – 3 No. broiler units, 2 existing units and 1 with planning permission but not yet operational.
- Heartsease, Knighton – 4km east north east – 6 No. broiler sheds.
- Willey Cottage Farm, Stonewall Hill, LD8 2ND – 4km south east – 1 No. free range egg unit.

For some environmental matters, such as noise, odour and dust, the impacts of a poultry unit are localised and are unlikely to act in-combination or contribute to a cumulative impact due to the remote nature of the proposal from another source and the proximity to sensitive receptors. The application has been supported by a noise report that has taken into account the impact of the development in relation to background data and therefore the scheme has been considered against all existing development. There are no known other proposed sources within the locality which are likely to operate in conjunction with the proposed development that are likely to give rise to cumulative impacts in relation to noise for any individual receptor. The application has also been submitted with an odour assessment report and given the extent of the predicted odour plume from the proposed buildings; the development is not considered to have a cumulative odour impact with any other developments. Similarly, due to the isolated nature of the development and the proximity to a sensitive receptor, the dust produced is not likely to act in combination with any other development.

Manure generated as a result of the development will be exported off site to an anaerobic digester. The anaerobic digester has the benefit of planning permission and must operate in accordance with that permission and any other regulations or permits associated with it. The cumulative impact of nutrient use from the sludge produced as a result of the process was a matter for the consent relating to the AD plant and not this current planning application.

Finally, it is recognised that the development will generate aerial emissions and will contribute to those already present in the atmosphere from various sources. However, the development has incorporated best available technologies (scrubbers) to reduce the development's contribution to a level which is considered acceptable to NRW.

The revised environmental statement has also taken account of the potential for cumulative impacts but has scoped out this issue from detailed consideration due to lack of likely significant effects.

A number of representations have been received stating cumulative impact as a ground of objection, however, this appears to be general concern relating to intensive livestock

units at a strategic level rather than a specific concern relating to this development in conjunction with another specific unit on any particular individual matter.

Climate Change

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050 with interim targets set for 2020, 2030 and 2040. Welsh Government also have a legal commitment to net zero by 2050 and an ambition to achieve this sooner if possible.

There are two parts to the issue of climate change within planning, these being the extent a development contributes towards the generation greenhouse gasses and the extent a development has considered and adopted means to make the operation resilient to the effects of climate change.

The environmental statement states that, 'UK farms presently amount to 45.6 million tonnes of carbon dioxide (CO₂) equivalent a year – about one-tenth of UK GHG emissions. But in stark contrast to the rest of the economy only 10 per cent of this is CO₂. Around 40% is nitrous dioxide (N₂O) and 50% is methane (CH₄). Current poultry production in the UK is responsible for a fraction of the Greenhouse Gas emissions associated with red meat production, because of the methane emitted as a consequence of ruminant production systems. Compared to other meat production systems, poultry produce approximately half the GHG emissions per kilo of pork and approximately a fifth the Greenhouse Gas emissions per kilo of red meat, with substantially higher feed conversion figures than cattle or pigs for both intensive and extensive systems. Methane emissions are nearly all associated with manure storage (poultry digestion does release some methane but it is relatively negligible). The revised proposals involve the removal of the of the manure from the site to an Anaerobic Digester Plant with no manure storage proposed'.

From the statement above, it is evident that the proposal will make some contribution to greenhouse gas emissions, as do many operations and developments, however, this does not in itself mean that it is unacceptable and does not provide a full picture of the issue. For instance, third party representations have highlighted that there are climate change implications from the transportation of manure at distance from the poultry unit but there is a wider argument put forward in support of the application that it will contribute to British self-sufficiency in poultry meat production and the principle of reducing imported food stock which will have a significant reduction in carbon emissions from transportation overall. As it currently stands there are no specific planning policy requirements that dictate a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state intensive livestock units should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

With regards to climate change resilience, the environmental statement has detailed that the development will incorporate the use of renewable technologies in the form of a ground source heat pump and solar panels which will reduce reliance on energy from fossil fuels. Furthermore, mitigation for climate change is factored into the sustainable drainage design proposals which includes the appropriate additional capacity for climate change within the designed system.

Taking account of the information available to Development Management Officers as is reasonable for an individual planning decision, it is believed that the proposal provides a well-considered approach to climate change in so far as it is material to the decision making process.

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 110,000 broilers at Llanshay Farm, Knighton. Having been assessed by Development Management and taking into account the comments of consultees and members of the public, the development is considered to not unacceptably affect the environment subject to adherence of the information submitted with the application which could 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.

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

Recommendation

Conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents: IP/LF/01B; IP/LF/02A; IP/LF/03A; IP/LF/04; IP/TP/05A; Manure Management Plan – as detailed in Sections 9.36, 9.37 and 9.38 of the Environmental

Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021, Drainage Plan – as detailed in Sections 10.3, 10.4, 10.5 of the Environmental Statement Rev B Erection of 2 No. Broiler Units and Associated Infrastructure at Llanshay Farm, Knighton produced by Ian Pick Associates Ltd dated May 2021 and detailed on the Drainage Layout Plan A1 drawing no. IP/TP/05C, Method Statement and Pollution Prevention Plan for Proposed Broiler Unit at land forming part of Llanshay Farm, Knighton (unreferenced & undated). The measures identified shall be adhered to, implemented in full and maintained thereafter.

3. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) will be submitted to and approved in writing by the Local Planning Authority to confirm that the Inno+ air scrubber units equipment as detailed in Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Llanshay Farm, Llanshay Lane, near Knighton in Powys produced by AS Modelling & Data Ltd dated 5th February 2021 have been installed in the approved poultry units and are fit for purpose. The air scrubber units shall be operated and maintained thereafter to ensure that outlet ammonia concentration is no greater than 2 ppm (1,408.8 µg/m³) (the guaranteed maximum outlet concentration from the manufacturers of the ammonia scrubbing equipment).

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

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.

6. The poultry units hereby approved shall be limited to occupation by 110,000 broilers.

7. The external cladding of the buildings and the feed silos shall be Olive Green in colour for the lifetime of the development. The external elements of the mechanical fans shall also be Olive Green or Black in colour for the lifetime of the development. The frames of the PV panels detailed on the approved plans shall be black in colour.

8. Notwithstanding the details submitted, a detailed native species landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be submitted as a scaled drawing with a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.

9. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 8) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.

10. The approved landscaping scheme as implemented by the landscape phasing

scheme (condition 9) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.

11. The development shall be carried out strictly in accordance with the mitigation and enhancement measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19th February 2021 (Pages 24 – 25 (inclusive)). The identified measures shall be adhered to and implemented in full and maintained thereafter.

12. The development shall be carried out strictly in accordance with the mitigation, enhancement, monitoring and management measures with regards to great crested newts as detailed within the Recommended Mitigation and Habitat Enhancement Measures Section (Pages 8-13 (inclusive)), Amphibian Friendly Surface Water Management System Section (page 14), Long Term Monitoring and Management Section (page 15) and Appendix 1 Restricted Activities in and Around Exclusion Zones of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

13. The development shall be carried out strictly in accordance with the Tree and Hedgerow Protection Measures Method Statement as detailed in Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019. The identified measures shall be adhered to and implemented in full and maintained thereafter.

14. Prior to the first beneficial use of development, an ecological consultant shall visit the site to check that all of the biodiversity enhancement measures for birds, bats, hedgehogs and great crested newts have been implemented and are fit for purpose and a written report shall be submitted to the Local Planning Authority confirming that this the case.

15. No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations identified in the Ecological Constraints and Opportunities Section of the Preliminary Ecological Appraisal Report (Version 1) produced by Craig Emms and Dr Linda Barnett dated 19th February 2021, Appendix 2 of the Mitigation and Compensation Strategy for Great Crested Newts (Version 2) Produced by Craig Emms and Dr Linda Barnett dated 12th December 2019 and the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved and maintained thereafter.

16. No manure or dirty water produced as a result of the poultry units hereby permitted shall be spread on land at Llanshay Farm, Knighton, specifically fields SO2971 9451, SO2971 9471, SO3071 1378, SO3071 1558, SO3071 3084, SO3071 2740, SO3071 3967, SO3071 4226, SO3071 4551, SO3071 6422, SO3071 6466, SO3071 6651, SO3071 7303, SO3071 7334, SO3071 8917, SO3071 9840, SO3072 1502, SO3070 4499, SO3070 5075, SO3070 6151, SO3070 6781, SO3070 7938, SO3070 7959, SO3070 8092 SO3070 8627, SO3070 9597, SO3171 1126, SO3171 1708, SO3170

1787.

17. All manure exported off site (Llanshay Farm, Knighton, LD7 1LW) must be sheeted or fully covered.

18. 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 120 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.

19. 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.

20. 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.

21. Prior to the first operational use of either poultry building 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.

22. 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.

23. The width of the access carriageway 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.

24. 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.

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

26. No development shall commence until an Amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 4 to 6. 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 (Edition 11, February 2021).
- 7 to 10. In the interests of amenity and a satisfactory development in accordance with policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 and Planning Policy Wales (Edition 11, February 2021).
- 11 to 14. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 16 to 17. In the interests of amenity and a satisfactory development in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 11, February 2021).
- 18 to 25. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, February 2021).
26. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

Informative Notes

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 Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

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 Permit

We note a copy of the Environmental Permit for this proposal has been submitted, referenced EPR/AB3593ZL.

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.

Foul Drainage

We note a package treatment system is to be installed to serve the control building. Government policy states that, where practicable, foul drainage should be discharged to

the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk.

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.

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.

Drinking Water Protected Area

This planning application falls within a Drinking Water Protected Area under Article 7 of the Water Framework Directive. This Article requires the UK to take action to protect drinking water sources. Please ensure compliance with current regulations and best practice guidelines are being followed in respect to any new building and maintenance of this installation. We would like to reiterate to the applicant that the facility is within a Drinking Water Catchment and trust that all the particulars from the permit will be followed

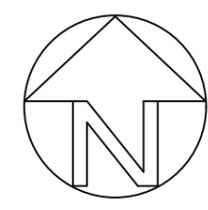
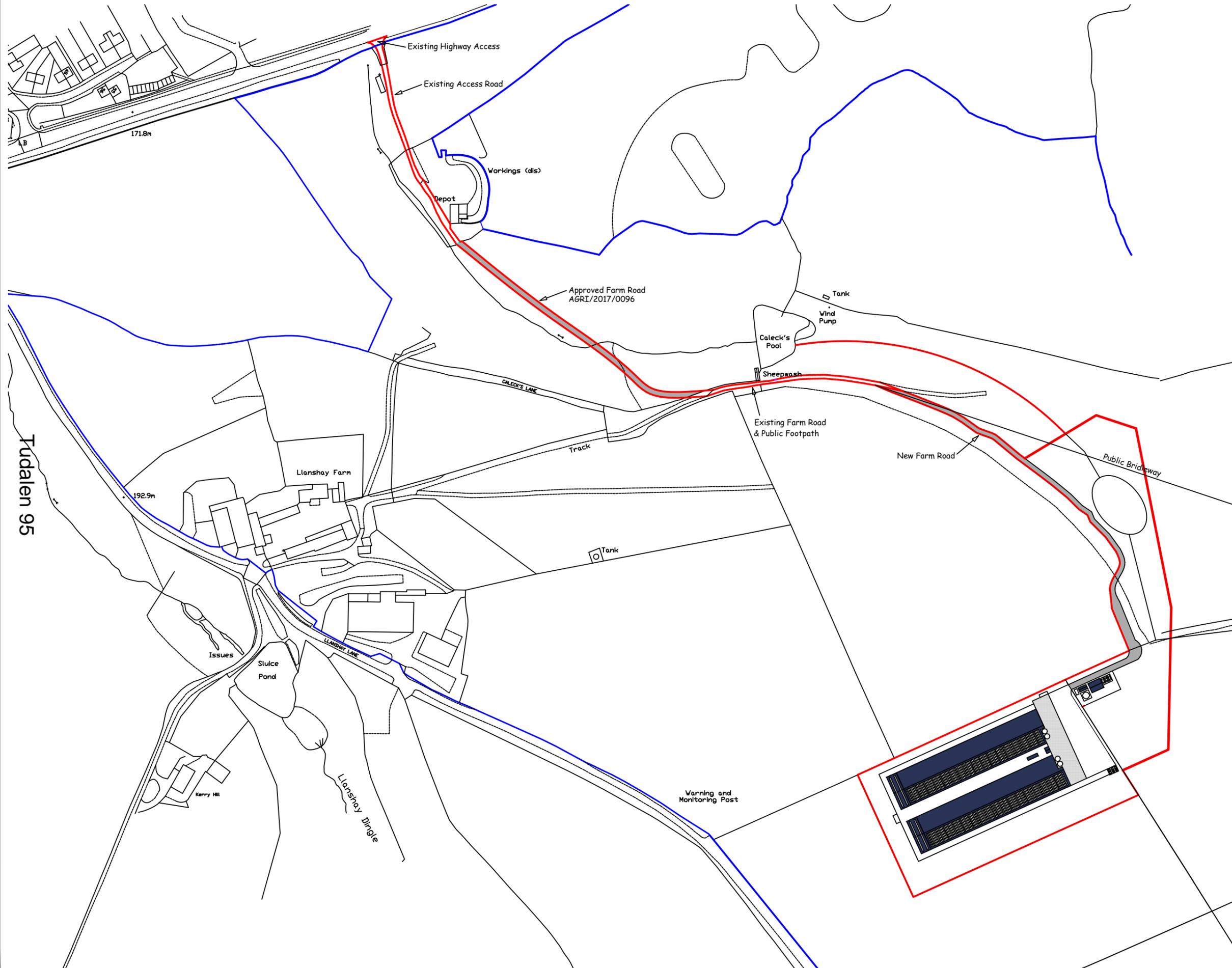
during the lifetime of the treatment plant.

Public Rights of Way

In the applicants plans it is proposed to carry the clean water under the public bridleway. In order for the applicant to carry out these works within the highway, a temporary Traffic Regulation Order (TRO) will be needed to allow for a safe working area during works and appropriate reinstatement of the surface to a standard appropriate for a bridleway. The applicant can apply for a TRO via the application form at the bottom of this webpage; <https://en.powys.gov.uk/article/734/Traffic-delays-and-planned-road-works>

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- **Development** over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- **Landscaping & Surfacing** - Advice will need to be sought before interfering or surfacing a public right of way.
- **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.
- **Temporary closures** – The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- **Legal Diversion** – If development directly affects a public right of way, the applicant 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.



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CLIENT
Llanshay Farm Ltd
Llanshay Farm
Llanshay Lane
Knighton
Powys
LD7 1LW

JOB TITLE
Proposed Poultry Unit

DWG. TITLE
Location Plan A3

SCALE
1=2500

DRN
IP

DWG. NUMBER
IP/LF/01B

DATE
Mar 21

REV
-

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



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122 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Banwy Community	Approve	10/02/2021	21/0227/FUL	Full Application	25/10/2021	Change of use of part of agricultural land for the sitting of two shepherd huts for holiday use, construction of hard standing for parking, access alterations, and installation of sewage treatment plant and associated works	Gors Llangadfan Welshpool SY21 0PS
Beguildy Community	Consent	09/09/2021	21/1652/HH	Householder	28/10/2021	Single storey rear extension and front porch. Infill below overhanging first floor to provide ground floor kitchen, dining living area and study.	Town House Beguildy Knighton Powys LD7 1YG
Berrew Community	Approve	07/09/2021	21/1608/FUL	Full Application	25/10/2021	Proposed Agricultural Building	Woodlea Garthmyl Montgomery Powys SY15 6SE

Tudalen 97

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	Consent	06/09/2021	21/1623/HH	Householder	20/10/2021	Extensions and Alterations to existing dwelling	The Castle Cefn Penthryn Brooks Welshpool Powys SY21 8QS
Bettws Community	Approve	15/09/2021	21/1677/DIS	Discharge of Condition	03/11/2021	Discharge of condition no's 3 & 4 attached to Listed Building Consent 20/1179/LBC (brick & mortar details and window & door drawings)	The Old Vicarage Bettws Cedewain Newtown Powys SY16 3DS
Tudalen 98	Consent	21/09/2021	21/1630/FUL	Full Application	28/10/2021	Erection of a roof covering over existing manure store	Bettws Hill Bwlch-y-ffridd Newtown Powys SY16 3JN
Bronllys Community	Approve	07/09/2021	21/1581/HH	Householder	28/10/2021	Erection of a domestic garage	Gwent Lea Bronllys Brecon Powys LD3 0LE
	Consent	29/03/2021	21/0445/HH	Householder	15/10/2021	A single storey extension, consisting of one bedroom with a ground floor w.c. for external use.	Penymaes Cottages Bronllys Brecon LD3 0LL

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Builth Wells Community	Approve	26/07/2021	21/1376/DIS	Discharge of Condition	25/10/2021	Discharge of conditions 13, 14, 15 & 16 of planning permission P/2017/0581	The Cobbles 3A Bank Square Builth Wells Powys LD2 3BB
Cadfarch Community	Approve	12/08/2021	21/1448/FUL	Full Application	22/10/2021	Erection of a cabin to be used as a holiday let, installation of a septic tank, creation of access track and associated works	Land At Ty Mawr Penegoes Machynlleth Powys SY20 8UW
Tudalen 99	Approve	31/08/2021	21/1586/NMA	Non-Material Amendment	25/10/2021	Non material amendment to planning permission P/2016/0948 in relation to minor alterations to windows and door positions and internal alterations. Timber cladding to be left to weather naturally rather than painted finish previously stated	Nant Y Filltir Penegoes Machynlleth SY20 8UW
	Refused	03/06/2021	21/1129/HH	Householder	22/10/2021	Erection of hobby shed	Murmur-y-nant 7 Felingerrig Machynlleth Powys SY20 8UH

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Carno Community Council	Approve	04/10/2021	21/1797/NMA	Non-Material Amendment	28/10/2021	Application for non-material amendment to planning permission 20/1622/REM in respect of approved plans (to reposition the car port in line with the dwelling)	Ty Cornel Cledan Gardens Carno Caersws Powys SY17 5JT
	Refused	11/08/2021	21/1159/DIS	Discharge of Condition	25/10/2021	Discharge of condition 4 of listed building consent P/2017/0699 in relation to method statement for removal of wood burning stove and opening up of fireplace	Plas Newydd Carno Caersws Powys SY17 5JR
	Approve	08/10/2021	21/1894/DIS	Discharge of Condition	22/10/2021	Discharge of conditions 8, 9 and 10 of planning approval P/2017/1154 (landscape planting, lighting design scheme and tree and hedgerow protection plan)	Land At Swallows Meadow Castle Caereinion Welshpool Powys
	Approve	11/08/2021	21/1540/TRE	Works to trees in Conservation Area	19/10/2021	Works to trees in a conservation area	The Old Vicarage Clyro Hereford Powys HR3 5RZ
	Consent	23/06/2021	21/1179/DIS	Discharge of Condition	18/10/2021	Discharge of condition no's 4 & 5 attached to planning approval 20/1841/FUL (Contaminated Land reports)	Lower Gaufron Farm House Howey Llandrindod Wells LD1 5RG

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	Consent	23/06/2021	21/1222/DIS	Discharge of Condition	19/10/2021	Application to discharge condition 3 from planning approval 20/1163/FUL in relation to biodiversity	The Laughing Dog Howey Llandrindod Wells Powys LD1 5PT
	Consent	20/07/2021	21/1327/HH	Householder	25/10/2021	Extension of domestic curtilage and side double caport extension	Pantglas Howey Llandrindod Wells Powys LD1 5PU
Felin-Fach Community	Approve	06/08/2021	21/1436/HH	Householder	22/10/2021	Erection of a garden room and installation of rooflights to the existing roof	Delmar Glan Dulais Felinfach Brecon LD3 0UE
Forden With Leighton & Trelystan Com	Approve	05/09/2018	18/0614/OUT	Outline planning	02/11/2021	Outline: Residential development of 9 dwellings and all associated works	Residential Development At Church Farm Forden Welshpool Powys SY21 8NL
	Consent	27/04/2021	21/0789/HH	Householder	15/10/2021	Construction of first floor extension above existing garage and insertion of new oak framed screen in end gable wall	View Barn Marton Welshpool Powys SY21 8JY

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	Consent	10/08/2021	21/1454/HH	Householder	27/10/2021	Demolition of shed and replacement with domestic building for use as indoor garden and music studio	Pleasant View Trelystan Leighton SY21 8HZ
Glascwm Community	Approve	02/06/2021	21/0051/HH	Householder	20/10/2021	Erection of building to include garage, garden room and gym, extension of drive and extension of domestic curtilage (part retrospective)	Carreg Llwyd Franksbridge Llandrindod Wells Powys LD15SA
Hondu Isaf Community	Approve	08/07/2021	21/1323/HH	Householder	15/10/2021	Demolition of existing garage and erection of an enlarged artists studio (resubmission)	Gwarcae Brecon Powys LD3 9TF
	Approve	12/07/2021	21/1296/HH	Householder	29/10/2021	Replace conservatory with single-storey extension; construct detached garage with roof terrace	Gernant Sarnau Brecon LD3 9PR
	Consent	28/05/2021	21/1066/DIS	Discharge of Condition	18/10/2021	Discharge of condition 9 from planning permission 20/0229/FUL in relation to passing bays	Come By Garthbrenny Brecon Powys LD3 9TW

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Tudalen 103	Knighton Community	Approve	21/09/2021	21/1717/DIS	Discharge of Condition	15/10/2021	Discharge of condition 3 of planning permission 21/1208/HH (Hedgerow Planting and aftercare statement and Site Plan indicating landscaping)	Westray Bowling Green Lane Knighton LD7 1DS
		Approve	22/09/2021	21/1729/TRE	Works to trees in Conservation Area	03/11/2021	Removal of two dead trees in a conservation area (species unknown but believed to be Ash)	Larkey Cottage 13 Lower Cwm Road Knighton Powys LD7 1HF
		Consent	05/07/2021	21/1240/HH	Householder	25/10/2021	Erection of an extension and replacement garage	9 Rockes Meadow Knighton Powys LD7 1LE
		Refused	29/07/2021	21/1374/HH	Householder	03/11/2021	Demolition of garage and outbuildings, creation of new access and parking area, alterations and extension to dwelling, erection of a garage and all associated works	58 Mill Road Knighton Powys LD7 1RT
		Refused	29/07/2021	21/1375/CAC	Conservation Area Consent	03/11/2021	Demolition of garage and outbuildings	58 Mill Road Knighton Powys LD7 1RT

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Llanafan-Fawr Community	Approve	24/05/2021	21/0962/DIS	Discharge of Condition	27/10/2021	Application to discharge conditions 5 & 20 of planning approval 19/0229/FUL	Dolderwen Llanafanfawr Builth Wells LD2 3LN
	Consent	25/08/2021	21/1632/HH	Householder	02/11/2021	Erection of sun lounge extension	Carnau Newbridge-on-wye Llandrindod Wells Powys LD1 6ND
Llanbadarn Fynydd Community	Approve	22/12/2020	20/2113/FUL	Full Application	26/10/2021	Erection of rural enterprise dwelling, erection of detached garage, creation of parking and garden areas, upgrading of existing vehicular access and all associated works.	Upper Cochran Llanbadarn Fynydd Llandrindod Wells
	Consent	23/11/2020	20/1912/FUL	Full Application	15/10/2021	Erection of steel portal framed building (covered manure store)and all other associated works.	Middle Cochran Llaihddu Llandrindod Wells LD1 6YT
	Consent	22/04/2021	21/0745/FUL	Full Application	25/10/2021	Erection of an agricultural building and all associated works	Land At Abergwenlas Farm Llanbadarn Fynydd Llandrindod Wells LD1 6YA

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Llanbister Community	Approve	27/07/2021	21/1365/HH	Householder	18/10/2021	Erection of a detached garage and associated works	Golwg Afon Llanbister Llandrindod Wells Powys LD1 6TN
Llanbrynmair Community	Approve	19/03/2021	21/0524/FUL	Full Application	21/10/2021	Construction of forestry access track	Blaen Y Cwm Farm Llanbrynmair Powys SY19 7EA
Llanddewi Ystradenni Community	Prior Approval Approved	18/08/2021	21/1328/AGR	Agricultural Notification	01/11/2021	Prior Approval for agricultural building for erection of a structure to cover existing cattle feeding yard (resubmission)	Dolidre Llanddewi Llandrindod Wells Powys LD1 6SE
Llandnam Community	Permitted Development	05/10/2021	21/1718/AGR	Agricultural Notification	03/11/2021	Agricultural notification for erection of a polytunnel	Land At Porth Farm Moat Lane Caersws Powys SY17 5SE
Llandrindod Wells Community	Approve	09/06/2021	21/1073/FUL	Full Application	18/10/2021	Change of use from offices to one dwelling (retrospective)	The Lindens Spa Road Llandrindod Wells Powys LD1 5EA

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Tudalen 106	Approve	16/06/2021	21/0878/HH	Householder	19/10/2021	Extension to dwelling for disabled person access with the addition of a downstairs toilet, wheelchair lift and modifications to a wet room	11 Ridgebourne Close Llandrindod Wells Powys LD1 5NQ
	Approve	07/07/2021	21/0932/HH	Householder	25/10/2021	Installation of a replacement front door	2 Denham Terrace Wellington Road Llandrindod Wells LD1 5NH
	Consent	08/06/2021	21/1071/DIS	Discharge of Condition	18/10/2021	Application to discharge conditions 6 and 7 of planning approval P/2015/1203	Site Adj Whitcott Crossgates Road Llandrindod Wells Powys LD1 5BJ
	Refused	29/03/2021	21/0310/DIS	Discharge of Condition	18/10/2021	Discharge of condition 4 of planning permission 20/1482/HH in relation to details and samples of proposed windows	Arosfa Spa Road Llandrindod Wells Powys LD1 5ER
Llandrinio And Arddleen Community	Approve	13/09/2021	21/1665/HH	Householder	19/10/2021	Erection of a prefabricated brick effect single storey detached garage.	The Meadows 8 Mountain View Arddleen Llanymynech SY22 6PX

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Llandysilio Community	Tudalen 107	Consent	10/09/2021	21/1594/HH	Householder	20/10/2021	Installation of an air source heat pump (ASHP) and associated pipework to the rear of the domestic property to supply heating and hot water. Removal of Oil boiler and oil tank.	7 Llwyn Perthi Arddleen Llanymynech SY22 6QX
		Approve	06/05/2021	21/0952/DIS	Discharge of Condition	02/11/2021	Application to discharge condition 6 of planning approval P/2017/0165	Land Adj City House Four Crosses Llanymynech Powys SY22 6RG
		Approve	17/09/2021	21/1694/NMA	Non-Material Amendment	26/10/2021	Non Material Amendment application to planning approval 20/0345/FUL (minor design amendments)	Greystones Four Crosses Llanymynech SY22 6PN
		Consent	29/03/2021	21/0414/OUT	Outline planning	22/10/2021	Outline planning application for residential development (all matters reserved apart from access)	Development At Land Adjacent To Maes Offa Llandysilio Llanymynech Powys
		Consent	24/06/2021	21/1191/LBC	Listed Building Consent	03/11/2021	Removal of lantern for repair and reinstatement	Calcot Hall Llandrinio Llanymynech Powys SY22 6SJ

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Llanerfyl Community	Consent	26/04/2021	21/0572/LBC	Listed Building Consent	29/10/2021	Replacement of existing external oil fired boiler, installation of external flue and 1 no. radiator in bathroom.	Bryn Erfyl Llangadfan Welshpool SY21 0EG
Llanfair Caereinion Community	Approve	22/07/2021	21/1292/FUL	Full Application	03/11/2021	Change of use from retail use (class A1) and cafe / bar (class A3) to residential use (class C3)	Bridge House Bridge Street Llanfair Caereinion Welshpool Powys SY21 0RY
	NMA Approved	01/10/2021	21/1784/NMA	Non-Material Amendment	27/10/2021	Non material amendment to planning permission 21/0890/HH in relation to rear section of the extension ridged raised inline with the approved roof and that of the existing bungalow.	Murmur Y Coed Peartree Lane Llanfair Caereinion Welshpool SY21 0BH

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Llanfechain
Community

Tudalen 109

Approve	20/09/2021	21/1713/TRE	Works to trees in Conservation Area	29/10/2021	Works to trees in a Conservaiton Area (garden maintenance as a result of several years neglect) namely - Front garden: 1. Remove Holly Rear garden: 2. Reduce Yew hedge on perimeter of garden to 10ft, 3. Remove overhanging lower branches on Poplar at rear of property. 4. Clear behind small Apple tree (tree to remain), 5. Remove box hedge near side wall, 6. Reduce Yew tree against side wall, 7. Remove Laburnum and Plum tree which are overhanging workshop and pushing Beech into workshop and 8. Reduce Beech all over so that danger to workshop is reduced.	Old Post Office Llanfechain Powys SY22 6UJ
NMA Approved	05/10/2021	21/1810/NMA	Non-Material Amendment	29/10/2021	Non Material Amendment to planning approval 21/0199/HH - re arrangement of fenestration to the new bedroom	Glanbrogan Cottage Llanfechain SY22 6UY

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Llangammarch Community	Approve	11/06/2021	21/0832/HH	Householder	19/10/2021	Two storey extension, erection of shed and relocation of existing shed.	Gwarceiros Cottage Llangammarch Wells LD4 4EN
	Approve	16/06/2021	21/0686/FUL	Full Application	22/10/2021	Erection of an agricultural building, groundworks and all other associated works	Cefn Llan Llangammarch Wells Powys LD4 4AA
	Consent	27/07/2021	21/1318/FUL	Full Application	29/10/2021	Demolition of existing dwelling and the erection of a replacement dwelling and associated works	Afan Lodge Llangammarch Wells LD4 4BS
Llangurig Community	Approve	11/08/2021	21/1574/VAR	Discharge/Modification of S106	25/10/2021	Discharge of planning obligation attached to outline planning approval M/2005/0331 (restriction of occupancy and size)	Oakleigh Felindre Llanidloes Powys SY18 6PH
Llangyniew Community	Approve	30/03/2021	21/0578/HH	Householder	20/10/2021	Erection of an extension with roof terrace	Church House Pont Robert Meifod Powys SY22 6HY
Llanidloes Community	NMA Approved	01/10/2021	21/1783/NMA	Non-Material Amendment	26/10/2021	Non material amendment for planning approval P/2017/0765 in relation to dwelling design	Dyfnant Llanidloes Powys SY18 6HR

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Llanigon Community	Approve	20/10/2021	21/1975/NMA	Non-Material Amendment	02/11/2021	Non material amendment to planning permission 19/0554/RES in relation to the repositioning of the garage at Plot 16	Erection Of Twenty Three Dwellings Beech Drive Llanigon Hereford Powys
Llansantffraid Community	Approve	15/01/2021	21/0046/RES	Reserved Matters	20/10/2021	Application for reserved matters following the approval of P/2017/0363 for the development of 9 dwellings, formation of vehicular access and associated works	Land Adjoining 'Cranford' Llansantffraid-Ym-Mechain Powys SY22 6AX
Tudalen 111	Approve	26/02/2021	21/0294/DIS	Discharge of Condition	03/11/2021	Application to discharge condition 3 of planning approval 20/1799/FUL	Foel Farm Llanfechain SY22 6UA
	Approve	22/06/2021	21/1171/DIS	Discharge of Condition	03/11/2021	Discharge of conditions 4, 5 and 6 attached to permission 20/1799/FUL	Foel Farm Llansantffraid-Ym-Mechain Powys SY22 6UA
	Approve	17/08/2021	21/1519/DIS	Discharge of Condition	03/11/2021	Discharge of conditions 5, 6, 7 and 9 attached to permission P/2016/0324 - in relation to land contamination	The Old Station Yard Pen-y-bont Oswestry Powys

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Permitted Development	05/10/2021	21/1726/AGR	Agricultural Notification	20/10/2021	Erection of an agricultural building for the storage of straw and fodder	Gelli Farm Cross Lane Llansantffraid-Ym-Mechain Powys SY22 6SZ
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Llanwrthwl Community	Split Decision	07/12/2020	20/1974/DIS	Discharge of Condition	25/10/2021	Discharge of condition no's 3, 5, 6 & 10 attached to planning approval P/2018/0234 for Hydro Electric Scheme (Archaeological Watching Brief, Construction Management Plan, Habitat Management Plan and Construction Method Statement)	Proposed Hydroelectric Scheme Afon Claerwen Rhayader Powys
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Tudalen 112

Llanyre Community	Consent	19/09/2021	21/1611/FUL	Full Application	03/11/2021	Erection of new play equipment to existing play area	Play Area Llanyre Llandrindod Wells Powys
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Llywel Community	Approve	24/03/2021	21/0481/FUL	Full Application	28/10/2021	Installation of a biomass boiler within new building including flue	Bailea Farm Llywel Brecon LD3 8RH
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	Approve	17/05/2021	21/0755/FUL	Full Application	28/10/2021	Installation of 3 biomass boilers with 3 flues within approved building	Bailea Farm Llywel Brecon LD3 8RH
Machynlleth Community	Approve	22/10/2021	21/1903/NMA	Non-Material Amendment	28/10/2021	Non material amendment to planning permission 20/0857/REM in relation to amendments to walls and sections of roof to rectify structural fallings discovered during renovation works and addition of PV tiles to roof	Bro Ddyfi Community Hospital Maengwyn Street Machynlleth SY20 8AD
Manafon Community	Approve	14/09/2020	20/1448/RES	Reserved Matters	25/10/2021	Application for reserved matters following the approval of P/2017/0245 for the erection of 5 dwellings, garages and all associated works	Land Adjoining Trem Hirnant Manafon Welshpool Powys SY21 8BX
Meifod Community	Approve	02/09/2021	21/1498/HH	Householder	26/10/2021	Alterations & extensions, including enlargement of curtilage and formation of new vehicular access.	The Fron Sarnau Llanymynech SY22 6QP
Merthyr Cynog Community	Permitted Development	01/10/2021	21/1790/AGR	Agricultural Notification	25/10/2021	Agricultural notification for erection of an open sided steel-framed building attached to existing buildings	Alltcerrig Merthyr Cynog Brecon LD3 9RY

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Mochdre Community Budalen 114	Permitted Development	01/10/2021	21/1791/AGR	Agricultural Notification	25/10/2021	Agricultural Notification for erection of an open sided steel-framed building attached to existing building to cover the existing cattle feeding station	Tyrhys Merthyr Cynog Brecon LD3 9SG
	Approve	22/10/2020	20/1581/RES	Reserved Matters	19/10/2021	Application for reserved matters following the approval of P/2016/0796 for a residential development of 60 dwellings and associated works	Land To The South Of The A489 West Of Mochdre Brook Newtown Powys SY16 4HZ
	Consent	03/08/2021	21/1386/HH	Householder	25/10/2021	Erection of extensions	Lower Talwrn Trem Y Cwrt Newtown SY16 4JJ
	Approve	18/09/2020	20/1417/FUL	Full Application	25/10/2021	Proposed Agricultural building for General use such as fodder store, implement store, wintering of cattle and sheep during winter months	Land At Garregllwyd Nantmel Rhayader Powys LD6 5PE
	Refused	01/10/2021	21/1767/NMA	Non-Material Amendment	26/10/2021	Non material amendment to remove conditions 3 and 4 from planning approval 19/0095/RES in relation to additional engineering works	Land Adjoining 4 Church House Orchard Aberbechan Newtown SY16 3BH

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New Radnor Community	Consent	12/05/2020	20/0688/FUL	Full Application	25/10/2021	Change of use to holiday use for the erection of three letting holiday units and all associated works	Land Off A44 West Of Great House New Radnor Presteigne LD8 2TN
	Consent	04/06/2021	21/0868/HH	Householder	03/11/2021	Extension of roof and walls at double storey height over existing single storey raised balcony.	Kemadarr Rectory Lane New Radnor Presteigne LD8 2SR
	Consent	09/07/2021	21/1061/FUL	Full Application	25/10/2021	Moving gateway and alteration of line of footpath	New Gateway At School Lane School Lane New Radnor Presteigne Powys
Newtown And Llanllwchaiarn Community	Approve	29/06/2021	21/1126/FUL	Full Application	02/11/2021	Installation of a replacement shopfront to existing retail unit	3-4 Broad Street Newtown SY16 2LU
	Approve	29/06/2021	21/1133/ADV	Advertisement Consent	02/11/2021	Display of externally illuminated fascia sign and hanging sign on existing frame	3-4 Broad Street Newtown SY16 2LU
	Approve	02/07/2021	21/1285/DIS	Discharge of Condition	28/10/2021	Discharge of condition 5 of planning permission 21/0180/HH (tree and hedgerow protection plan)	18 Green Acres Llanidloes Road Newtown Powys SY16 1HZ

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	Approve	29/07/2021	21/1316/FUL	Full Application	18/10/2021	Change of use of basement flat to shop storage area	7A Market Street Newtown Powys SY16 2PQ
	Approve	30/07/2021	21/1406/CLE	Certificate of Lawfulness - Existing	20/10/2021	Section 191 application for a certificate of existing lawful use or development for the creation of a single dwellinghouse	Cae Hafren Middle Scafell Milford Road Newtown SY16 3HQ
	NMA Approved	19/10/2021	21/1887/NMA	Non-Material Amendment	25/10/2021	Application for non-material amendments to permission 19/0168/RES, to allow for amended plans in respect of site layout and landscaping	Land Off Glandwr Garth Owen Newtown Powys
	Refused	02/09/2021	21/1521/HH	Householder	22/10/2021	Demolition of part of dwelling and erection of two storey extension in lieu (resubmission showing reduced extension height)	Winswood Lower Gwestydd Lane Aberbechan Newtown SY16 3AY
Old Radnor Community	Consent	04/05/2021	21/0798/HH	Householder	20/10/2021	Erection of extensions and a garage	Meadow View Evenjobb Presteigne Powys LD8 2SB

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	Consent	24/05/2021	21/0915/FUL	Full Application	28/10/2021	Erection of 2 log cabins for tourism use, altered existing farm access gate and installation of treatment plant and drainage field.	Land At Yardro Walton Presteigne Powys
	Consent	07/06/2021	21/1032/FUL	Full Application	18/10/2021	Siting of a temporary modular unit for use as auxiliary educational building for a further 3 years	Summergeil House Watery Lane Walton Presteigne LD8 2PT
Paincastle Community	Approve	22/09/2021	21/1659/DIS	Discharge of Condition	02/11/2021	Discharge of planning condition no. 15 attached to planning approval 20/0998/FUL (CPAT Historic Building Survey)	Llanbwchllyn Llandeilo Graban Builth Wells LD2 3YQ
	Approve	28/09/2021	21/1811/DIS	Discharge of Condition	25/10/2021	Discharge of condition no's 4,6,23,24 & 25 attached to planning approval 20/2050/FUL	Land Adjacent To Porthway Rhosgoch Builth Wells Powys LD2 3JU
	Consent	14/11/2019	19/1548/FUL	Full Application	25/10/2021	Erection of a temporary cabin for residential use	Church House Meadow Church House Llandeilo Graban Builth Wells Powys LD2 3YX

Paincastle
Community

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Tudalen 118	Penybont Community	Prior Approval Approved	20/07/2021	21/1128/AGR	Full Application	15/10/2021	Agricultural Building for the storage of feed and farm machinery	Bryn Thomas Penybont Llandrindod Wells LD1 5SP
	Presteigne Community	Approve	18/05/2021	21/0702/FUL	Full Application	02/11/2021	Erection of a new workshop unit and all associated works	Plot 4 Broadaxe Business Park Broadaxe Business Park Presteigne Powys
		Approve	23/09/2021	21/1637/DIS	Discharge of Condition	18/10/2021	Discharge of condition 7 of reserved matters approval 20/0013/RES (Drawing 3051-001 Landscape Proposals revision D)	Land Opposite Kings Court Presteigne Powys LD8 2HX
		Consent	17/06/2021	21/0977/FUL	Full Application	01/11/2021	Installation of a two bay stable with tack room	Thistle Brook Meeting House Lane Norton Presteigne LD8 2HA
		Consent	31/08/2021	21/1116/FUL	Full Application	25/10/2021	Erection of an extension to existing unit	Unit 4 Broadaxe Business Park Presteigne Powys LD8 2UH
	Rhayader Community	Approve	17/06/2021	21/1030/HH	Householder	22/10/2021	Erection of a two storey extension	Llanfadog Uchaf Elan Valley Rhayader LD6 5HN

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Talgarth Community	Approve	28/06/2021	21/1257/REM	Removal or Variation of Condition	02/11/2021	Section 73 application to vary conditions 1 and 3 of permission B/04/0207 to allow for the submission of amended plans	Far Barn Llanfilo Brecon Powys LD3 0RA
Trallong Community	Approve	13/07/2021	21/1339/FUL	Full Application	29/10/2021	Change of use of agricultural land to domestic curtilages for Nos. 1, 2 and 3 Awelon	3 Awelon Trallong Brecon Powys LD3 8HR
Trefeglwys Community	Approve	02/02/2021	21/0063/FUL	Full Application	15/10/2021	Demolition of the existing club house, restaurant and cafe, conversion and extension of the existing retail shop, reception and central facilities building to provide an upgraded central facilities and amenity building	Mid Wales Shooting Centre Ffinant Farm Trefeglwys Caersws Powys SY17 5QY
	Approve	23/03/2021	21/0544/LBC	Listed Building Consent	18/10/2021	Proposed thermal upgrade to internal walls, installation of replacement hardwood windows, installation of slimline glazing and secondary glazing units	Talgarth Farm Trefeglwys Caersws SY17 5PU
	Approve	04/06/2021	21/1031/FUL	Full Application	25/10/2021	Erection of a covered slurry store and all associated works	Upper Bwlchyllyn Trefeglwys Caersws SY17 5PY

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	Approve	11/08/2021	21/1210/REM	Removal or Variation of Condition	02/11/2021	Section 73 application to vary condition no. 2 attached to planning approval 20/0093/FUL and 21/0064/NMA (holiday park) to allow additional lodge design and provision of children's play area	Mid Wales Shooting Centre Ffinant Farm Trefeglwys Caersws Powys SY17 5QY
Tudalen 120	Consent	09/07/2021	21/1277/FUL	Full Application	20/10/2021	Retrospective application for the conversion of rural buildings to form two self-contained dwelling units, installation of septic tank and all associated works	Upper Fachwen Tregynon Newtown SY16 3EU
Tregynon Community	Refused	13/08/2021	21/1497/FUL	Full Application	25/10/2021	Erection of a single holiday let cabiin, formation of vehicular access and parking area, installation of treatment plant and all associated works	Land At Old Gerizim School Tregynon Newtown Powys SY16 3PU
Welshpool Community	Approve	08/01/2021	21/0023/DIS	Discharge of Condition	22/10/2021	Application to discharge condition 26 of planning approval P/2018/0337	Land At Salop Road Welshpool Powys SY21 7FA

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Ystradgynlais Community Tudalen 121	Consent	28/09/2021	21/1644/HH	Householder	03/11/2021	Two storey side extension	2 Coppice Cottage Sweeps Lane Belan Welshpool Powys SY21 8SQ
	Refused	17/08/2021	21/1529/OUT	Outline planning	28/10/2021	Erection of a rural enterprise dwelling and associated works to include creation of new access and installation of package treatment plant	Land At Court Farm Court Farm Belan School Lane Llwynderw Welshpool Powys SY21 8SF
	Approve	23/04/2021	21/0850/FUL	Full Application	22/10/2021	Erection of a disabled viewing platform	Ystradgynlais RFC Ynyscedwyn Road Ystradgynlais Powys SA9 1BH
	Approve	31/05/2021	21/0923/HH	Householder	19/10/2021	Creation of a drop kerb	44 Bethel Road Lower Cwmtwrch Swansea SA9 2PT
	Approve	23/06/2021	21/1151/HH	Householder	28/10/2021	Construction of off road parking to front of property.	Tanyralit Terrace 31 Tanyralit Abercrave Swansea SA9 1XF

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Tudalen 122	Approve	13/08/2021	21/1499/FUL	Full Application	22/10/2021	Change of use from a disused shop back to a domestic use and internal alterations	76 Brecon Road Ystradgynlais Swansea Powys SA9 1HH
	Approve	01/09/2021	21/1600/FUL	Full Application	28/10/2021	Change of use from Commercial to Sui Generis to accommodate a tattoo parlour.	22 Commercial Street Ystradgynlais SA9 1HD
	Consent	14/10/2021	21/1548/NMA	Non-Material Amendment	01/11/2021	Application for a non material amendment to planning permission 21/0117/REM in respect of layout	Proposed Solar Farm At Bryn Henllys Swansea SA9 2XE
Applicati		122					

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CYNGOR SIR POWYS COUNTY COUNCIL**PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE****11th November 2021****REPORT BY: HEAD OF HIGHWAYS, TRANSPORT AND RECYCLING****SUBJECT: Application to correct the Register of Common Land**

REPORT FOR: DECISION

Application to correct the Register of Common Land, sections 22 and Schedule 2 of the Commons Act 2006 – Application 20-002CA, Register unit RCL026, Bryngwyn and Newchurch Hills, community of Painscastle**The application:**

1. Application 20-002CA was made by GFT & DM Edwards of Church House, Bryngwyn, Kington HR5 3QN. The application was received on 22nd May 2020 and was assessed as having been duly made. A copy of the application can be found at appendix 1.
2. The effect of this application, if granted, would be to remove a parcel of land at High Park, Bryngwyn, comprising O.S. County Series Plan field number 666, also referred to as IACS field parcel SO1849 6672 and amounting to 0.44 hectares of land from the Register of Common Land. The land affected is part of registered common RCL026 (known as Bryngwyn and Newchurch Hills.)
3. A location plan showing the site can be found at appendix 2. A more detailed plan showing the area affected can be found at appendix 3.
4. The land that is subject of this application is all within the ownership of Mr GFT & Mrs DM Edwards (the applicants.)
5. The documents that were supplied to accompany the application are as follows:
 - A supporting statement in the form of a letter written by Mrs S Owen, County Advisor for NFU Cymru (appendix 4);
 - An extract from a current Ordnance Survey map, showing the land subject of the application (appendix 5);
 - Extracts from the Tithe Map for Bryngwyn dated 1844 taken from the Places of Wales website (appendix 6);
 - Aerial photograph to match the tithe map overlay taken from the Places of Wales website and snapshots from Radnorshire Ordnance Survey Maps taken from the National Library of Scotland of website (appendix 7);
 - Snapshot taken from the Places of Wales website showing the application land edged in red on an O.S Map overlay (appendix 8);
 - Letter from the Acting Chairman of the Newchurch & Bryngwyn Hills Commoners Association (appendix 9);

- Copy of the CR Form 9 1968 Application for the registration of a right of common (appendix 10);
 - Extracts from the Register of Common Land Ownership and Rights Sections for RCL026 (appendix 11);
 - An extract from the Land Registry title for the land affected by the application (appendix 12);
 - An extract from the Land Registry title plan for the land affected by the application (appendix 13);
 - A copy of the 1904 transfer of mortgage for the freehold messuage and lands known as 'High Park' or 'Dods' Farms from Mrs Watkins to Misses Mary Janes Jones & Rosa Ann Jones (appendix 14);
 - A copy of the 1904 conveyance, from Walter de Winton and others to Mrs Eliza Watkins of the freehold messuage and lands known as 'High Park' or 'Dods' (appendix 15);
 - A statutory declaration by George Watkins, formerly of High Park, Bryngwyn, (appendix 16);
 - Copy of Land Charges Search dated 26/09/1935 (appendix 17);
 - A copy of the 26th September 1935 conveyance through which Mr George Watkins transferred title to the land known as 'High Park' or 'Dods Farm' and 'Weavers Plot' to R. Trevor Griffiths (appendix 18);
 - A copy of the 19th March 1970 conveyance whereby Mr R Trevor Griffiths sold the land known as High Park' or 'Dods Farm' and 'Weavers Plot' to F J Edwards and E M M Edwards (appendix 19);
6. The documents that were later supplied in response to a representation are:
- A statement from Mr L A Miles and Mr J C Jones (appendix 20)
 - A copy of the Land Section for RCL026 (appendix 21);
 - A copy of the CR Form 10 'Application for the registration of a claim to ownership of land' dated June 1968 and accompanying plan F (appendix 22);
7. In addition, the Commons Registration Authority is entitled to consider the statutory documents that it holds in relation to the Register of Common Land, including the original applications for registration and the Register itself. The applicant is not required to provide copies of documents if the Registration Authority issued the document, was a party to it, or the document has been deposited with the registration authority in accordance with any enactment.
8. The evidence accompanying this application is almost entirely documentary. For this application, witness evidence is not key to meeting the legal criteria; the legal criteria are described below. As a result, it is proposed that the application be determined on the basis of the documentary evidence supplied, without a hearing.

Legal criteria:

9. This application has been made under the provisions of section 22 and Schedule 2 to the Commons Act 2006. Section 22 relates to non-registration or mistaken registration of land under the Commons Registration Act 1965. Paragraphs 1 to 9 of schedule 2 set out the circumstances under which an application may be made under section 2.

10. The applicant has chosen to make their application under the provisions of paragraph 7 of Schedule 2. Under that paragraph, an application may be made to remove 'Other land wrongly registered as common land' from the Register.
11. Under paragraph 7, the legal requirements are that:
- (a) the land was provisionally registered as common land under section 4 of the 1965 Act;
 - (b) the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act;
 - (c) the provisional registration became final; and
 - (d) immediately before its provisional registration the land was not any of the following—
 - (i) land subject to rights of common;
 - (ii) waste land of a manor;
 - (iii) a town or village green within the meaning of the 1965 Act as originally enacted; or
 - (iv) land of a description specified in section 11 of the Inclosure Act 1845 (c. 118).
12. The task of proving the case in support of the correction of the register rests with the person making the application, and the burden of proof is the normal, civil standard, the balance of probabilities.

Publicity for application:

13. Under The Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017, publicity must be given to this type of application via the Council website and site notices. Notice of the application must also be served on statutory consultees.
14. The public notice of application and a plan of the land appeared on the Council website on 14th May 2021. The same notices were put up on site the same day. To allow the required period of not less than 42 days, the deadline for receipt of objections and representations was Friday 25th June 2021.
15. In line with statutory requirements, notice of the application was served on:
- (a) The owner of the land to which the application relates, being Mr & Mrs Edwards;
 - (b) Every other local authority for that area, being Painscastle Community Council.
 - (c) The persons who have requested that notice of application be emailed to them.
16. Notice of application should also be served on any owner of rights of common 'in gross' that are exercisable over the area of land affected by the application. However, no person is registered as owning rights of common in gross over RCL026.
17. There is a requirement to serve notice on Commons Councils and anyone who has made a declaration of entitlement to rights in the Register of Common Land. However, the provisions to form Commons Councils or make these declarations

are not in force in Wales at the moment, so there are no Commons Councils or holders of declarations on whom notice can be served.

18. In addition, a copy of the notice was sent to Ms R O Miles as registered owner of the majority of RCL026, Mr T P Probert, who is acting chairman of the Bryngwyn and Newchurch Grazier Association and Cllr J Gibson-Watt as Local Member.

Representations:

19. Representations have been received to this application, from Mr H Craddock of the Open Spaces Society. As the Open Spaces Society does not have a legal interest in the land subject of the application, it must be determined by the Council, as the Commons Registration Authority.

20. The emails from and to Mr H Craddock, are as follows:

- Email dated 18th June 2021 from Mr H Craddock, OSS (appendix 23);
- Email dated 23rd June 2021 response to Mr H Craddock, OSS (appendix 24);
- Email dated 24th June 2021 from Mr H Craddock, OSS (appendix 25);

Assessment of the evidence against legal criteria:

Whether the land was provisionally registered as common land under section 4 of the 1965 Act:

21. Section 4 of the Commons Registration Act 1965 required that a registration authority should “..register any land as common land or a town or village green or, as the case may be, any rights of common over or ownership of such land, on application duly made to it and accompanied by such declaration and such other documents (if any) as may be prescribed for the purpose of verification or of proving compliance with any prescribed conditions.”

22. The Land section of the Register of Common Land records that registered common RCL026 was provisionally registered under section 4 of the Commons Registration Act 1965 on 29th December 1967. An extract from the written Land section of the Register can be found at appendix 21.

That the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act:

23. The registration of Land as common land in relation to registered common RCL026 was not disputed and so it was not necessary to refer the provisional registration to a Commons Commissioner.

24. This is evidenced by a lack of reference to a Commons Commissioners decision on the land section sheet of RCL026.

Whether the provisional registration became final:

25. The Land section of the Register records that the registration of unit RCL026, became final on 1st October 1970.

That immediately before its provisional registration the land was not land subject to rights of common:

26. Section 22 of the Commons Registration Act 1965 sets out the criteria under which land was eligible for registration as common land. The first of these is that the land was subject to rights of common, at the time of registration.
27. Rights of common are registered as being exercisable over the whole of RCL026, however the applicants claim that the inclusion of the 'High Park' land as common land was by accident. In support of their case, the applicants have provided a number of documents, as described below.
28. The conveyances relating to the application land dating from 29th January 1904 make no reference to the application land ('High Park') being common or subject to rights of common but being in private ownership. The 1904 Conveyance and Transfer of Mortgage both refer to the application land having benefit to a right of common on Bryngwyn Hill. This infers that the land was not subject of a right of common itself.
29. The conveyance dated 26th September 1935 states that 'the property' was sold as fee simple in possession free from encumbrances. That description is also used in the 1970 conveyance. Given that conveyances were compiled to record rights of property it is likely that any right which had a significant effect on the property would have been recorded.
30. In addition, the application land forms part of the land to which a right of common registered as exercisable over RCL026 Bryngwyn & Newchurch Hills is attached. The right is recorded at entry no. 9 in the rights section and was described as attached to a number of O.S fields at Church House & Apostles Land, High Park, Bryngwyn including the application land (O.S. no. 666). It is considered an anomaly for the land to be both dominant tenement (the land to which the right of common is attached) and servient tenement (the land subject to rights of common).

That immediately before its provisional registration the land was not waste land of a manor:

31. Under section 22 of the Commons Registration Act 1965, land was also eligible for registration as common land if it was waste land of a manor. For an application under paragraph 7 and Schedule 2 of the Commons Act 2006, 'waste land of a manor' is land that at the time of provisional registration was both:
- part of a manor; and
 - open, uncultivated and unoccupied.
32. Mrs S Owen, County Advisor for NFU Cymru has referred to a screenshot extract of the Tithe Map and apportionment taken from the Places of Wales website in her letter of 21st May 2020.
33. The Tithe Map for this area is titled 'Map of the parish of Bryngwyn in the County of Radnor' and is dated 1844. The map identifies the land subject of this application as being enclosures 590, 591 and 592. The written apportionment describes these enclosures as being part of 'Crop Short'; the state of cultivation is described as 'pasture'. The occupier at the time of the apportionment was noted as being William Price and the landowner was Walter De Winton. The land was subject to a tithe payment, this does not suggest that at that time the land was common land.

34. In contrast, the area surrounding the application land is identified on the tithe map as enclosure 747 and identified as Bryngwyn Hill and labelled as Common Land. No tithe was payable. Bryngwyn Hill was recorded as being in the ownership of Rev Samuel Davies.
35. Given the clear distinction between the two areas of land it would appear that the Tithe Commissioners did not consider that the application land was waste of a manor in 1844. The land at that time was enclosed, occupied and under cultivation and was distinctly separate to Bryngwyn Hill.
36. The screenshots taken from the National Library of Scotland website of the Ordnance Survey Map – which was at a scale of 6 inches to the mile and published in 1888– does show the application land as being enclosed. This boundary is in the same location as the boundary line shown on the current Ordnance Survey maps and on the 1:10,560 scale base map used for the Register of Common land itself; it does not appear to have changed.
37. In a letter, Mr T P Probert, the Acting Chairman of Newchurch & Bryngwyn Commoners Association states that the application land has always been regarded as part of Church House Farm and it has not been used as part of the common. It is surrounded by a hedge to keep it separate. His late father and then his brothers and himself have farmed as neighbours and fellow commoners to Church House since 1955.
38. Furthermore, the modern aerial photograph found at appendix 7 shows the application land surrounded by hedge row.
39. The 1904 transfer of mortgage for the freehold messuage and lands known as ‘High Park’ or ‘Dods’ Farms from Mrs Watkins to Misses Mary Janes Jones & Rosa Ann Jones includes reference to the application land as it identifies the land named as ‘High Park’ or ‘Dods’ as comprising messuage or cottage with buildings and there fields or parcels of land adjoining Bryngwyn Hill in the parish of Bryngwyn numbered **666**, 706, 707 and 709 on the recent Ordnance Survey map.
40. The 1904 conveyance, from Walter de Winton and others to Mrs Eliza Watkins of freehold messuage and lands known as ‘High Park’ or ‘Dods’ records the transfer of land and includes a schedule of the land concerned.
41. First, it is of note that the land was transferred from Walter de Winton – who was recorded as the Landowner of the application land by the Title Commissioners in 1844. This suggests that certainly in the period from 1844 to 1904, the land was not owned by a manor.
42. Second, the Schedule to the conveyance lists the fields subject of the transfer including that of Ordnance Survey parcel number **666**. It is stated as being grass and comprising 1.137 acres.

43. The statutory declaration by George Watkins is dated 26th September 1935 and notes that his father was John Watkins and mother Eliza Watkins and that he had lived at High Park.
44. A copy of the 1935 conveyance through which Mr George Watkins transferred title to the land known as 'High Park' or 'Dods Farm' and 'Weavers Plot' to R. Trevor Griffiths includes a schedule with OS field parcel 666 listed. The plan accompanying the conveyance, clearly delineates the boundary of the application land as separated from the adjacent common land.
45. Similarly, the copy of the 1970 conveyance through which Mr R Trevor Griffiths sold title to the land known as 'High Park' or 'Dods Farm' to Mr F J Edwards and Mrs E M M Edwards includes the application land.
46. The Land Registry Title Number CYM156230 records the application land in the ownership of Mr G F T Edwards and Mrs D M Edwards (the applicants).
47. The above series of documents does provide evidence that in the period from 1844 to 1970, the land subject of this application was owned by various individuals, so not part of a manor. It does span the date of provisional registration of this area of common land, which was 29th December 1967.

Whether immediately before its provisional registration the land was a town or village green within the meaning of the 1965 Act as originally enacted:

48. To meet this requirement, the applicant must be able to demonstrate that at the date of provisional registration, the land was not:
- Land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality; or
 - Land on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes; or
 - Land on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than twenty years.
49. Recreational allotments, which were later eligible to be registered as Town or Village Greens, were set out in Inclosure Awards. However, no Inclosure Award has been identified which includes the land subject of this application. Neither has any person put forward any evidence that the land has been allotted by or under any other Act for the exercise or recreation of the inhabitants of any locality.
50. No person has put forward any evidence that the land was subject to any customary right to indulge in lawful sports and pastimes, or that they indulged in such sports or pastimes in the 20 years prior to the date of provisional registration. Painscastle Community Council were consulted; notices were placed on site and on the Council website, so opportunity was provided for any such evidence to be put forward.
51. In their statements, Mr Miles and Mr Jones comment that the land subject of the application, has always formed part of the Edwards' holding and has never been used as a village green or regarded as common land locally.
52. The application land is not shown in the register of Town or Village greens.

Whether immediately before its provisional registration, the land was of a description specified in section 11 of the Inclosure Act 1845 (c. 118).

53. Section 11 of the Inclosure Act 1845 describes several classes of land that are not true common land, including regulated pastures. Some of these areas of land were put forward for registration under the Commons Registration Act 1965, although they did not actually meet the definition set out under the 1965 Act for registration as common land. Although these areas should not have been registered pursuant to the 1965 Act, provision has not been made to remove them from the Register now, under the Commons Act 2006.

54. As noted above, no Inclosure Award has been identified that includes the area of land subject of this application. No other evidence has been put forward to indicate that the land subject of this application was of a description specified in section 11 of the Inclosure Act 1845.

Officer summary:

55. The representations from the Open Spaces Society concluded that there was no reason to object to the application being granted.

56. The first three legal criteria are matters of fact that are evidenced from the Register of Common Land itself. The Register records that the land was provisionally registered under part 4 of the Commons Registration Act 1965, that the registration became final and that it was not referred to a Commons Commissioner.

57. Having regard to all of the information put forward, it is reasonable to assume on the balance of probabilities, that immediately prior to the provisional registration, the application land was not subject to any rights of common, was not waste of a manor, a town or village green or land of a description specified in section 11 of the Inclosure Act 1845.

58. It is considered that this application meets the criteria set out under paragraph 7(2) of Schedule 2 to the Commons Act 2006 and it is concluded that an error was made and that the land subject of the application was wrongly registered as common land.

RECOMMENDATION:

That application 20-002CA be granted as made and that 0.44 hectares of land be removed from the Register of Common Land, as shown on the plan at appendix 3.

Appendices:

Appendix number:	Description:
1	Copy of application 20-002CA
2	Location plan showing application land
3	Detailed plan showing application land
4	Covering Letter
5	Ordnance Survey map, showing the land subject of the application
6	Extracts from the Tithe Map for Bryngwyn dated 1844
7	Aerial photograph and OS Maps
8	Snapshot taken from the Places of Wales website
9	Letter from the Acting Chairman of the Grazier Association
10	CR Form 9 – 1968 Application for the registration of a right of common
11	Extract from the RCL026 Register - Land & Ownership Sections
12	Land Registry Title for the application land
13	Land Registry Title Plan extract
14	Transfer of Mortgage dated 1904
15	1904 conveyance
16	Statutory declaration by G Watkins
17	Land Charges Search dated 1935
18	1935 conveyance
19	1970 Conveyance
20	Statement from LA Miles & JC Jones
21	RCL026 Register Land Section
22	CR Form 10 Application Form and Plan
23	Email dated 18 th June 2021 from OSS
24	Email dated 23 rd June 2021 response to OSS
25	Email dated 24 th June 2021 from OSS

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

FORM CA13 W

Commons Act 2006: Schedule 2

Application to correct non-registration or mistaken registration

Applicants are advised to read 'Guide to the Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017: Guidance for applicants' and to note:

Any person can apply under Schedule 2 to the Commons Act 2006.

All applicants should complete boxes 1-10.

Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.

You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You will have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

This section is for office use only

Official stamp



Application Number

20-002 CA

Register unit number allocated at registration

1. Commons Registration Authority

Insert name of commons registration authority.

To the: POWYS COUNTY COUNCIL

Tick one of the following boxes to confirm that you have:

enclosed the appropriate fee for this application **or** have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

2. Name and address of the applicant

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation or business if you are applying on behalf of such a body. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Name: GFT & DM EDWARDS

Address: CHURCH HOUSE, NEWCHURCH, KINGTON

Postcode: OLS5 3QN

Telephone Number: [REDACTED]

Email address:

3. Name and address of representative, if any

This box should be completed if a representative, such as a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or organisation / business named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email

Name / Organisation: STELLA OWEN	
Address: NFU CYMRU TY AMWETH, RNAS, LD2 3TU	
Postcode: LD2 3TU	Telephone Number: [REDACTED]
Email address: stella.owen@nfu.org.uk	

4. Basis of application for correction and qualifying criteria

For further details of the requirements of an application refer to Schedule 1 to the Commons Act 2006 (Correction, Non- Registration or Mistaken Registration) (Wales) Regulations 2017

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

- To register land as common land (paragraph 2)
- To register land as a town or village green (paragraph 3)
- To register waste land of a manor as common land (paragraph 4)
- To deregister common land as a town or village green (paragraph 5)
- To deregister a building wrongly registered as common land (paragraph 6)
- To deregister any other land wrongly registered as common land (paragraph 7)
- To deregister a building wrongly registered as town or village green (paragraph 8)
- To deregister any other land wrongly registered as town or village green (paragraph 9)

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

- The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3))
- The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4))
- The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5))

Please specify the register unit number(s) (if any) to which this application relates:

5. Description of the reason for applying to correct the register

Explain why the land should be registered or, as the case may be, deregistered.

→ SO 1849 6672 was designated as Common Land but it always has been and continues to be privately owned land.
→ Enclosed evidence to prove this is the case.

6. Description of land

You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in a distinctive colour (e.g. Red). The map must be at a scale of at least 1:2,500, or 1:10,000 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.

Name by which the land is usually known:

SO1849 6672

Location:

Nenchurch, maps enclosed.

Tick the box to confirm that you have attached an Ordnance map of the land

7. Declarations of consent

This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself. If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.

→ Tithe maps

→ Wills

→ Deeds

→ letter from Commons Secretary Acting Chairman confirming that the field has always been part of Churchhouse farm and is not Common.

8. Supporting documentation

List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary

Appendices X 16

9. Any other information relating to the application

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary

10. Signature

The application must be signed by each individual applicant, or by the authorised officer on behalf of a body (organisation / business)

Signatures:  - NOTE DUE TO COVID-19 I HAVE NOT BE ABLE TO MEET THE OWNERS

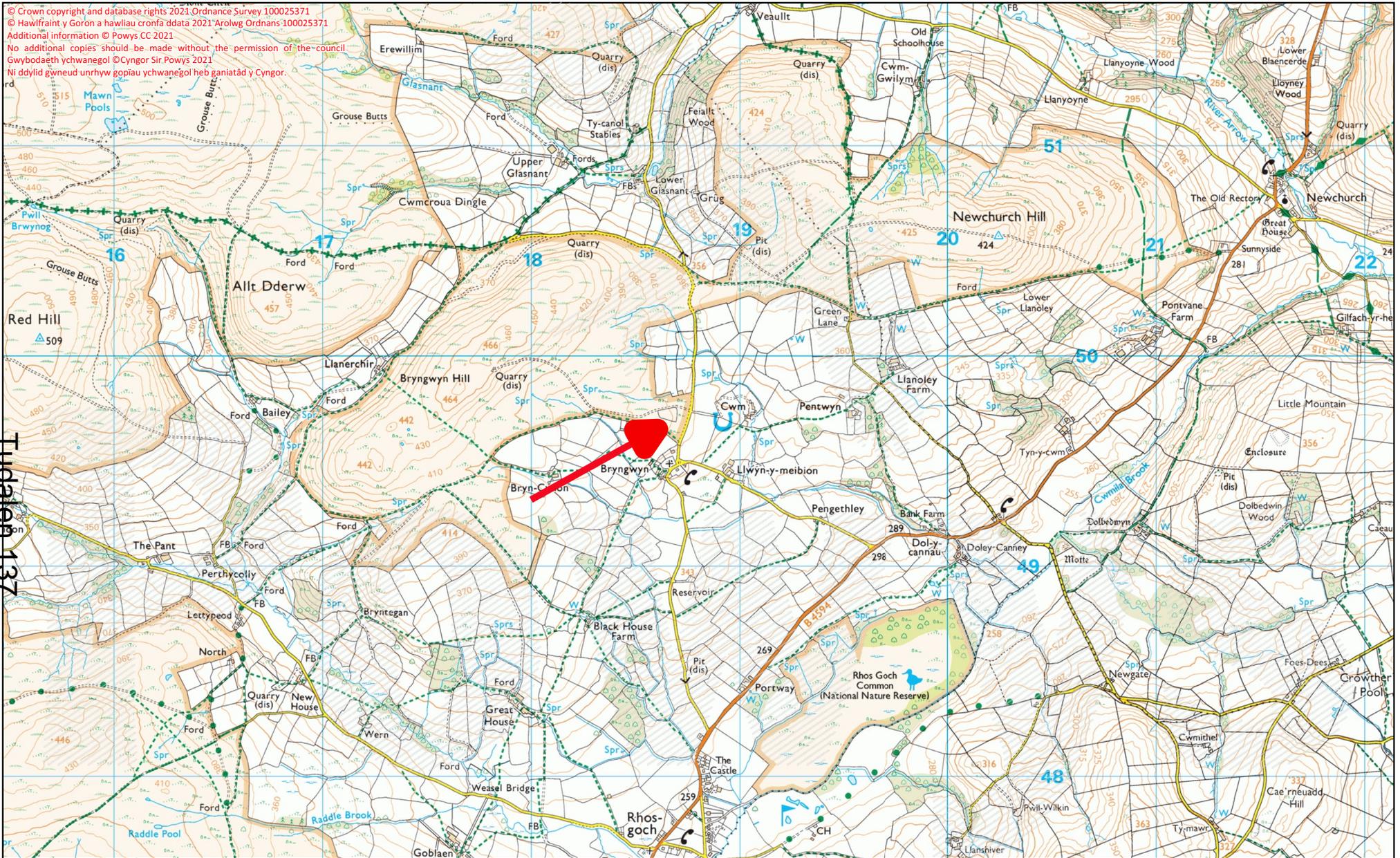
Date: 14-4-2020

REMINDER TO APPLICANT

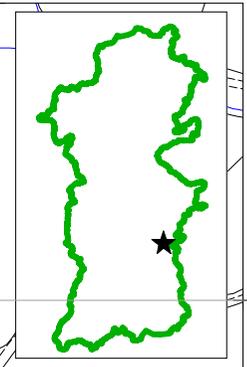
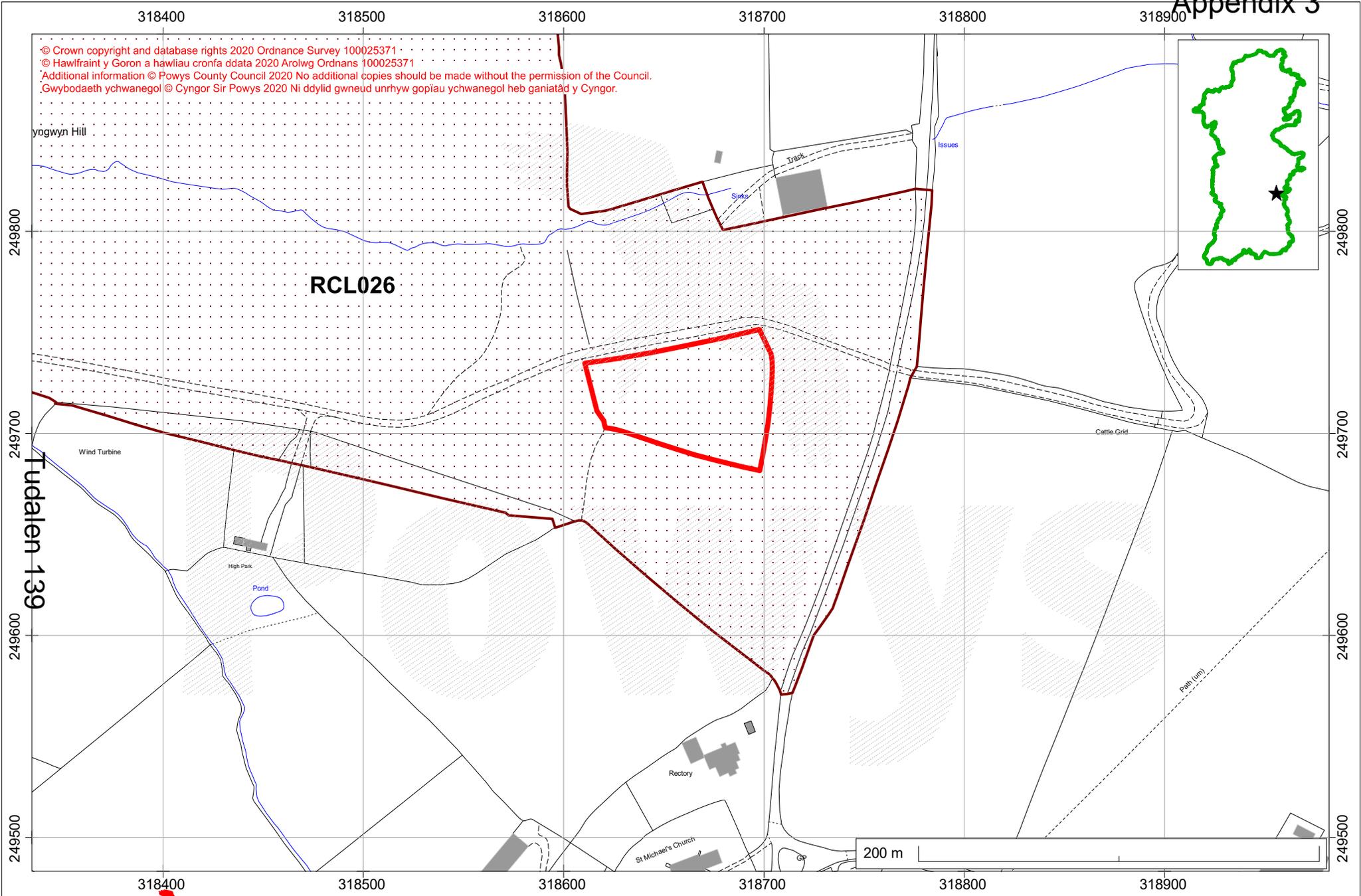
You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

Data Protection Act 1998: The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public. A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.

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



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Tudalen 139

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

NFU CYMRU

Tŷ Amaeth – Agriculture House, Royal Welsh
Showground
Llanelwedd, Builth Wells, Powys, LD2 3TU
Telephone: 01982 554200 Fax: 01982 554201
Website: www.nfu-cymru.org.uk

Received
Leisure and Recreation
Gwalia Offices

22 MAY 2020

Powys County Council

Ein cyf/Our ref:

JA. O. Claire Lewis
Assistant Comms
Registration & Definitive
Map Officer

Eich cyf/Your ref:

E-mail: Stella.owen@nfu.org.uk

Dyddiad/Date: 21 May 2020

Dear Sir/ Madam,

Mr and Mrs G T Edwards, Church House, Bryngwyn, Kington

On behalf of our above named members please find enclosed application CA13W to get an enclosed parcel of land, which has been mistakenly designated as common land, deregistered.

Representations were made some time ago on behalf of Mr and Mrs Edwards, and to date, the matter remains unresolved. We sincerely hope that the evidence provided can be considered and the matter rectified.

Background

Mr Edwards' mother passed away in 2003, Mr Edwards took over the entire farm holding. It then became apparent that the field parcel, SO1849 6672 had been designated as common land and incorrectly formed part of the RCL026 common.

In December 2003, it is my understanding that the Powys Common Land registration department amended the ownership of field parcel SO1849 6672 from Mr de Winton (owner of RCL26) to our member's title.

In 2005, new payment entitlements were allocated to land in Wales and the field parcel SO1849 6672 was not awarded any entitlements due to its common land status – belonging to Mr de Winton.

It was at this point that the issue was raised with the Assembly Member for Brecon and Radnorshire and the NFU, but at that time, there was no provision to allow amendments to be made to Common Land Registers.

We are now in a position where we would like to see this matter resolved. It is our understanding that there has been no intention whatsoever for the owner of RCL26 to make any benefit from this and that all that has happened is a blanket designation of the common and this error has meant an awful amount of work and worry for our members, who rightfully own the parcel of land.

Progression

I can appreciate how this error has occurred in that the parcel of land in question, is surrounded by common land, (RCL26) and it would appear that a blanket designation of the common took place many years ago, which wrongly included this field parcel.

What I fail to understand is why this problem has not been resolved to date given that in 2003 Powys Common Land Registration Dept, supposedly amended its records appropriately. It is clear that the field parcel in question belongs to Mr Edwards, as proven by the title deed document attached (CYM156230) Appendix 10.

For the sake of clarity, the field now known as 6672 – is also known as High Park – as you will know it is traditional for fields to have names and for the avoidance of any confusion, this is how it is known.

Appendix 1 - Having looked at and exhausted the tithe maps – a very interesting process – it is visible that the field in question – now known as 6672 – was once 3 parcels of land 590,591 and 594. It is indicated that a house once featured in land parcel 590 (noted House and Plock). I have outlined this in red. This tithe map also notes an occupier named William which would further suggest in it's day this was a little holding – farmed on its own. It also notes that the Land Use as Pasture and therefore is not noted as 'Common'.

Appendix 1 – Picture of the tithe map overlay

Appendix 3 – Aerial photograph to match the tithe map – this illustrates the field to this day is secluded and is not part of the open common.

Appendix 4 & 5 (overleaf) – I have included the tithe map website in order for you to locate the area. And the field in question is marked in red for ease of reference

Appendix 6 – Looking further at the National Library of Scotland website – it is visible that the field marked in red – is in isolation and the common land around it has little markings of common land. The field parcel is not covered by this coding which therefore shows that in 1888 – 1913 it was a field on it's own and this remains the case today.

Appendix 7 – Please find enclosed letter from the Acting Chairman of the Common land Association which confirms in his knowledge and back to his father's knowledge that the land parcel is enclosed and is owned by Mr Edwards and in no way, shape or form has this land been considered as the common RCL26.

Appendix 8 – The original 3 land parcels were amalgamated to form field number 666, it is usual for the centre of the field to be used as a new field number and that is what formed part of the Application for the registration of a right of common dated 29 Feb 1968 and the field number 666 is marked to show it's inclusion in the application, which was clearly marked as included in the land belonging to Church House Farm.

Appendix 9 – Copy of Common land Rights Register which notes field number 666 as comprising part of Church House Farm.

Appendix 10 – I enclose the Land Registry Title Number CYM156230 showing that Mr Edwards is the owner of the land and the field parcels are all marked in red – which includes field number 6672 (which is the new field number that has superseded the old OS reference 666, formerly known as 590,591 and 594 on the tithe maps). The field is clearly marked as being included on the deeds.

The History of the Land parcel.

The family have also provided deeds and Wills of Testament. For the sake of discretion and privacy, I have extracted the sections that are relevant. Full versions of these documents would be available upon request in person due to the sensitive nature of such documents.

We can go back as far as 1/02/1904.

Appendix 11 - A mortgage for the Lands known as High Park or Dods Farms situated in the County of Radnorshire. It would appear that the then resident of the late husband of Eliza Watkins, was approached by Walter de Winton for the sale to him of the land. Mr John Watkins (Eliza's husband) – passed away on 07/10/1903. Part payment had been made by John Watkins but the remaining outstanding debt passed to his wife Eliza. *It is cleared stated that Walter de Winton had requested her to complete the said contract to purchase.* The document also outlines that *the land was conveyed to the use of the said Eliza Watkins.* Mrs Watkins then took the mortgage of £90 which was all witnessed. It is further noted within this document that the land was actually transferred to John Watkins in October 1897 and this document notes that there was a cottage and outbuildings and 3 fields. (all of this marries in with the tithe maps previously alluded to). It also notes field number 666 which is how the field is originally numbered. And further reference is given to the fact that use of right on the Common of Bryngwyn Hill. This therefore shows that the land in private ownership is separate from the Common.

We also have the evidence of the Conveyance document dated 29 January 1904 from Walter de Winton to Mrs Eliza Griffiths. Appendix 11a.

The mortgage was paid off on 25th September 1935.

Eliza Watkins passed away on 13/10/1918 and the son George Watkins, formerly of High park, Bryngwyn (as noted Appendix 12), so he used to reside there.

During the search – please see Appendix 13 which notes High park Bryngwyn as part of the title deeds for George Watkins. Dated 26/09/1935

The picture is therefore wonderfully building.

As per Appendix 12 – George Watkins then sold the land known as 'High Park' to Robert Trevor Griffiths a solicitor. Appendix 14 is very clear in that on 26/09/1935 the land transaction took place for £105. This evidence shows that *the cottage with the outbuildings and pieces or parcels of pasture land belonging there to be know as 'High park' or 'Dods Farm situate adjoining Bryngwyn Hill in the County of Radnor and containing 3 acres three roods and 33 perches*

This again illustrates the separate nature of this land and that it is NOT common land and never has been.

The document goes further to list the fields and includes parcel numbers 666 grass, 706 do, 707 (house) and 709 grass

The map provided her is very visible of the field 666 and matches everything we have provided in the above Appendices.

Finally, Appendix 15 on 19th March 1970, R Trevor Griffiths sold the land in question to F J Edwards (Mr Graham Edwards father) and Eira Myfanwy Mary Edwards (Graham Edwards mother). Field number 666 is included in this conveyance document and is very clear that it is private land (plan 1 within the Appendix). It is very clear here that the land belongs to the Edwards family and this was then passed onto Mr Graham Edwards following their passing.

This also lists field number 666.

The only possible reason for this type of issue we find ourselves with is that this parcel was included in the common land registration mapping exercise – by a complete accident. There is significant evidence here that the land should never have been included in the designated of RCL026 and that this error should have been noticed. There is a significant amount of evidence here that would show that the field parcel was in private ownership and even the 1935 search for George Watkins evidences that High park was in private ownership. It is firmly my belief that the Council should have picked up on the fact that there was an anomaly here and that whatever plan submitted by Major Gerald Walter Frederick De Winton – should have been exhausted by the Powys Council and that a legal search would have highlighted this error and therefore avoided this whole episode.

It is visible from the information here that ancestors of Major Gerald Walter Frederick De Winton sold this land off and it never formed part of the Common.

I do not believe that any of this misallocation was intentional and I hope the history we have provided illustrates that this is a mistake.

I sincerely hope this is sufficient evidence and trust we can finally resolve this matter.

Kind Regards,

Stella Owen
County Adviser
NFU Cymru

Appendix 5



Newchurch Hill



ROUTES

PLACES

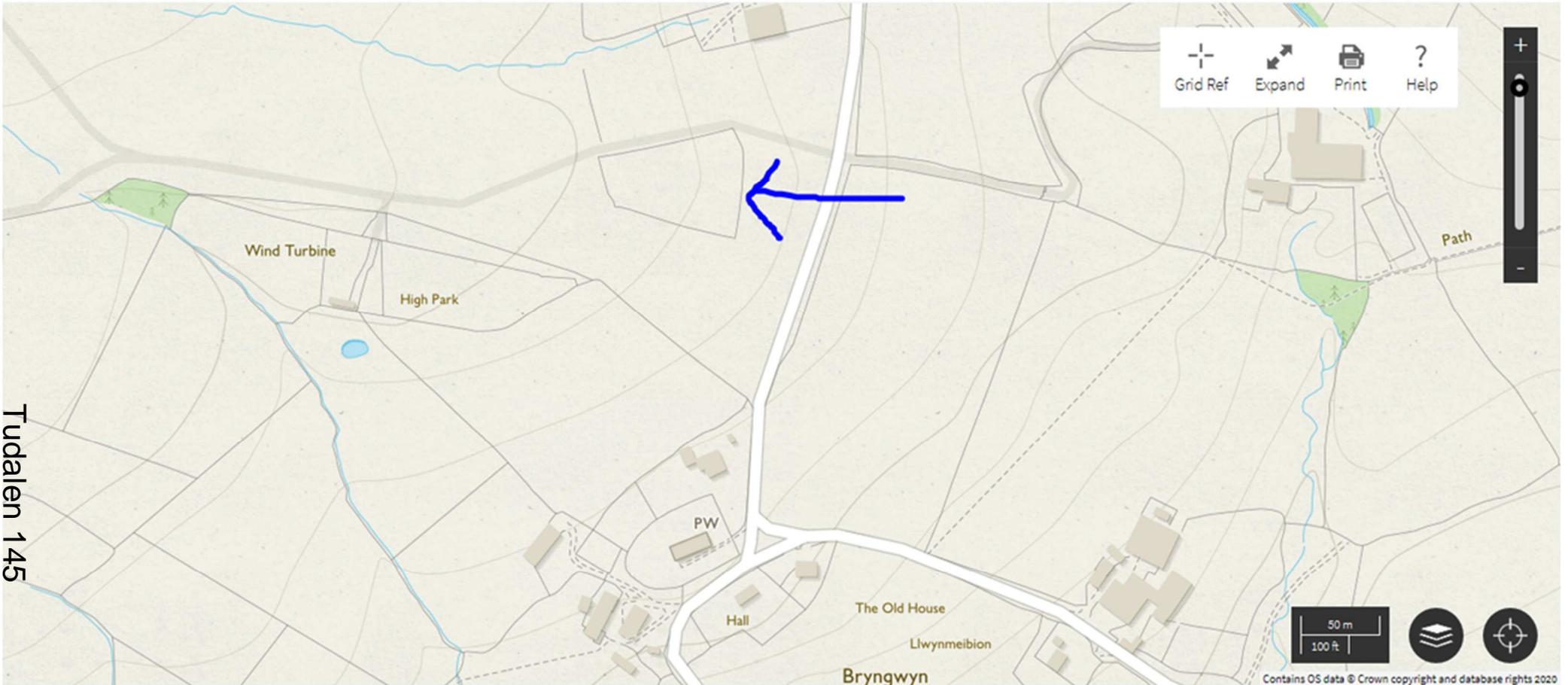
#GetOutside

7 day free trial

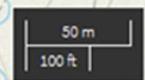
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Tudalen 145

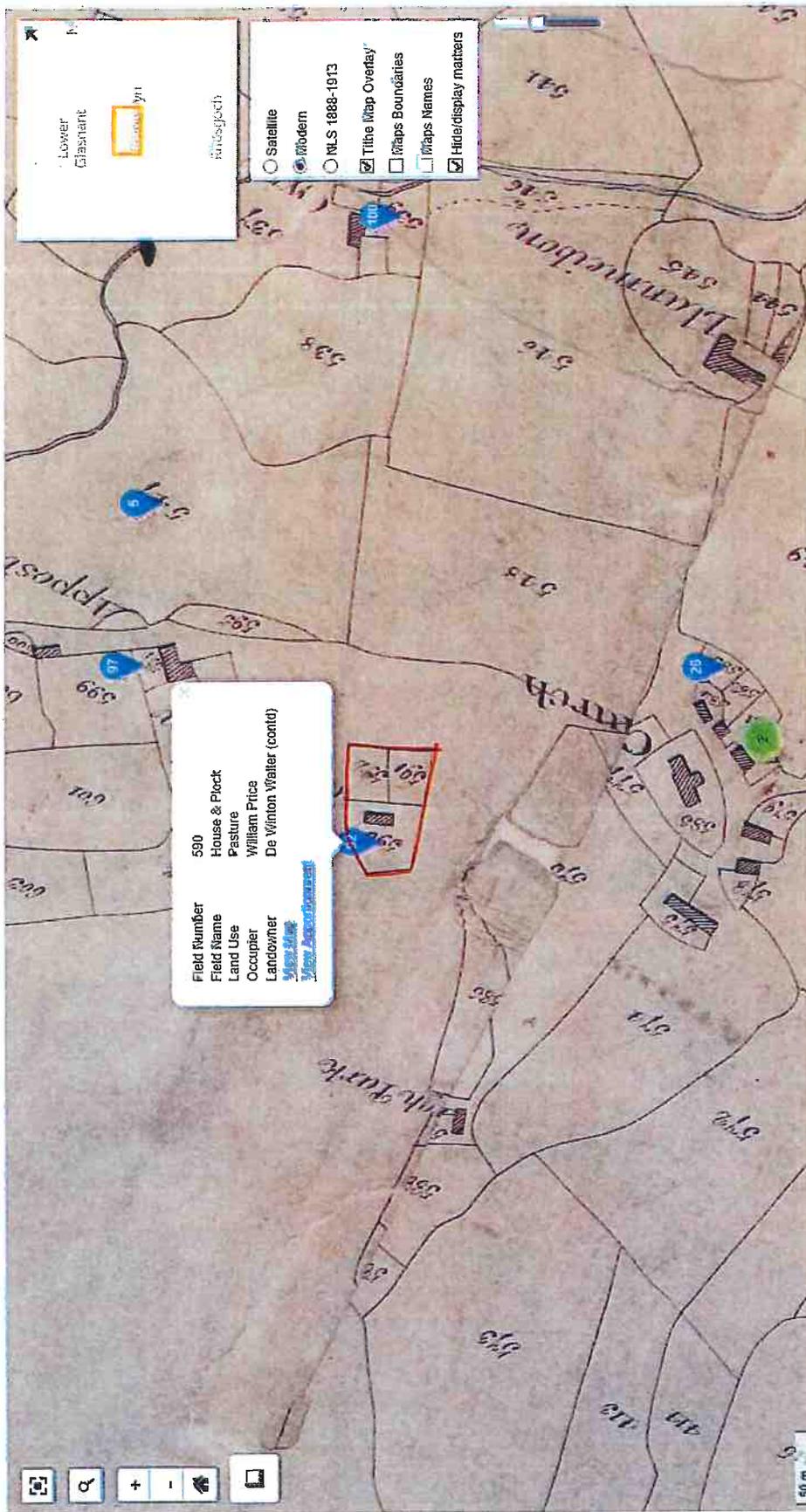


Grid Ref Expand Print Help

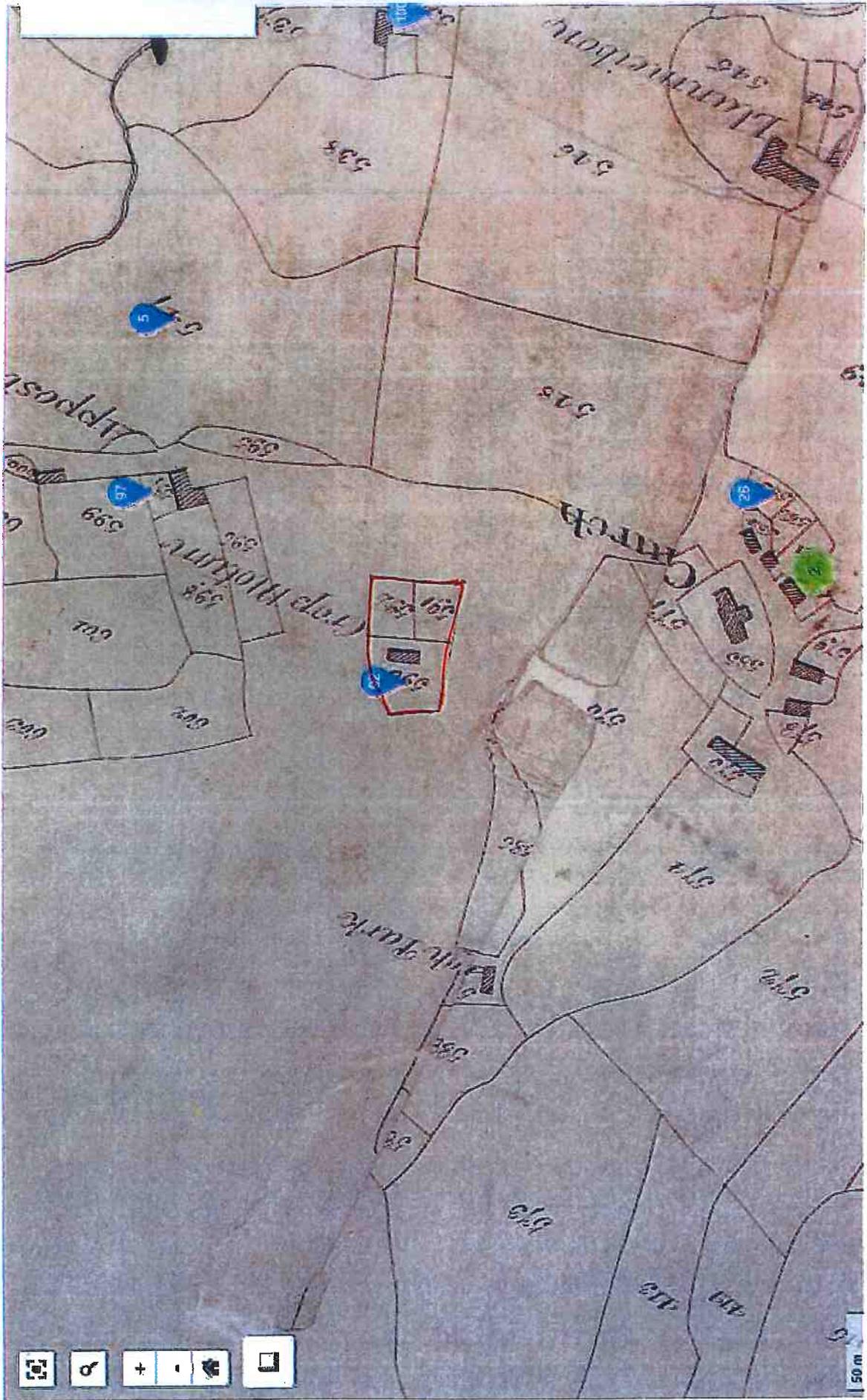


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Mae'r dudalen hon wedi'i gadael yn wag yn fwiadol



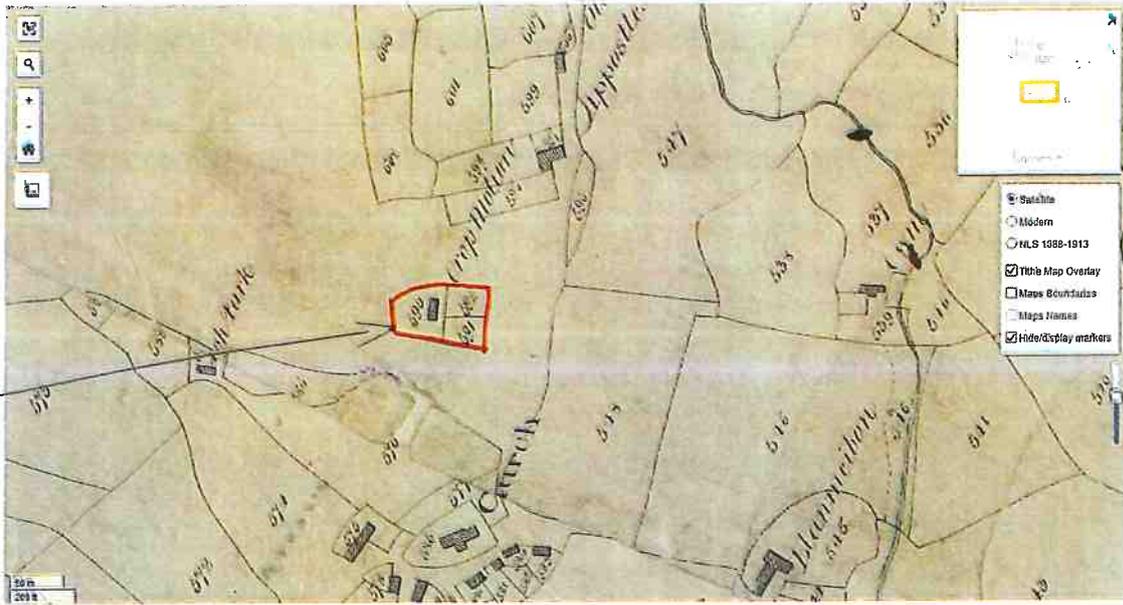
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Tudalen 148

(2)

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6672



(3)

501849
6672

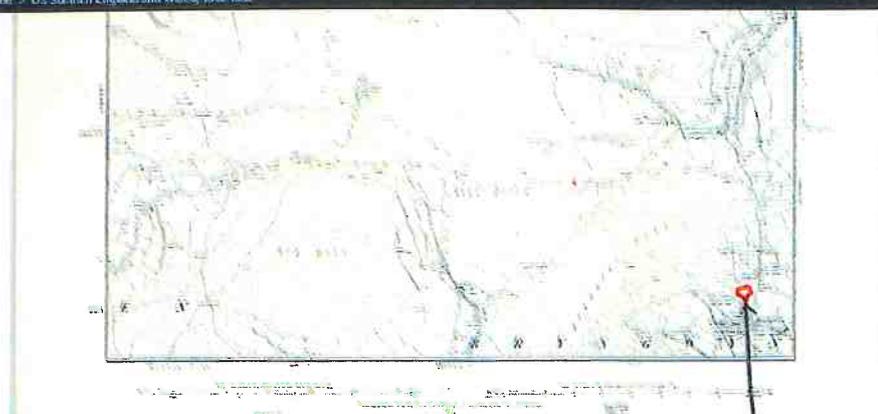


(4)

View Rednorshire XXXIII.NW

National Library of Scotland
Rednorshire XXXIII.NW (includes: Bryn Gwyn; Colfe; Gläsgwm; Rhiwlan.)
Surveyed: 1887
Published: 1888

Maps home > OS Six-inch England and Wales, 1842-1942



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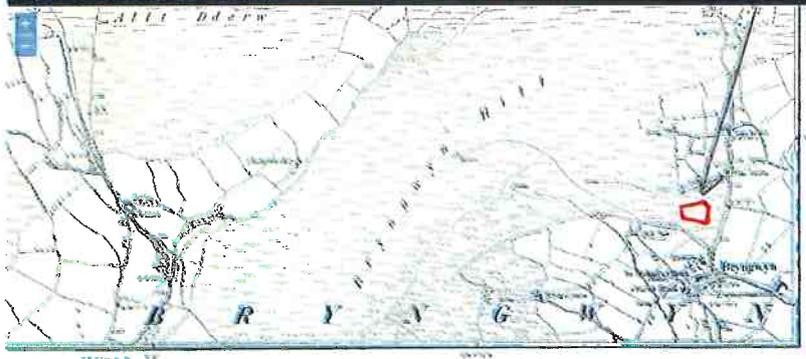
501849 6672

(5)

View Rednorshire XXXIII.NW

National Library of Scotland
Rednorshire XXXIII.NW (includes: Bryn Gwyn; Colfe; Gläsgwm; Rhiwlan.)
Surveyed: 1887
Published: 1888

Maps home > OS Six-inch England and Wales, 1842-1942



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

From
Cwrsymlyn
Newchurch
Kington
HRS 305

(3A)
Stella Owen.
TO
NFU Office
Churchwell
Bulth Wells.

Field SO 1849 - 6672. - part of Church
House Farm, Bryngwyn farmed by the Edwards
Family.

My late father and then my brothers
and myself have farmed as neighbours and
fellow Commoners to Church House since 1955.

The above area has always been regarded
as part of Church House farm and it has
not been used as part of the Common. It
is surrounded by a hedge to keep it separate.

As far as I am aware other Commoners
and local people would agree with the above.




(Currently acting as Chairman)
Tudalen 153 Newchurch & Bryngwyn Common

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

(8)

CR Form 9.

This section for official use only.

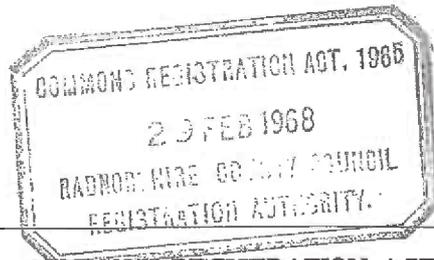
Official stamp of registration authority indicating date of receipt

Application No.

250.

Register Unit No(s)

CL26/9.



COMMONS REGISTRATION ACT 1965

Application for the registration of a right of common

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application may be rejected.

Insert name of registration authority (see Note 1).

To the *RADNOR COUNTY COUNCIL*

Application is hereby made for the registration of the right of common of which particulars are set out below.

Part 1.

(Give Christian names or forenames and surname or, in the case of a body corporate, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the first-named applicant. See Note 2 for information as to who may apply.)

Name and address of the applicant or (if more than one) of every applicant.

FREDERICK JAMES EDWARDS
CHURCH HOUSE
BRYNBRYN
NEWBROUGH
KINGTON

Part 2.

(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

Name and address of solicitor, if any.

(This section is crossed out with a large diagonal line.)

Part 3.

Capacity in which the applicant is entitled to apply for registration.

Tudalen 155

Part 4. Description of the land over which the right of common is exercisable.

(See Notes 3 and 4.)

Name by which commonly known BRYNCEWYD & NEWTHORPE

Locality in the parish of BRYNCEWYD & NEWTHORPE

Colour on plan Ch.

Registration No. Ch.

Part 5.

Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.

Description of the right of common.

(See Notes 3 and 7. If the right is exercisable only during limited periods, full particulars of these periods must be given.)

Two groups over the front of the houses
to garage over the front of the houses
to haul which lies within the respective
parishes 198 Street.
7 Cattle
13 Ponds

Take right to cut, & remove from.

Part 6.

(See Note 4. If the right is not attached to any land, the fact should be stated here.)

Description of the farm, holding or other land to which the right is attached, if any.

CHURCH HOUSE, APOSTLES LANE
NEWTHORPE

OS No	Area	Area	Area
671	704	260	} = 9.078 ac = NEWTHORPE
661	712	698	
659	714	699	
232	716	706	} = 59.534 ac = BRYNCEWYD PARISH
713	710	707	
238	708	709	
703	711	666	
	705	447	

Part 7.

(See Note 8.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 8, and give the appropriate particulars required by that note.

Signature(s) of applicant(s) or of person on his or their behalf

The application must be signed by the applicant, or by every applicant, personally, unless the applicant is a body corporate or charity trustees, in which

Statutory Declaration in Support

To be made by the applicant, or every applicant, personally, unless the applicant is a body corporate or charity trustees, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.

I [we] FREDERICK JAMES EDWARDS

solely and sincerely declare as follows:

- I [we] [we are] the person(s) who [has] [have] signed the foregoing application.
- I [am] [I am] to the applicant(s) and am authorised by the applicant(s) to make the foregoing application on [his] [their] behalf.
- I [We] have read the Notes on the back of the application form and believe that I [we] [the applicant(s)] [am] [are] [is] entitled, in the capacity or respective capacities stated in the application, to apply for the registration under the Commons Registration Act 1965 of the right of common described in the application.
- The plan now produced and shown to me marked " " is the plan referred to in part 4 of the application.
- The plan now produced and shown to me marked " " is the plan referred to in part 6 of the application.

And I [we] make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said

FREDERICK JAMES EDWARDS

at Church House, Bryn-ce-wyd
in the Parish of Newthorpe
this 28 day of Feb 1968

Before me

Signature [Redacted]

Address [Redacted]

Qualification S. P. District Council

REMEMBER TO OFFICER TAKING DECLARATION: Please initial all alterations and mark any plan as an exhibit.

9

COMMONS REGISTRATION ACT 196

Note: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority

Powys

Register of Common Land

BRYNGWYN & NEWCHURCH HILLS

Register unit No RCL026

Edition No.

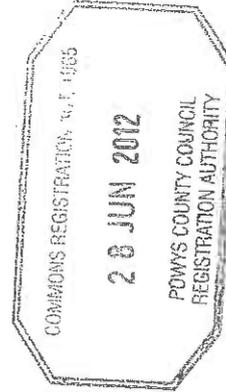
RIGHTS SECTION - Sheet No.

1	2	3	4	5
No. and date of entry	No. and date of application	Name and Address of every applicant for registration, and the capacity in which he applied	Particulars of the right of common, and of the land over which it is exercisable	Particulars of the land (if any) to which the right is attached
9 29/02/1968	250 29/02/1968	G F T EDWARDS CHURCH HOUSE BRYNGWYN KINGTON HEREFORDSHIRE HR5 3QN (Owner)	TO GRAZE OVER PART OF THE COMMON LAND IN THIS REGISTER UNIT, WHICH LIES WITHIN THE PARISHES OF BRYNGWYN AND NEWCHURCH, 198 SHEEP, 7 CATTLE AND 13 PONIES. THE RIGHT TO CUT AND REMOVE FERN.	CHURCH HOUSE & APOSTLES LAND, HIGH PARK, BRYNGWYN. COMPRISING O.S. 671, 661, 659, 239, 713, 238, 703, 704, 712, 714, 716, 710, 708, 711, 705, 260, 698, 699, 706, 707, 709, 666, 417 FOR PARISH OF BRYNGWYN. AREA = 59.534. O.S. 654, 652, 651 FOR THE PARISH OF NEWCHURCH. AREA = 9.078 ACRES.

Total Acreage: 68.612

REGISTRATION FINAL - SEE FILE

Registration Amendment:-



RCL 26_Rights Section Notes_Sheet 5

<i>No. and date of note</i>	<i>Notes</i>	<i>No. and date of note</i>	<i>Notes</i>
1 30.9.70	The objection No. 272 made by T. H. R. Probert on behalf of Bryngwyn & Newehureh Commoners Association is noted in respect of Entry No. 9 overleaf.		
2 14.5.71	The objection No. 272 at entry No. 1 above has been withdrawn and cancelled.		
3 10/12/2009	Change of ownership notified by letter dated 8/12/2009 to Entry 9 overleaf to Graham Frederick Thomas Edwards of Church House, bryngwyn, Kington, HR5 3QN		

COMMONS REGISTRATION ACT 1965

Register of Common Land

BRYNGWYN & NEWCHURCH HILLS

OWNERSHIP SECTION - Sheet No. 1

Note: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration authority

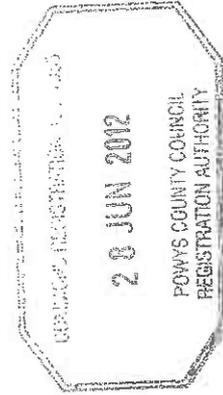
Powys

Register unit No. RCL026

Edition No.

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 24/06/1968	707 24/06/1968	MR. WALTER DE WINTON c/o FRANCIS CHESTER MASTER CHESTER MASTER LTD - LAND AGENTS DOLGARREG, NORTH ROAD BUILTH WELLS LD2 3DD	THE LAND COMPRISED IN THIS REGISTER UNIT, SHOWN VERGED IN GREEN INSIDE THE BOUNDARY ON SHEETS NOS. 12, 29, 30 OF THE MAP REGISTER AND DISTINGUISHED BY THE NUMBER OF THIS REGISTER UNIT. (SEE NOTE 1.1 OVERLEAF)

REGISTRATION FINAL 1/10/70



OWNERSHIP SECTION NOTES

RCL026 BRYNGWYN & NEWCHURCH HILLS

No. and date of Note	Notes
I.1 10/12/2003	ENTRY NO. 1 THE PART OF THE LAND (OS FIELD NO. 666) COMPRISED IN THIS REGISTER UNIT HAS BEEN REGISTERED UNDER THE LAND REGISTRATION ACTS TITLE NO. CYMI56230

**OFFICIAL COPY
OF REGISTER ENTRIES**

This official copy shows the entries subsisting on the register on **10 June 2005 at 10:10:29**.

This date must be quoted as the 'search from date' in any official search application based on this copy.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

Issued on 10 June 2005.

This title is dealt with by
Land Registry Wales Office.

**COPI SWYDDOGOL
O GOFNODION Y GOFRESTR**

Mae'r copi swyddogol hwn yn dangos y cofnodion sy ar y gofrestr ar **10 Mehefin 2005 am 10:10:29**.

Rhaid dyfynnu'r dyddiad hwn fel y 'dyddiad y chwiliir ohono' mewn unrhyw gais chwiliad swyddogol sy'n selliedig ar y copi hwn.

O dan a.67 Deddf Cofrestru Tir 2002, mae'r copi hwn yn dderbyniol fel tystiolaeth i'r un graddau a'r gwreiddiol.

Anfonwyd ar 10 Mehefin 2005.

Gweinyddir y teitl hwn gan
Gofrestrfa Tir Swyddfa Cymru.

**Land Registry
Cofrestrfa Tir**

Title Number / Rhif y Teitl: **CYM156230**

Edition Date / Dyddiad yr Argraffiad: 10.06.2005

A: Property Register / Cofrestr Eiddo

*This register describes the land and estate comprised in the title.
Mae'r gofrestr hon yn disgrifio'r tir a'r ystad a gynhwysir yn y teitl.*

POWYS

1. (05.12.2003) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Church House, Bryngwyn, Kington (HR5 3QN).
2. (05.12.2003) The land tinted pink on the title plan has the benefit of the rights granted by but is subject as mentioned in a Conveyance thereof and other land dated 14 March 1958 made between (1) The Representative Body of The Church in Wales and (2) Frederick James Edwards and Eira Myfanwy May Edwards.

NOTE: Copy^a filed.

B: Proprietorship Register / Cofrestr Perchnogaeth

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Mae'r gofrestr hon yn nodi natur y teitl ac yn enwi'r perchennog. Mae'n cynnwys unrhyw gofnodion sy'n effeithio'r hawl i waredu.

Title Absolute / Teitl Llwyf

1. (10.06.2005) PROPRIETOR: GRAHAM FREDERICK THOMAS EDWARDS and DIANA MARY EDWARDS of Church House, Bryngwyn, Kington, Hereford HR5 3QN.
2. (10.06.2005) The value as at 10 June 2005 was stated to be between £200,000 and £500,000.

B: Proprietorship Register continued / Parhad o'r Gofrestr Perchnogaeth

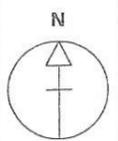
3. (10.06.2005) **RESTRICTION:** No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

END OF REGISTER / DIWEDD Y GOFRESTR

*NOTE: The date at the beginning of an entry is the date on which the entry was made in the Register.
NODYN: Y dyddiad ar ddechrau'r cofnod yw'r dyddiad y gwnaethpwyd y cofnod ar y Gofrestr.*



TITLE NUMBER
CYM156230



POWYS

ORDNANCE SURVEY MAP REFERENCE:

SO1849SW

SCALE 1:2500 Enlarged from 1/10000

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Spring

Drain

Spring

7400

8400

0005

Tudalen 163

Tudalen 164





Whereas the within named Fanny Griffiths died on the thirtieth day of March One thousand nine hundred and thirty-four & the within named Robert Trevor Griffiths hereby acknowledge that I have this twenty-fifth day of September One thousand nine hundred and thirty-five received the principal sum of ninety pounds secured by the within-written mortgage and transfers of mortgage with all interest and costs the payment having been made by George Watkins of The Terrace, Melow, Brickhowell in the County of Brecon Farm Labourer the person al Representative of the within named Eliza Watkins who died on the thirteenth day of October One thousand nine hundred and eighteen Letters of Administration to her estate having been granted to the said George Watkins on the twenty-sixth day of November One thousand nine hundred and eighteen out of the Hereford & Bristol Probate Registry.

Witness to the signature of the said Robert Trevor Griffiths.

W.S. Bacto, Upside, way, Solicitor Clerk.

R. Trevor Griffiths

1935

Dated the 1st day of February 1935

Mrs Eliza Watkins

The Messrs M. J. R. A. Jones

Mortgage

of a Freehold messuage and lands known as "High Park or Doob Farms" situate in the Parish of Bryngwynn in the County of Radnor to secure ~~£100~~ interest

Dated this 1st February 1935

W.S. B. A. Jones

Miss Emily Rogers

Witness to the signature of the said Robert Trevor Griffiths

W.S. B. A. Jones

(11)



Use said Eliza Watkins hereby covenants with the Mortgagees to pay to them on the first day of August next the sum of ~~Twenty~~ pounds with interest thereon in the meantime after the rate of ~~Five~~ per centum per annum computed from the date of these presents and also so long after that day as any principal money remains due under these presents to pay to them interest thereon after the same rate by equal half yearly payments on the first day of February and the first day of August And this Indenture also Witnesseth that in further pursuance of the said agreement and for the consideration aforesaid The said Eliza Watkins as personal representative of the said John Watkins deceased in pursuance of the power for this purpose vested in her by virtue of the Land Transfer Act 1897 and of all other powers of any her hereunto enabling and as to all other of any her estate and interest in the said hereditaments doth hereby convey unto the Mortgagees All that messuage or Cottage with the outbuildings and three pieces or parcels of land known as 'High Park or Dods Farms' situate adjoining Bryngwyn Hill in the Parish of Bryngwyn in the County of Radnor numbered ⁶⁶⁶ 706, 707 and 709 on the recent Ordnance Survey Map containing altogether Three acres three roods and thirty three perches or thereabouts and now in the occupation of the said Eliza Watkins Together with the rights of Common on Bryngwyn Hill aforesaid thereunto appertaining or belonging To hold the same unto and to the use of the Mortgagees in fee simple Provided always that if the said Eliza Watkins or other the personal representative or representatives for the time being ^{of the said John Watkins or other the person or persons for the time being} entitled to the said hereditaments subject to this security shall on the first day of August next pay to the Mortgagees the ~~sum of Twenty pounds~~ thereon after the rate of ~~Five per centum~~ computed from the date of these presents then and in such case the said hereditaments shall at the request and cost of the person or persons making such payment be reconveyed to her him or them And it is hereby declared that no lease made by the said Eliza Watkins or other the personal representative or representatives or person or persons aforesaid during the continuance of this security shall have effect by force or virtue of Section 18 of the Conveyancing and Law of Property Act 1881 unless the Mortgagees their executors administrators or assigns shall consent thereto in

writing **In Witness** whereof the said parties to these presents have hereunto set their hands and seals the day and year first & above written

Signed sealed and delivered by the above named Eliza Watkins (the same having been first read over and explained when she appeared perfectly to understand the same and made her marks thereto in my presence) in the presence of

The mark of Eliza Watkins



Robert Griffiths Solicitor

May 27



This Indenture made the first day of February One thousand nine hundred and thirteen ~~between~~ the above named Rosa Ann Jones of the one part and Emily Byron of Stanheim House Stretton Sugwas in the County of Hereford Spinster of the other part ~~whereas~~ the above named Mary Jane Jones died on the fifth day of March last ~~whereas~~ the principal sum of Ninety pounds secured by the above written Indenture remains owing to the said Rosa Ann Jones but all interest thereon has been paid up to the date of these presents ~~whereas~~ the said Emily Byron has agreed to pay to the said Rosa Ann Jones the sum of Ninety pounds on having a transfer of the said Mortgage debt and the Securities for the same in the manner hereinafter expressed ~~whereas~~ this Indenture witnesseth that in consideration of the sum of Ninety pounds to the said Rosa Ann Jones now paid by the said Emily Byron (the receipt whereof the said Rosa Ann Jones hereby acknowledges) the said Rosa Ann Jones as Mortgagee hereby assigns unto the said Emily Byron the principal sum of Ninety pounds secured by the above written Indenture and all interest henceforth to become due thereon and the full benefit of all securities for the same ~~to hold~~ unto the said Emily Byron absolutely ~~whereas~~ this Indenture also witnesseth that for the consideration aforesaid the said Rosa Ann Jones as Mortgagee hereby conveys unto the said Emily Byron ~~that~~ messuage lands and hereditaments comprised in the above written Indenture ~~to hold~~ unto and to the use of the said Emily Byron in fee simple Subject to such right or equity of redemption as is now subsisting therein under or by virtue of the above written Indenture ~~whereof~~ whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered by the above named Rosa Ann Jones in the presence of Robert Griffiths Solicitor May

Rosa Ann Jones



(110)

Dated January 29th 1918

Walter de Minton Esq^r
and others.

to

Mrs. Ediza Matthews.

Witness

of "Hatched Marriage and
lands known as "High Park"
or "Beds" Farms situate in the parish
of Burygreen in the County of Durham.



This Indenture

SHAW & SONS,
Law Stationers &c
FETTER LANE,
LONDON, E.C.

made the twenty ninth day of January
one thousand nine hundred and four
Between Henry Bonham

Barter of Number 11 Lombard Street in the City of London Esquire Beaumont
William Lubbock of Number 15 Lombard Street aforesaid Esquire and
John James Hamilton of Number 11 Lombard Street aforesaid Esquire
(hereinafter called 'the said Guardian Life Fund Trustees') of the first part
Walter de Winton of Macollweh Castle in the County of Radnor Esquire of the
second part The Honourable Edward Hollo Douglas-Pennant of
Holebrook Lodge Towcester in the County of Northampton and Wilfred George
Marshall of Aldershot in the County of Hants a Major in His Majesty's
Grenadier Guards (hereinafter called 'the said Settlement Trustees') of the third part
The Guardian Assurance Company Limited (hereinafter called 'the said
Assurance Company') of the fourth part and Eliza Watkins of Bryncannon
in the parish of Bryncannon in the County of Radnor Widow (hereinafter called 'the
Purchaser') of the fifth part **Whereas** the said Walter de Winton is the tenant

Copy

for life in possession of the hereditaments hereinafter described and intended to be hereby
conveyed (with other hereditaments of much greater value being part of the Macollweh Estate
with divers remainders over under the Indenture of Settlement dated the twenty second day
of April one thousand eight hundred and ninety two and made between the said Walter
de Winton of the first part Hilda Teresa Jane Marshall of the second part and Sir Francis
Walter de Winton and Gordon barter of the third part made on the marriage of the said
Walter de Winton with the said Hilda Teresa Jane Marshall Subject as follows. viz.
(1.) To certain Mortgage and Further Charges upon the fee simple in possession of
the same hereditaments for the respective sums of ~~Twenty five thousand pounds~~
(Balance of the sum of the hundred thousand pounds) ~~the thousand pounds~~ ~~the~~
~~thousand pounds~~ and ~~Eight thousand pounds~~ ~~and~~ thereon respectively secured
by the several Indentures of Mortgage Further Charge and Transfer of Mortgage
comprised in the first part of the second Schedule hereto and which are now vested in
the Guardian Life Fund Trustees and on which the total principal sum of One
hundred and ~~ten thousand~~ ~~the hundred~~ ~~and~~ ~~twenty~~ ~~five~~ ~~thousand~~
~~and~~ ~~two~~ ~~hundred~~ ~~and~~ ~~eighty~~ ~~seven~~ ~~hundred~~ ~~and~~ ~~eighty~~ ~~seven~~ ~~pounds~~
~~and~~ ~~two~~ ~~hundred~~ ~~and~~ ~~eighty~~ ~~seven~~ ~~pounds~~ now remain owing and (2.) To a Mortgage
and Further Charge to the said Assurance Company on the life estate of the
said Walter de Winton in the same hereditaments for the respective ~~sums~~
~~of~~ ~~the~~ ~~thousand~~ ~~pounds~~ ~~and~~ ~~the~~ ~~thousand~~ ~~pounds~~ ~~and~~ ~~the~~ ~~thousand~~ ~~pounds~~
thereon respectively secured by the Indentures comprised in the second part of
the said second Schedule and which sums with the ~~current~~ ~~and~~ ~~past~~ ~~interest~~ ~~thereon~~

And Whereas the said Settlement Trustees are
the present Trustees of the said Indenture of Settlement for the purposes of
the Settled Land Acts 1882 to 1890. **And Whereas** the said

(certified as aforesaid) doth hereby convey and confirm and the said Assurance
Company according to their estate and interest in the premises by the direction
of the said Walter de Winton as beneficial owner do hereby convey and release
unto the Purchaser in fee simple **And** singular the Messuage Farm Land
and hereditaments comprised and described in the first Schedule hereto
To hold the same unto and to the use of the Purchaser in fee simple
subject to the existing tenancy therein but **Freed and discharged**
from each and all of the said principal sums of ~~£1000~~ ~~£1000~~ ~~£1000~~
~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~
~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~ ~~£1000~~
thereon respectively and
also from a certain yearly rent ~~£1000~~ ~~£1000~~ ~~£1000~~ lately charged thereon to
Frances Jane Hill and all claims and demands on account thereof respectively and also
freed and discharged from all the limitations powers and provisions of the herebefore
recited Indenture of Settlement of the twenty second day of April ~~1880~~ ~~1880~~
~~1880~~ ~~1880~~ and from all estates interests and charges subsisting or to arise
thereunder **Provided always** that as respects the reversion or remainder
equivalent on the life estate of the said Walter de Winton in the ^{said} premises and the title to
and further assurance of the premises after his death the covenants by the said Walter de
Winton which are implied by law by reason of his being expressed to convey as
beneficial owner shall not extend to the acts or defaults of any person or persons other
than or besides himself and his own heirs and persons claiming through or in trust
for him them or any of them **And** the said Guardian Life Fund Trustees as to
the Deeds specified in the first part of the second Schedule hereto do and the said
Assurance Company as to the Deeds specified in the said second part of the same
Schedule do and the said Walter de Winton as to the Deeds specified in the third
part of the same Schedule doth hereby acknowledge the rights of the Purchaser
to production of the said deeds respectively and to delivery of copies thereof and the
said Walter de Winton hereby undertakes for the safe custody of the said deeds
specified in the said third part of the said second Schedule **And** the said Walter
de Winton doth hereby covenant with the Purchaser that he the said Walter de
Winton will if and when the same shall become payable duly account for and
pay to the proper Authorities all estate or other duties (if any) in respect of
the said hereditaments hereby conveyed which shall become payable on the
death of the said Frances Jane Hill and the cesser of her said yearly rent
charge and will keep the Purchaser his executors administrators and assigns
and the estate of the said John Watkins deceased his heirs executors administrators
and assigns and their estate and effects and the said hereditaments hereby
conveyed exonerated herefrom and from all costs damages expenses claims and
demands in respect thereof **In Witness** whereof the common Seal of
the Guardian Assurance Company Limited has been hereunto affixed

and these presents have been signed by The Hon^{ble} Evelyn Hubbard a Director and by the said Henry Bouham Carter one of the Life Fund Trustees of the said Company pursuant to the provisions of The Guardian Assurance Company's Act 1866 and 1893 for the execution of these presents by the parties hereto of the first part the Common Seal of the Guardian Assurance Company Limited has been also hereto affixed and these presents have been signed by The Hon^{ble} Evelyn Hubbard and Robert Lewin Hunter two of the Directors of the said Company for the execution of these presents by the said Company and the parties hereto of the second third and fifth parts have hereto set their hands and seals the day and year first above written.

The First Schedule heretofore referred to.

That Messuage or cottage with the outbuildings and three pieces or parcels of land known as "High Park or Peds Farms" situate adjoining Brynquyn Hill in the parish of Brynquyn in the county of Radnor containing altogether Three acres three roods and thirty three perches or thereabouts and now in the occupation of the Purchaser and whereof the following are the particulars.

Number on Ordnance Survey Map.	State.	Quantity Acres.
666	Grass	1.137
706	Grass	1.223
707	cottage Buildings &c	.207
709	Grass	1.189
	Total Acres.	3.956.

Together with the right of common on the aforesaid Brynquyn Hill thereto appertaining or belonging.

The Second Schedule heretofore referred to
First part.

1st May 1863. Indenture between Walter de Winton (since deceased) of the first part William Richard Stretton and Julia Cecilia Stretton his wife of the second part the said William Richard Stretton of the third part Richard Robinson Francis Walter de Winton Thomas James and Lorenz Augustus Henfrey of the fourth part and the Right Honourable William Frederic Baron Stratheden and Campbell The Right Honourable Frederic Baron Glemfords the Right Honourable Charles Brodrick ^{Viscount} Middleton and the Right Honourable Sir George James Turner of the fifth part.

22nd February 1865. Indenture between the said Walter de Winton (since deceased) of the first part the said William Frederic Baron Stratheden and Campbell the said Frederic Baron Glemfords and Sir George James Turner of the second part the said Frederic Baron Glemfords the said Sir George James Turner

John Goble Blake and Gathorne Hardy of the third part.

31st December 1889. - Indenture between the said Walter de Winton (party hereto) of the one part and Walter Fowler of the other part.

12th March 1890. Indenture between the Honourable Erskine Gathorne Hardy Emma Robert Turner and William Frederic Higgins of the one part Edward George Augusta Harcourt Moore Robert Seymour Bridges and Edwin Waterhouse of the other part.

17th March 1890. - Indenture between the said Walter de Winton (party hereto) of the one part and the said Edward George Augusta Harcourt Moore Robert Seymour Bridges and Edwin Waterhouse of the other part.

17th March 1893. - Indenture between the said Edward George Augustus Harcourt Moore Robert Seymour Bridges and Edwin Waterhouse of the first part the said Walter de Winton of the second part the said Henry Bonham Carter Beaumont William Lubbock John Biddulph Martin and John James Hamilton of the third part.

17th March 1893. - Indenture between the said Walter de Winton of the first part the said Francis Walter de Winton and Gordon Carter of the second part Emily Evelynian de Winton of the third part the said Francis Jessie Hill of the fourth part the said Francis Walter de Winton of the fifth part Geraldine Harriet Frances de Winton of the sixth part and the said Henry Bonham Carter Beaumont William Lubbock John Biddulph Martin and John James Hamilton of the seventh part.

Second Part.

23rd July 1895. - Indenture both between the said Walter de Winton of 14th December 1895. - the one part and the said Assurance Company of the other part.

Third Part.

18th June 1867. - Indenture between the said Walter de Winton (since deceased) of the first part Francis Jessie Talbot of the second part The Honourable Charles John Talbot commonly called Viscount Inverkeithing and the said William Richard Jackson of the third part Hugo Francis Meynell Ingram and Henry Talbot of the fourth part and Robert William Hoard and George Lewis Parkin of the fifth part.

24th August 1878. Indenture (entered in last mentioned Indenture) between the right Honourable Anna Theresa Countess of Thunbury of the first part the said Francis Jessie de Winton of the second part the said Henry Talbot of the third part the said George Lewis Parkin of the fourth part the said Francis Walter de Winton and Perry Lloyd of the fifth part the Honourable Wellington Patrick Manwaring ^{Talbot} of the sixth part and the Honourable Arthur Walsh of the seventh part.

10th February 1881. Indenture between the said Perry Lloyd of the first

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



I, GEORGE WATKINS formerly of High Park Bryngwyn in the County of Radnor and now of The Terrace Tretower Crickhowell in the County of Brecon Farm Labourer DO

SOLEMNLY AND SINCERELY DECLARE as follows:- _____

1. I am sixty four years of age and have for the greater part of my life worked as an agricultural workman in and around the district of Bryngwyn and for many years resided at High Park aforesaid. _____
2. I am well acquainted with the piece of land known as Weavers Plot situate in the Parish of Bryngwyn in the County of Radnor containing 1.308 acres or thereabouts and Numbered 260 on the Ordnance Survey Map (Second Edition 1904) and delineated in the plan now produced and shown to me and marked "A", and which has been contracted to be sold by me to Robert Trevor Griffiths, Solicitor, Hay. _____
3. I understand that many years past the said piece of land was given by the owner of the Maesllwch Estate to my father, John Watkins, who died on the seventh day of October One thousand nine hundred and three at Bryncunnon in the said Parish of Bryngwyn and that on his death the said piece of land passed to me as his heir-at-law subject to the right to dower of my mother Eliza Watkins who died on the thirteenth day of October One thousand nine hundred and eighteen at High Park aforesaid. _____
4. During the whole of the time that I have known the said piece of land which has been occupied with the said property known as High Park my said father and mother or other the tenants or occupiers of High Park have always enjoyed undisturbed possession of the rents and profits thereof. _____
5. I have never known there to be any deeds relating

of Gift was made to my said father. _____

Save as otherwise stated I dépose as above from my own personal knowledge of the facts and from the tradition and repute prevailing in my family. _____

AND I make this solemn declaration conscientiously believing the same to be true and according to the provisions of the Statutory Declarations Act 1835. _____

SWORN at *Itay* -
in the County of *Precan*
this *26th* day of *September*
1935,

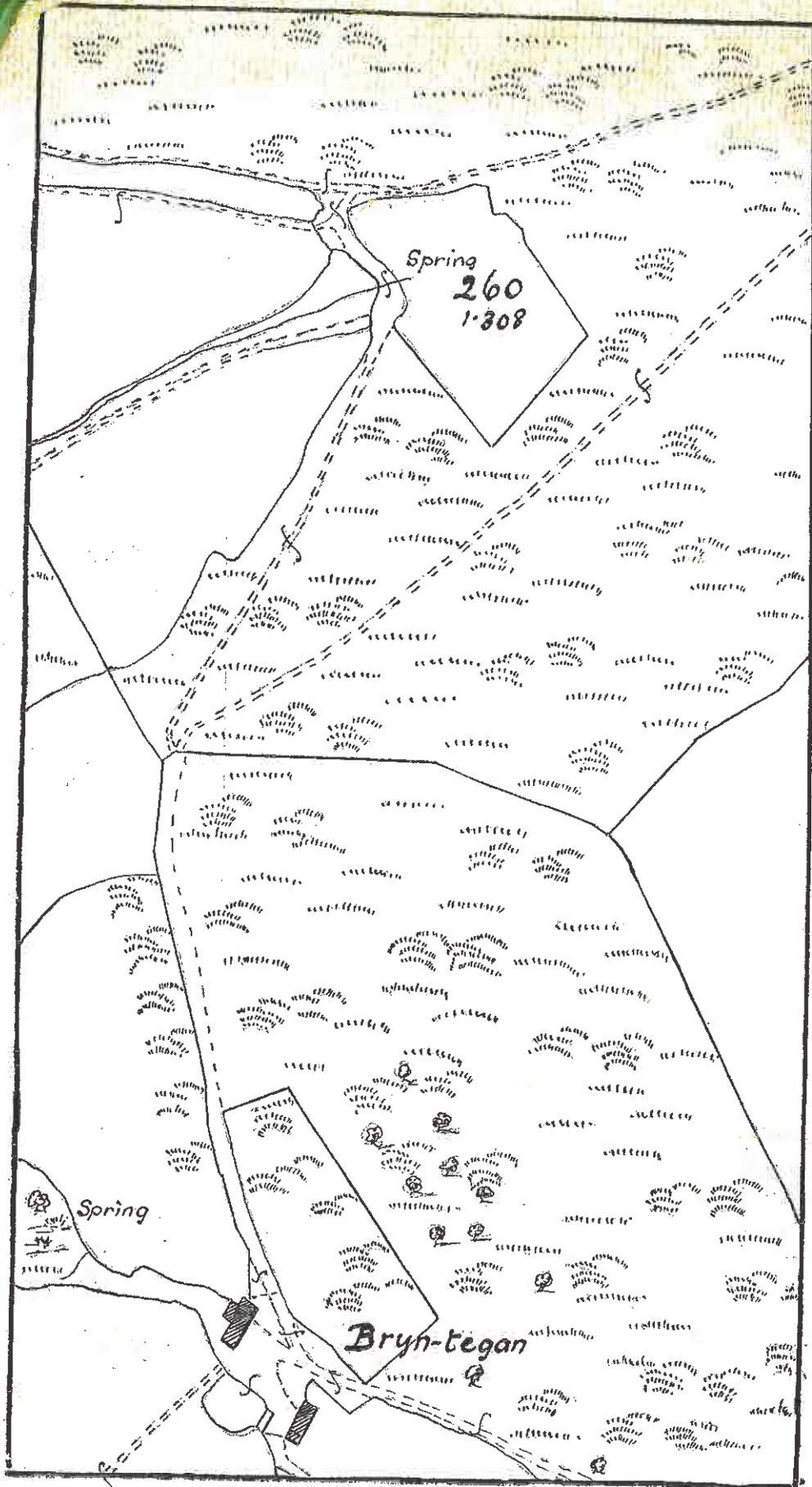


Before me;-



A Commissioner for Oaths.

PLAN A.



Colour
Map

John

Dated the 26th. Sept. 1935.

STATUTORY DECLARATION

_____ by _____

Mr. George Watkins of The
Terrace Tretower Crickhowell
in the County of Brecon.

_____ x2.

13

AFFIX FEE STAMPS

ON DUPLICATE WITHIN.

Official Num

H.M. LAND REGISTR

392070/35

Land Charges Act, 1925.

156

Law of Property (Amendment) Act, 1926.

APPLICATION FOR AN OFFICIAL SEARCH.

We hereby apply for an Official Search to be made in the **Alphabetical Index** to the **Registers** kept under the above Acts for any subsisting entries therein under the undermentioned names, addresses and descriptions affecting land in the county of.....**Radnor**.....and parish, place or district of (*).....**Bryngwyn**.....known as⁽¹⁾ (*)
High Park and Weavers Plot.

(1) Short description (e.g., 4, Smith Square) may be given, subject to Note 1 within.

(*) Former descriptions MUST be given if description has been changed. See Note 6 within.

We request that the result of the search be⁽²⁾.....**posted**.....

⁽²⁾ Insert the words "Posted," "Handed to Messenger," "Telegraphed," or "Telephoned," as required

TELEGRAMS OR TELEPHONE MESSAGES CAN ONLY BE SENT AFTER 3 p.m. or 1 p.m. on SATURDAYS AND EXTRA FEE OF 1/8 PAID.

Signature of Solicitor or other Applicant

Fee Stamps for **1/6d.** duly affixed on Duplicate.

Telephone No..... Date when signed **26/9/35.**

Telegraphic Address

Surname (in block letters)	Christian names (in block letters)	All addresses, title, trade or profession, to be set out below
WATKINS.	GEORGE.	High Park, Bryngwyn, Rads. Agricultural workman.

A separate form must be used if additional space is required.

This form should be sent by **prepaid post** and should bear the prescribed adhesive Land Registry Fee Stamp which may be purchased at Head Post Offices. The envelope should be addressed to the **Land Charges Superintendent, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2.** Applications may also be delivered personally at the Land Charges Department of the Land Registry.

NO COVERING LETTER REQUIRED.

N.B.—The attached duplicate must also be filled up; a carbon copy will suffice. The Notes printed within must be followed.

Tudalen 181

NAME AND ADDRESS IN BLOCK LETTERS TO WHICH CERTIFICATE IS TO BE SENT.

R. Trevor Griffiths

This space

APPLICATION FOR AN OFFICIAL SEARCH.

We hereby apply for an Official Search to be made in the **Alphabetical Index** to the **Registers** kept under the above Acts for any subsisting entries therein under the undermentioned names, addresses and descriptions affecting land in the county of Radnor and parish, place or district of (*) Bryngwyn known as⁽¹⁾ (*) High Park and Weavers Plot.

(1) Short description (e.g., 4, Smith Square) may be given, subject to Note 1 within.

(*) Former descriptions MUST be given if description has been changed. See Note 6 within.

We request that the result of the search be⁽²⁾ posted

⁽²⁾ Insert the words "Posted," "Handed to Messenger," "Telegraphed," or "Telephoned," as required

TELEGRAMS OR TELEPHONE MESSAGES CAN ONLY BE SENT AFTER 3 p.m. or 1 p.m. on SATURDAYS AND EXTRA FEE OF 1/6 PAID.

Signature of Solicitor or other Applicant



Telephone No. _____

Date when signed 26/9/35.

Fee Stamps for 1/6d. duly affixed on Duplicate.

Telegraphic Address _____

Surname (in block letters)	Christian names (in block letters)	All addresses, title, trade or profession, to be set out below
WATKINS.	GEORGE.	High Park, Bryngwyn, Rads. _____ _____ _____ Agricultural Workman.
A separate form must be used if additional space is required.		

This form should be sent by prepaid post and should bear the prescribed adhesive Land Registry Fee Stamp which may be purchased at Head Post Offices. The envelope should be addressed to the Land Charges Superintendent, H.M. Land Registry, Lincoln's Inn Fields, London, W.C.2. Applications may also be delivered personally at the Land Charges Department of the Land Registry.

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This space must be filled in



NAME AND ADDRESS IN BLOCK LETTERS TO WHICH CERTIFICATE IS TO BE SENT.

R. Trevor Griffiths,
Solicitor,
HAY,
Via Hereford.
Tudalen 182

OFFICIAL

of

the Result of Search in the Alphabetical Index up to and including the date stamped hereon under the names and addresses mentioned in the application for search overleaf and affecting the land therein specified.

The Search as above specified reveals

NO SUBMITTED ENTRIES
ON THE ABOVE DATE

Names and Addresses	Nature of Registration	Date and Reference Number of Registration	Situation of Land		Short Description of Land in Index (if any)
			County	Parish or Place or District	
					

WARNING.

This Certificate refers to the Description of the Land, if any, given in the Alphabetical Index. Alterations of Description subsequent to the date of Registration do not appear in the Index or Register.

NOTES.

Contents of Official Certificate.

1. Neither the Act or Rules require particular parcels of land to be entered in the Alphabetical Index. For the convenience of searchers, however, short descriptions of particular parcels are entered in the Index where practicable. This is not practicable in all cases. A certificate of the result of an official search may, consequently, contain (in addition to entries affecting the parcel of land specified in the application therefor) entries in the Index where no particular parcel of land is given therein. Such entries may or may not affect the land in which the searcher is interested. Having obtained notice of them, a purchaser is, however, in a position to call on his vendor to satisfy him that they do not affect the land he is purchasing, or have them dealt with as provided by S. 43 of the Law of Property Act, 1925. It is also open to him to apply on Form LC 14 for an office copy of the entry in the register.

Normal time for an Official Search.

2. Certificates of official search are normally posted on the day of the receipt of the application therefor if received before 10 a.m. Under Rule 1 (8) of the Land Charges Rules, 1926, the certificate extends to registrations effected during the day of the date of the certificate, and may be issued only after the Office is closed for registrations on that date (*i.e.* 3 p.m. or 1 p.m. on Saturdays).

Expeditions.

3. To ensure issue of a certificate on the day of receipt of an application therefor received after 10 a.m. and before 4 p.m. (or 1 p.m. on Saturdays) special application for expedition must be made and an additional fee of 2s. 6d. paid.

Telephoned or telegraphed results.

4. Application may be made for the result of a search to be telephoned or telegraphed **after 3 p.m. on the day of search** subject to confirmation in writing of any telephone message given by the Registry. The fee for telephoning or telegraphing the result is 1s. 6d. per message in addition to the fee on the search.

Protection for 2 days.

5. S.4 (2) of the Law of Property (Amendment) Act, 1926, provides that where a purchaser has obtained an official certificate of the result of search any entry which is made in the register after the date of the certificate and before the completion of the purchase, made pursuant to a priority notice entered on the register before the certificate is issued, shall not, if the purchase is completed before the expiration of the second day after the date of the certificate, affect the purchaser.

Former descriptions of land should be given.

6. If the name of the parish, place, district or other description has changed, former descriptions must be given. The certificate of official search refers only to the description (if any) supplied at the date of registration. Changes

Tudalen 183

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



This Conveyance

SHAW & SONS LTD.
Law Stationers &c.
FETTER LANE,
LONDON, E.C.4.

is made the sixth day of
September One thousand nine hundred and



thirtyfive B E T W E E N GEORGE WATKINS of The Terrace Tretower Crickhowell in
the County of Brecon Agricultural Workman (hereinafter called "the Vendor") of
the one part and ROBERT TREVOR GRIFFITHS of Hay in the County of Brecon Solicitor
(hereinafter called "the Purchaser") of the other part.

~~_____~~ is in possession free from incumbrances of the property here-
~~_____~~ and has agreed to sell the same to the Purchaser for the
~~_____~~ of One hundred and five pounds. NOW THIS DEED W I T N E S S E T H

that in pursuance of the said agreement and in consideration of ~~_____~~
~~_____~~ by the Purchaser to the Vendor (the receipt of
which sum the Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby
conveys unto the Purchaser FIRST ALL THAT messuage or cottage with the outbuild-
ings and pieces or parcels of pasture land belonging thereto known as "High Park"
or "Dods Farm" situate adjoining Bryngwyn Hill in the County of Radnor and
containing three acres three roods and thirty-three perches or thereabouts and
more particularly described in the first part of the Schedule hereto delineated
and coloured pink on Plan No.1. drawn hereon SECONDLY ALL THAT piece or parcel
of rough pasture land known as "Weavers Plot" situate in the Parish of Bryngwyn
aforesaid and containing one acre one rood and nine perches or thereabouts and
more particularly described in the second part of the Schedule hereto and
delineated and coloured green on Plan.No.2.drawn hereon all which hereditaments
firstly and secondly hereinbefore described are now in the occupation of Mrs.
Meredith as yearlytenant TO HOLD the same unto the Purchaser in fee simple AND
IT IS HEREBY CERTIFIED that the transaction effected by these presents does not
form part of a larger transaction or of a series of transactions in respect of
which the amount or value or the aggregate amount or value of the consideration
exceeds five hundred pounds. IN WITNESS whereof the parties hereto have hereunto
set their hands and seals the day and year first above written.

THE SCHEDULE above referred to.

Part 1.

No. on O.S.M.	Description.	Acreage.
666.	Grass.	1. 137.
706.	do.	1. 223.
707.	Cottage etc.	. 407.
709.	Grass.	1. 189.
		3. 956.

Part 2.

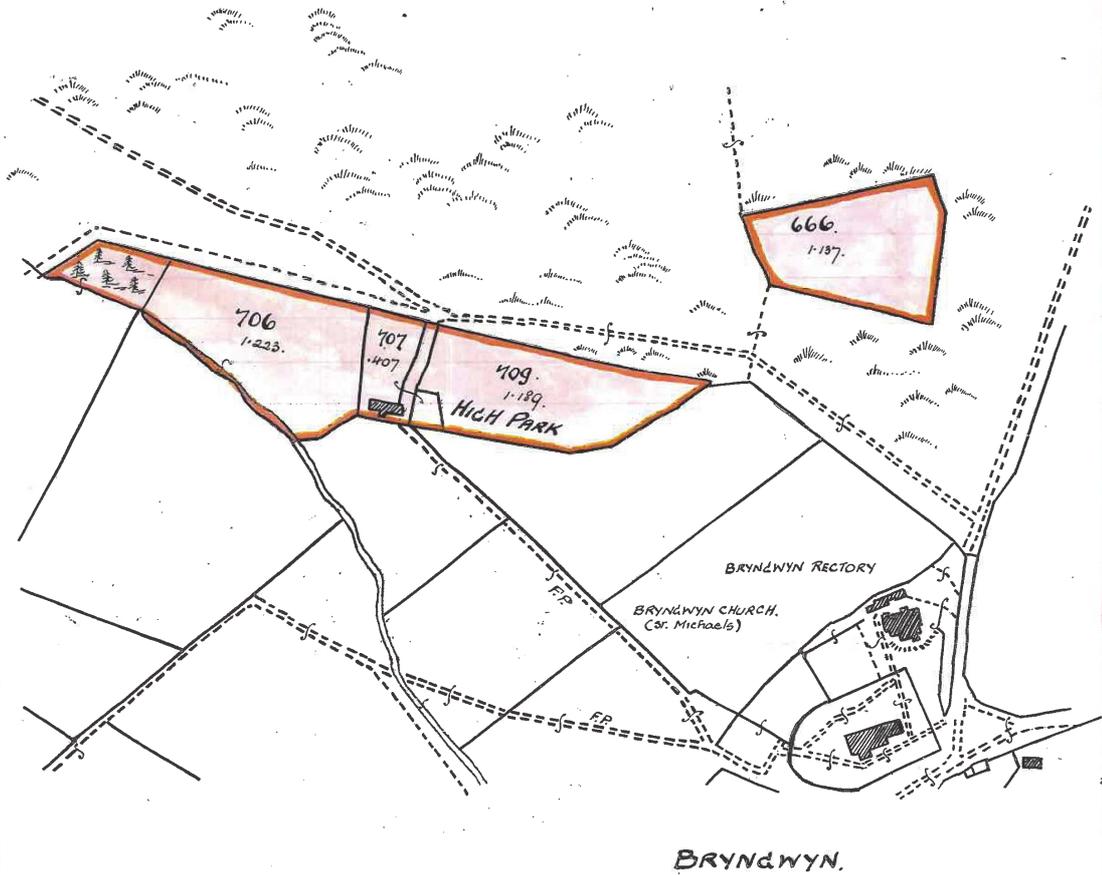
260.	rough pasture.	1. 308.
<u>Total of part 1 and part 2.</u>		<u>5. 264.</u>

SIGNED SEALED AND DELIVERED by the said }
George Watkins in the presence of }



*Wayside Hay,
Solicitor's Clerk.*

The Man referred to No 1.



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

(15)

(1)

DATED 17th March 1920

R. BRUCE BRITTON, Esq.

to

F. J. BRUCE, Esq. and Mr.

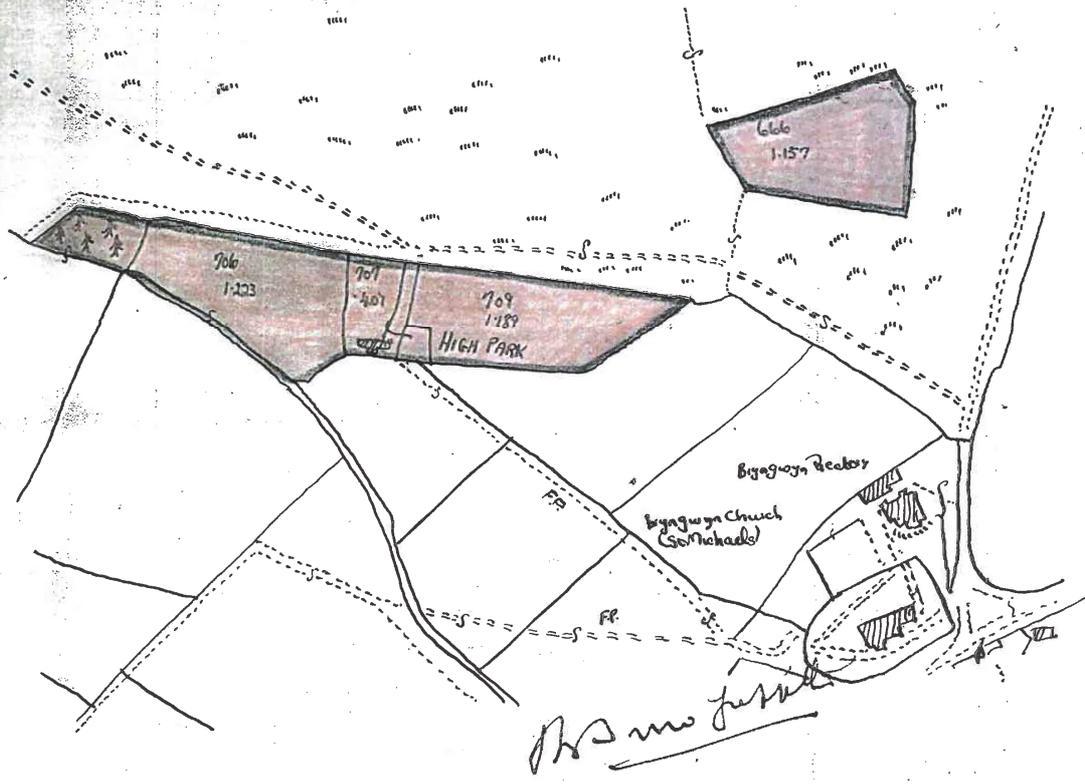
W. L. EDWARDS.

Conveyance

of

Freehold Land at Brynawm
in the County of Leicesters

Plan No. 1



This Conveyance

SHAW & SONS LTD.
Law Stationers &c.
FETTER LANE,
LONDON, E.C.4.

is made the Nineteenth day of March One

thousand nine hundred and seventy BETWEEN ROBERT TREVOR GRIFFITHS of 22 Bodenham Road Hereford Solicitor (hereinafter called "the Vendor") of the one part and FREDERICK JAMES EDWARDS of Church House Bryngwyn in the County of Radnor Farmer and EIRA MYFANWY MARY EDWARDS of Church House Bryngwyn aforesaid the Wife of the said Frederick James Edwards (hereinafter called "the Purchasers") of the other part

WHEREAS:-

- (1) The Vendor is seised in fee simple in possession free from incumbrances of the property hereinafter assured
- (2) The Vendor has agreed with the Purchasers for the sale to them of the said property at the price of ~~£1000~~ and it has been agreed that the same shall be vested in them as joint tenants in manner hereinafter appearing

NOW THIS DEED WITNESSETH as follows:-

1. In pursuance of the said agreement and in consideration of the ~~sum of~~ ~~£1000~~ by the Purchasers to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as beneficial owner hereby conveys unto the Purchasers FIRST A L L THAT messuage or cottage with the outbuildings pieces or parcels of pasture land and grazing rights belonging thereto known as "High Park" or "Dods Farm" situate adjoining Bryngwyn Hill in the County of Radnor and containing three acres three roods and thirty three perches or thereabouts and more particularly described in the first part of the Schedule hereto delineated and coloured pink on Plan Number 1 annexed hereto SECONDLY ALL THAT piece or parcel of rough pasture land and grazing rights known as "Weavers Plot" situate in the Parish of Bryngwyn aforesaid and containing one acre one rood and nine perches or thereabouts and more particularly described in the second part of the Schedule hereto and delineated and coloured green on Plan Number 2 annexed hereto TO HOLD the same unto the Purchasers in fee simple

2. The Purchasers hereby declare as follows:-

- (a) The Purchasers shall hold the said property upon trust to sell the same with power to postpone the sale thereof and shall hold the net proceeds of sale and other money applicable as capital and the net rents and profits thereof until sale upon trust for themselves as joint tenants beneficially
- (b) Until the expiration of ~~the term of years therein expressed~~ ~~the Purchasers~~ ~~shall hold the said property~~ ~~upon trust to sell the same~~ ~~with power to postpone the sale thereof~~ ~~and shall hold the net proceeds of sale and other money applicable as capital and the net rents and profits thereof until sale upon trust for themselves as joint tenants beneficially~~ ~~of the said property with all the powers in that behalf or otherwise~~

3. It is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration ~~exceeds five thousand five hundred pounds~~

I N W I T N E S S whereof the parties hereto have hereunto set their hands and seals the day and year first before written

THE SCHEDULE before referred to

PART I

<u>Number on Ordnance Survey Map</u>	<u>Description</u>	<u>Acreage</u>	
666	Grass	1.137	
706	Ditto	1.223	
707	Cottage &c	.407	
709	Grass	1.189	3.956

PART II

260	Rough Pasture		1.308
			<u>5.264</u>

SIGNED SEALED AND DELIVERED)
by the said Robert Trevor Griffiths in the presence of)

[Redacted Signature]

Edwards
H y

[Redacted Signature]

SIGNED SEALED AND DELIVERED)
by the said Frederick James Edwards in the presence of)

[Redacted Signature]

[Redacted Signature]

SIGNED SEALED AND DELIVERED)
by the said Eira Myfanwy Mary Edwards in the presence of)

[Redacted Signature]

[Redacted Signature]

I HAVE LIVED IN THE AREA SINCE 1950
I CAN CONFIRM THAT THE PARCEL OF LAND IN
QUESTION WAS NOT USED AS A TOWN OR
VILLAGE GREEN IMMEDIATELY PRIOR TO THE
REGISTRATION OF COMMON LAND IN 1969,
THIS PARCEL OF LAND HAS ALWAYS FORMED
PART OF THE THE EDWARDS HOLDING AND
HAS NOT EVER BEEN CONSIDERED COMMON
LAND LOCALLY.

NAME BLOCK CAPITALS

LA MILES

SIGNATURE

ADDRESS OLD RECTORY
BRYNOWN

ARS-3QW

I USED TO FARM LOCALLY IN BRYNGWYN
AT LLANERCHIR FARM, BRYNGWYN, 1968
I CAN CONFIRM THAT THE PARCEL OF LAND
IN QUESTION WAS NOT USED AS A TOWN OR
VILLAGE GREEN IMMEDIATELY PRIOR TO THE
REGISTRATION OF COMMON LAND IN 1969, THIS
PARCEL OF LAND HAS ALWAYS FORMED PART
OF THE EDWARDS HOLDING AND HAS NOT EVER
BEEN CONSIDERED COMMON LAND LOCALLY,

NAME IN BLOCK CAPITALS

JOHN CHARLES JONES

SIGNATURE


Lymendon Lower Hagast
Kington Hereford.

ADDRESS

Note: This section contains the registration of the land comprised in this register unit.

Register of

COMMON LAND

(BRYNGWYN & NEWCHURCH HILLS)

Register unit No. C.L. 26
Edition No.

See Overleaf
for Notes

LAND SECTION—Sheet No.

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1 29.12.67	<p>The tract of land extending to 873 acres or thereabouts known as Bryngwyn and Newchurch Hills, situated in the parishes of Bryngwyn and Newchurch in the county of Radnor, shown verged in green inside the boundary on sheet No 12, 29, & 30 of the register map and distinguished by the number of this register unit.</p> <p>Registered by the Registration Authority under Section 4 (2)(a) (Registration Final 1.10.70)</p> <p style="text-align: right;">5142 sheep</p>

No. and date of note	Notes	No. and date of note	Notes
1 18.6.63	<p>In respect of Mr J.C. Jones, Llanerchir, Painscastle, Bulth Wells the following are noted, A right of way carriage way across the common from the Bryngwyn- Upper Glasnant road to Llanerchir Farm. A right of carriage way across the common from Llanerchir to Brynteagan Farm. A right of carriage way across the common from Bryngwyn Church to Brynteagan Farm.</p>		
2 25.6.68	<p>In respect of Mr. D. P. Nicholls, Perthcolly, Painscastle, Bulth Wells the following is noted:- A right of way for livestock or a wheeled vehicle from the Bryngwyn- Glasnant road to fields - O.S. 261, 262, 325, 323, 322, 321, on Newhouse, Bryngwyn.</p>		

CR Form 10 (Revised)

This section for official use only.

Official stamp of registration authority indicating date of receipt

Application No.

Register unit No.

C.L.26



COMMONS REGISTRATION ACT 1965

Application for the registration of a claim to ownership of land

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application form may be rejected.

¹Insert name of registration authority maintaining the register containing the registration of the land.

To the¹ Radnorshire County Council.

Application is hereby made for the registration, in accordance with the particulars set out below, of a claim to the ownership of the under-noted land.

Part 1.**Name and address of the applicant or (if more than one) of every applicant.**

(Give Christian names or fore-names and surname or, in the case of a body corporate, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the first-named applicant. See Notes 1 and 2 for information as to who may apply.)

Major Gerald Walter Frederick De Winton,
Maesllwch Castle,
Glasbury,
Hereford.

Part 2.**Name and address of solicitor, if any.**

(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

Part 3.**Register containing the registration of the land of which ownership is claimed.**

(Insert "Common Land" or "Town or Village Greens". See Notes 3 to 6.)

Common Land.

Part 4.

Register unit number.

(See Notes 4 and 8.)

C.L.26.

Part 5.

Is ownership claimed of the whole of the land comprised in the above-mentioned register unit?

(Answer "Yes" or "No".)

Yes.

Part 6.

If the answer to part 5 is "yes", leave this part blank. Otherwise, describe the portion of the land of which ownership is claimed (see Note 8). Where a plan is used the fact should be mentioned here, and the colouring used on the plan stated.

(See Note 8.)

Part 7.

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

(See Note 11.)

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 11. If (a) applies, quote the number on the acknowledgment from the registration authority.

²Signature of applicant(s) or of person on his or their behalf.

²If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.



WOOSNAM AND TYLER

Date 14th Tudalen 1988

This is the exhibit marked "F"
referred to in the Statutory
Declaration of Major Gerald Walter
Frederick De Winton made this
14th day of June 1968.

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

From: [Hugh Craddock](#)
To: [Commons Registration](#)
Subject: Commons application 20-002CA
Date: 18 June 2021 10:49:43
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Claire

Thank you for notice of application reference 20–002CA in relation to land at High Park, Bryngwyn and Newchurch commons, RLC26. The society has no legal interest in the application land.

We congratulate the applicant's agent, Stella Owen of the National Farmers' Union Cymru, for her thorough research. We agree that the application land was erroneously included in the application to register the common. We note that Mr F J Edwards applied on 28 February 1968 provisionally to register rights of common exercisable over the commons, and declared that the application land (OS field parcel 666) was part of the dominant tenement to which the right of common was attached. This ought to have triggered a conflict with the provisional registration of the land as common land, but it appears it did not. However, Ms Owen goes to far to suggest that the council should have carried out a legal search of the land ownership at the time: the commons registration authority was obliged to give effect to the application for provisional registration of the commons, regardless of merit (it did, however, have a power to object to a provisional registration, regardless of interest in the land). That the application land was in different ownership was immaterial.

However, mere proof of mistaken registration is not sufficient to the grant of an application under para.7 of Sch.2 to the 2006 Act.

First, the applicant must show (paras.(a)–(c) of para.7(2)) that the provisional registration of the land was not referred to the Commons Commissioner under s.5 of the Commons Registration Act 1965. As to that, we are unsure. We have a copy of a decision dated 21 July 1978 in which the Commissioner determines an objection to the provisional registration of certain rights of common (reference: 276/D/119 & 120). We have no knowledge of any decision in relation to the registration of the land, and it may be that there was no objection to the provisional registration of the land. Unfortunately, the land section of the register is missing from the evidence supplied, and this ought to provide proof of the matter. Please may we see a copy?

Secondly, the applicant must show that the tests in para.(d) are met, viz:

- immediately before its provisional registration the land was not any of the following—
- (i) land subject to rights of common;
- (ii) waste land of a manor;
- (iii) a town or village green within the meaning of the 1965 Act as originally enacted; or
- (iv) land of a description specified in section 11 of the Inclosure Act 1845

As to these, we conclude that, on the evidence supplied, sub-para.(i) is satisfied (the land clearly not being part of the common and not subject to rights of common); and sub-para.(ii) is satisfied, the land being enclosed out of the waste. In respect of sub-para.(iii), no directly relevant evidence has been supplied either way, but we are prepared to concede that the remote location and enclosed nature of the application land makes it unlikely to have been used as a green prior to provisional registration. Nevertheless, in applications of this kind, it is helpful to have, for example, a witness statement from someone who was familiar with the land prior to provisional registration, who can testify as to its use at the time. As to sub-para.(iv), we note from the historical evidence that the land for long has been considered to be part of the High Park holding, and not subject to any form of commonable right.

We would also be grateful for sight of the original application to register the commons, and the

map supplied with it, so that we can see how the original mistaken registration was effected.

Thus we consider that the application criteria are satisfied, subject to confirmation arising from sight of the requested documents.

regards

Hugh

*Hugh Craddock
Case Officer
Open Spaces Society
25a Bell Street
Henley-on-Thames
RG9 2BA*

Email: [REDACTED]

www.oss.org.uk

Tel: [REDACTED]

Please note that I work mornings only

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Support our Grant a Green Appeal

*and help fund our campaign to protect open space
through voluntary registration as town or village green*



The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

From: Claire Lewis [mailto:claire.lewis@powys.gov.uk]

Sent: 14 May 2021 14:59

To: Commons Registration

Subject: Notice of an application to deregister any other land wrongly registered as common land 20-002CA

Dear Sir/Madam,

Powys County Council as Commons Registration Authority has received an application under Schedule 2, paragraph 7 of the Commons Act 2006, in accordance with the Correction, Non-Registration or Mistaken Registration (Wales) Regulations 2017 to deregister land known as 'High Park' at Church House, Bryngwyn, Kington HR5 3QN, wrongly registered as common land. Further details of the proposal appear on the attached notice and plan. A copy of the submitted application documents are available here: [Commons registration - Legal Notices - Powys County Council](#)

The deadline for representations is Friday 25th June 2021.

Tudalen 204

Cofion Cynnes/ Kind Regards

Claire Lewis

Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol

Assistant Commons Registration and Definitive Map Officer

Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062

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

Claire Lewis

From: Claire Lewis <claire.lewis@powys.gov.uk> on behalf of Commons Registration <commons.registration@powys.gov.uk>
Sent: 23 June 2021 14:46
To: Hugh Craddock
Subject: RE: Commons application 20-002CA
Attachments: RCL026-Land Section Notes.pdf; RCL026-Land Section.pdf; CR From10-707-Redacted.pdf; RCL026-Plan F Extract-Application No 707.pdf; RCL026-CA-Additional Statement.pdf

Dear Hugh

Thank you for your email and comprehensive review of the application.

I attach a photo of the Land Section and Notes to confirm that there was no objection to the Land Registration. You will note that register unit CL26(Radnor) was registered by the Registration Authority under section 4 (2) (a) and unfortunately there is no document in our records to support this process. However, the field parcel in question O.S. no. 666 is also included on Plan F accompanying the claim to ownership application no. 707 and it is our belief that the ownership boundary claimed and the register unit boundary will have been influenced by each other.

Also, in consideration of the point raised in relation to the Village Green test, the applicant has supplied a statement signed by two members of the local community (see attached document.)

I trust these documents will allow you to confirm that the application criteria is satisfied and look forward to hearing from you.

Cofion Cynnes/ Kind Regards

Claire Lewis
 Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
 Assistant Commons Registration and Definitive Map Officer
 Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062

Croesawu gohebiaeth yn Gymraeg / We welcome correspondence in Welsh

Mae Gwasanaethau Cefn Gwlad a'r Gwasanaeth Hamdden Awyr Agored yn prosesu'ch data personol er mwyn bodloni ein dyletswyddau statudol, ein pwerau a'n cyfrifoldebau mewn perthynas â hawliau tramwy cyhoeddus a'r canlynol: Y Map Diffiniol, Y Gofrestr Tir Comin, parciau, lleoedd chwarae, a'r lleoedd agored rydym yn eu rheoli. Pe ddymunech wybod mwy am sut rydym yn defnyddio data personol, ewch i: <https://cy.powys.gov.uk/article/3793/Gwasanaethau-Cefn-Gwlad--Rhybudd-Preifatrwydd>

Countryside Services and Outdoor Recreation are processing your personal data for the purpose of meeting our statutory duties, powers and responsibilities in relation to public rights of way, the Definitive Map, Commons Register, parks, playgrounds and open spaces that we manage. If you would like to know more about how we use personal data, please see: <https://en.powys.gov.uk/article/3792/Countryside-Services-Privacy-Notice>

Lle gwych i weithio, byw a chwarae
 Gwledigaeth 2025

A fantastic place in which to work, live and play
 Vision 2025



From: Hugh Craddock <[REDACTED]>
Sent: 18 June 2021 10:50

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

Claire Lewis

From: Hugh Craddock <[REDACTED]>
Sent: 24 June 2021 08:43
To: Commons Registration
Subject: RE: Commons application 20-002CA

Hi Claire

Thanks for the additional documentation.

We note that the common was registered on the initiative of the commons registration authority under s.4(2)(a). Application throws up the interesting, and as yet unanswered, question whether, in such a case, the application could instead have been made for the purposes of s.19(2)(a) — a mistake made by the authority — but fortunately we do not have to address that point here.

We note that the provisional registration of the land was not disputed, and therefore it was not referred to the commons commissioner.

We also note the statement as to past use of the application land as a town or village green. As an aside, it would be sensible if such statements simply referred to the recollection of the actual use of the land, rather than making an assertion as to whether or not it was used as a town or village green, as the latter course begs the question of whether the witnesses have sufficient knowledge of what makes a town or village green.

We see no reason to object to the application being granted, but ask that our representations be taken into account in connection with the application.

regards

Hugh

*Hugh Craddock
Case Officer
Open Spaces Society
25a Bell Street
Henley-on-Thames
RG9 2BA
Email: [REDACTED]
www.oss.org.uk
Tel: [REDACTED]*

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(Registered in England and Wales, limited company number 7846516
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Support our Grant a Green Appeal

*and help fund our campaign to protect open space
through voluntary registration as town or village green*



The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

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