

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

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|---------------------------|---|--------------------|--|
| <b>Application No:</b>    | P/2017/1071   | <b>Grid Ref:</b>   | 309311.61 306337.57                      |
| <b>Community Council:</b> | Llanfair C  | <b>Valid Date:</b> | <b>Officer:</b><br>18/09/2017 Tamsin Law |
| <b>Applicant:</b>         | S.M. & G.D. Jones, Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys, SY21 0DU                                 |                    |  |
| <b>Location:</b>          | Land at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys, SY21 0DU  |                    |  |
| <b>Proposal:</b>          | Full: Erection of a poultry unit, silos, formation of vehicular access and roadway together with all associated works |                    |  |
| <b>Application Type:</b>  | Application for Full Planning Permission  |                    |  |

### The reason for Committee determination

The applicant is a County Councillor

### Site Location and Description

The application seeks full planning permission for the construction of a single poultry unit and associated works to house 16,000 for the production of free range eggs.

The application site is located to the within an area of open countryside, approximately 0.5 miles from the settlement of Llanfair Caereinion. The proposed unit would be located to the south-east of the existing buildings on the farm and is bound by agricultural land to the north, east, south and west. The application site is agricultural land which has been intensively farmed.

The site is located approximately 100 metres to the north of an ancient woodland and approximately 2.2 km from the Gweunydd Ger Fronhaul SSSI. Public right of way 225/193/1 lies approximately 167 metres to the south of the site.

The proposed buildings would measure 85 metres in length, 20 metres in width, with a maximum height of 6.3 metres falling to 3 metres at the eaves. The feed silos will be located at the north-eastern end of the unit. It is proposed for the building to be finished in juniper green box profile sheeting and the feed silos would be finished in a dark blue/grey.

The access to the broiler units would be through a new access created from the C2130.

### Consultee Response

Llanfair Caereinion T C

At the meeting of Llanfair Caereinion Town Council on Monday 25th September 2017 the above application was unanimously supported as the members wish to support a local rural business.

#### Highways Dept north

#### 1<sup>st</sup> Response

The County Council as Highway Authority for the County Class III Highway, C2130 / Class II, B4385

Wish the following recommendations/Observations be applied  
Recommendations/Observations

This application should be refused.

#### Reasons for Refusal

The junction of the C2130 with the B4385 is extremely substandard in terms of width, junction radii, clear visibility due to the horizontal and vertical alignment of the Class II highway.

The C2130 is extremely narrow at around 3 metres for its entire length. Due to the insufficient junction width two vehicles are unable to enter and egress the C2130 simultaneously to/from the B4385.

There are insufficient passing bays whether formal or informal on the C2130 thus preventing any simultaneous two way vehicle movements.

Any increased use of this highway or junction will be prejudicial to highway safety.

To ensure that adequate provision is made for highway access onto the County Class III road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

#### 2<sup>nd</sup> Response

The County Council as Highway Authority for the County Class III Highway, C2130 / Class II, B4385

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a widening and visibility improvement along the Class II B4385 and Class III C2130 and associated works as shown on drawing number RPP/GD-JOB40-03 Rev A, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning

Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 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.

HC3 The centre line of the first 20 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development 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.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 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.

HC13 Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 Prior to the first beneficial use the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 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.

HC37 Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site

#### Building Control

No response received by Development Management at the time of writing this report.

#### Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 25.09.2017, advising us of the proposals for:

Rhiwhirieth Isaf, Llanfair Caereinion, WELSHPOOL, Powys, SY21 0DU

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

#### Severn Trent Water

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

With Reference to the above planning application the company's observations regarding sewerage are as follows:

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.

To help us provide an efficient response please could you send all responses to [welshplanning@severntrent.co.uk](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

### Environmental Health

#### 1<sup>st</sup> Response

I would recommend that collection and deliveries times be restricted. We have had issues with late night feed lorries on similar site.

There is no mention regarding the method of controlling flies, which again has been an issue on similar sites.

#### 2<sup>nd</sup> Response

Method of control within the unit.

I would look at 8am -6pm Monday- Friday, 8am-1pm Saturday and no deliveries Sunday or Bank Holidays.

### Contaminated Land Officer

In relation to Planning Application P/2017/1071, there would be no requirements in respect of land contamination.

### Welsh Government Transport

I refer to your consultation of 22/09/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road does not issue a direction in respect of this application. If you have any further queries, please forward to the following Welsh Government Mailbox  
[NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK)

PCC Ecologist

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| <b>Planning Application Reference</b> | P/2017/1071  |
| <b>Project Name / Description</b>     | or Full: Erection of a poultry unit, silos, formation of vehicular access and roadway together with all associated works at , Land at Rhiwhiriaeth Isaf , Llanfair Caereinion, Welshpool, Powys. |
| <b>Consultation Deadline</b>          | 13/10/2017   |

| <b>Ecological Topic</b>                                  |                              | <b>Observations</b>   |
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| <b>EIA Screening Opinion needed?</b>                     | <b>Unknown / Unconfirmed</b> | The applicants have stated that the proposals involve a free-range poultry unit and not an intensive livestock unit (Design and Access Statement, paragraph 9.7). However, I recommend that the LPA confirm their agreement of this. The proposal falls below the Schedule 1 (17a) threshold for intensive livestock installations of 60,000 places for hens, but exceeds the Schedule 2 (1a) threshold of having a floor space area higher than 500m <sup>2</sup> (the total floor space is 1,700m <sup>2</sup> ). A formal EIA Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 may therefore be required from the LPA.  |
| <b>Ecological Information included with application?</b> | <b>Yes</b>                   | <p>A Great Crested Newt assessment report by Star Ecology (June 2017) has been submitted with the application. These observations are also based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposal involves the installation of a free-range poultry unit within an existing field of improved pasture, bounded by a mature hedgerow to the south, which would be retained. A proposed access route would pass through an arable field to the north. A fenceline borders the western side of the proposed access route. However, a short section of hedgerow appears to require removal to allow access between the two fields and there appears to be an ivy-clad semi-mature tree in close proximity to this; in response to NRW the Pre-application Consultation report confirms that no trees will be removed. Short sections of hedgerow would also need to be</p> |

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|   |  | <p>removed to provide the required visibility splay for the new site entrance and the Pre-application Consultation report confirms that these would be translocated to their new positions.</p> <p>The DAS confirms that no external lighting is proposed other than a small light for staff use with the egg collection unit during the winter months.</p>   |
| <b>Protected Species &amp; Habitats<sup>1</sup></b> | <p>European Species</p> <p style="text-align: center;">☒</p> | <p>Within 2km of the site there are records of Otter (within 476m at the closest) and various bat species (including Long-eared bat within 159m).</p> <p>A Great Crested Newt assessment has been completed (Star Ecology, June 2017) due to the presence of two ponds approximately 300m east of the proposed unit. There are no historic records of GCN from within 2km of the proposals and following HSI assessment and eDNA analysis the GCN assessment concluded that the ponds are unsuitable for breeding GCN.</p> <p>No direct impacts upon protected species are considered likely due to the proposed shed and ranging area being limited to improved pastoral grassland, with no direct impacts to wildlife-rich habitat.</p> <p>The adjacent hedgerows and trees could provide foraging/connecting and roosting habitat respectively for all native bat species and should therefore be protected during the works in accordance with BS5837:2012.</p> |
|   | <p>UK Species</p> <p style="text-align: center;">☒</p>       | <p>Within 2km of the site there are records of Slow-worm (within 1040m), Badger (within 575m) and various nesting birds including House sparrow, Dunnock, Starling and Song thrush.</p> <p>The affected hedgerows may provide foraging/connecting habitat for various protected species, including reptile species. I therefore recommend that a suitably-experienced ecologist is present during the hedgerow translocation/removal works to act as a watching brief for reptiles and any other small animals that may be present and at risk of being harmed.</p>   |

<sup>1</sup> Species records within 1km (minimum).

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|  |   | <p>The small sections of hedgerow to be translocated could also provide suitable nesting habitat for various breeding birds. Recommendations are therefore made to avoid vegetation clearance during the bird nesting season (March – August inclusive). If this is not achievable a suitably-experienced ecologist should check the vegetation to be removed immediately in advance of the planned clearance to confirm whether active bird nests are present. Only once it has been confirmed that no active bird nests are present could the vegetation clearance proceed.</p>   |
|  | <p>Section 7 Species &amp; Habitats</p> | <p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Within 2km of the site there are historic records of Hedgehog (within 958m), Hare (within 1041m) and Polecat (within 1195m). The hedgerows present on the site would appear to provide suitable habitat for these species. I therefore recommend that the ecological watching brief for reptiles during the hedgerow translocation works is extended to consider the presence of other small animals that may be present and at risk of being harmed.</p> <p><input type="checkbox"/> Hedgerows are a Section 7 priority habitat and are present to the south of the proposal and at the proposed access location. I therefore recommend that these are retained as part of the proposal in accordance with BS5837:2012 and protected from damage during the works. The proposals to translocate the sections of hedgerow for the new access are welcomed.</p> <p>Numerous watercourses run through the immediately surrounding area, including the proposed ranging area. A manure management plan has been submitted with the application which includes recommendations to restrict the application of manure near watercourses. The proposed areas of application have been shown within the plan showing buffer zones adjacent to the surrounding watercourses, wells and springs as appropriate.</p> <p>A drainage plan outlining the proposed arrangements for the clean surface water and dirty water collected during operation of the unit has been presented with the application. Dirty water would be collected in an underground tank via a sump during cleaning operations and removed</p> |



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|                                    |   | <p>from site in a vacuum tanker.</p> <p>A pollution prevention plan has been submitted with the application demonstrating that there are measures in place to limit the risk of polluting surrounding watercourses during construction of the proposed extension. The measures identified in the plan should be adhered to for the duration of the works and during its operational use.</p> <p>I recommend that a biodiversity enhancement plan is presented with the application which incorporates measures such as bird nest boxes and bat roost boxes within the external facades of the proposed extension.</p> |
|                                    | LBAP Species & Habitats <input checked="" type="checkbox"/> | Please refer to the observations above.   |
| <b>Protected Sites</b>             | International Sites <sup>2</sup> <input type="checkbox"/>   | A SCAIL Modelling Assessment of Ammonia and Nitrogen has been completed by Roger Parry and Partners and did not identify any European protected sites within 10km of the proposals.   |
|                                    | National Sites <sup>3</sup> <input type="checkbox"/>        | The SCAIL Modelling Assessment identified 17 SSSI's within 10km of the proposals. The closest SSSI is identified as being 2.2km away (Gweunydd Ger Fronhaul SSSI) and the estimated process contribution to the site is calculated as being 1% and therefore not exceeding the 1% threshold for SSSI's. The Pre-application Consultation report confirms that NRW were satisfied that no detailed air modelling was required for the proposals.   |
|                                    | Local Sites (within 500m) <input type="checkbox"/>          | The SCAIL Modelling Assessment states that the closest ancient woodland (East Woodland) has been considered, but process contributions to this site were deemed insignificant.  |
| <b>Invasive Non-Native Species</b> | <b>Unknown</b>  | The presence of invasive non-native plant species at the site is unconfirmed but considered unlikely due to the current land use.   |

<sup>2</sup> International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

<sup>3</sup> Any national designated sites within 500m of the proposal, extending to 2km dependant on features of interest *i.e.* wetlands (Powys LDP)

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| <b>Recommendations</b>  |  | <p>The applicants have stated that the proposals involve a free-range poultry unit and not an intensive livestock unit (Design and Access Statement, paragraph 9.7). However, I recommend that the LPA confirm their agreement of this. The proposal falls below the Schedule 1 (17a) threshold for intensive livestock installations of 60,000 places for hens, but exceeds the Schedule 2 (1a) threshold of having a floor space area higher than 500m<sup>2</sup> (the total floor space is 1,700m<sup>2</sup>). A formal EIA Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 may therefore be required from the LPA.</p> <p>I recommend that a tree/hedge protection plan is submitted prior to commencement of works to confirm how the adjacent hedgerow and trees will be retained and safeguarded during the works.</p> <p>I recommend that a biodiversity enhancement plan is presented with the application which incorporates measures such as bird nest boxes and bat roost boxes within the external facades of the proposed extension.</p> <p>The hedgerows present on the site would appear to provide suitable habitat for reptiles and small mammals. I therefore recommend that an ecological watching brief for reptiles and small mammals is present during the hedgerow translocation works to reduce the risk of such animals being harmed.</p> |
| <b>Further information required prior to determination of application</b> |  | None.   |

**Recommended Conditions**

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

*An ecological watching brief for reptiles and small mammals shall be maintained by a suitably qualified and experienced ecologist during the hedgerow translocation works.*

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

*Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

*Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

*No manure from the egg laying unit shall be spread on the holding without the prior written approval of the LPA. In no circumstances shall such manure be spread within 10m of any watercourse, protected dwelling or SSSI.*

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

*The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.*

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

*Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.*

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

*The Pollution Prevention Method Statement (Roger Parry and Partners LLP) presented with the application shall be implemented and maintained thereafter unless otherwise agreed in writing with the LPA.*

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

#### **Informatives**

#### **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.

**Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)**

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if

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|                                     | <p>a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email <a href="mailto:enquiries@bats.org.uk">enquiries@bats.org.uk</a></p> <p><b>Reptiles - Wildlife &amp; Countryside Act 1981 (as amended)</b><br/> All UK native reptile species are protected by law. The Wildlife &amp; Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p> |
| <p><b>Relevant UDP Policies</b></p> | <p>SP3 Natural, Historic and Built Heritage<br/> ENV 2: Safeguard the Landscape<br/> ENV 3: Safeguard Biodiversity and Natural Habitats<br/> ENV 6: Sites of Regional and Local Importance<br/> ENV 7: Protected Species</p>  |

## NRW

Thank you for your consultation received on 24th October 2017. We previously provided pre-application advice to the developer on this case on 21<sup>st</sup> July 2017 CAS-36413-M8G5 and 18<sup>th</sup> September 2017 CAS-36413-M8G5.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the condition listed below. We would object if the consent does not include this condition.

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

- Method Statement Pollution Prevention
- Drainage Plan GD-MZ168-03 18/07/2017
- Range Plan
- Manure Management Plan
- Manure spreading map

Air Quality: Protected Sites

Our response on 21<sup>st</sup> July 2017 CAS-36413-M8G5 included; *Requirement 1 – Detailed Air Quality Modelling to provide assurance that no protected sites will be adversely affected.*

We advised that Requirement 1 would be necessary following our review of the initial SCAIL report in July. The report was subsequently re-submitted during August with amended input data and a further SCAIL modelling report has been submitted with the planning application documents (uploaded 22<sup>nd</sup> September 2017).

Gweunydd Ger Fronhaul SSSI 2.2km

The background ammonia is 1.54  $\mu\text{g}/\text{m}^3$  and background nitrogen deposition is 20.58 kgN/ha/yr.

The ammonia critical level is 3  $\mu\text{g}/\text{m}^3$  and the nitrogen critical load is 20.0 kgN/ha/yr for the site.

The farm process contribution to ammonia is 0.01  $\mu\text{g}/\text{m}^3$  which is 0.33% of the critical level and to nitrogen is 0.05 kgN/ha/yr which is 0.25% of the critical load.

In conclusion, we are satisfied that the farm process contributions of ammonia and nitrogen deposition from this proposed unit are below the thresholds we apply in our assessment of potential impacts on SSSIs.

For Cors Llanllugan SSSI (4.1km), Cors Cefn Llwyd SSSI (4.2km), Gwaun Efail Wig SSSI (4.7km), Cors Ty Gwyn SSSI (4.8km) and Coed Ty Mawr SSSI (4.9km) the farm process contributions of ammonia and nitrogen are zero therefore they are below the thresholds we apply in our assessment of potential impacts on SSSIs.

Following receipt of an amended air quality report on 29th August 2017, our response on 18th September 2017 CAS-36413-M8G5 included; *Revised Requirement 1 – Details of the fan specification to confirm that the revised results can be practically achieved.*

The SCAIL Modelling report (22/09/2017) provides the fan specification on page 15. A maximum fan flowrate of 10m<sup>3</sup>/s can be achieved using the fan model and design identified (M1070-ST-D10). Providing this fan model and design, or better, is used in the construction the emissions from the proposal are not likely to be significant. Therefore, the requirement has been met.

#### Drainage Plan

Our response on 21<sup>st</sup> July 2017 CAS-36413-M8G5 included; '*Requirement 2 – Drainage Plan*', as a Drainage Plan had not been submitted with the pre-application documents.

Drainage plan received GD-MZ168-03 18/07/2017 confirms that the requirement has been met as the following details are shown;

- Shows stone attenuation trenches for clean surface water and discharge to watercourse
- Shows dirty water flow underground connection to SSAFO compliant dirty water tank
- Concrete apron around building

#### Range Plan

Our response on 21<sup>st</sup> July 2017 CAS-36413-M8G5 included; '*Requirement 3 – Range Plan: Clarification regarding range area buffers to watercourses*' as it was necessary for the applicant to confirm that the buffers would be fenced, and our plans appeared to show a great length of watercourse than those on the submitted plans.

The 'Ranging Plan' submitted with the planning application shows

- watercourses and ponds
- buffers of 10m around watercourses and protected sites
- range area of 10.5ha
- direction of slope
- field drains to retain sediment from potential runoff

Other planning submissions have explained that watercourse has been previously culverted, therefore it will not be vulnerable to pollution from the ranging area. The requirement has been met.

#### Manure Management Plan

Our response on 21<sup>st</sup> July 2017 CAS-36413-M8G5 included; '*Requirement 4 – Manure Management Spreading Map*' as the necessary plan had not been included in the pre-application information.

The spreading map submitted with the planning application shows suitable 'no spread' buffers around sensitive receptors and the requirement has been met.



The submitted manure management plan demonstrates that there is sufficient land available to spread manure at a rate that is lower than the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen /ha. The Design and Access Statement paragraph 2.2 states that the farm holding has manure stores and silage clamps.

### Pollution Prevention

Our response on 21<sup>st</sup> July 2017 CAS-36413-M8G5 included; Requirement 5 - *A site specific pollution prevention plan*' as it was necessary to confirm the pollution prevention measures during culverting of the watercourse underneath the building. The revised Method Statement Pollution Prevention (MSPP) for Land at Rhiwhiraeth Isaf, Llanfair Caereinion confirms that the watercourse that appeared to be underneath the building footprint has been previously culverted. This will need to be secured through the following condition;

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

- Method Statement Pollution Prevention
- Drainage Plan GD-MZ168-03 18/07/2017
- Range Plan
- Manure Management Plan
- Manure spreading map

### European Protected Species

Our response on 21<sup>st</sup> July 2017 CAS-36413-M8G5 included;' *Requirement 6 - European Protected Species – Bats*'.

- Bats

We previously stated to the developer that we needed a map/plan to clearly indicate the location of any trees that are likely to be directly or indirectly affected by the proposal. WE now understand that a section of hedgerow will be removed for access, and then the access road will pass between two mature trees. Therefore, it would not be necessary to fell any mature trees and the proposal would be unlikely to have effects on any bat roosts if they are present.

The Design and Access statement confirms that there will be suitable low level lighting. Therefore, this would be unlikely to disturb commuting and foraging bats. The requirement has been met.

- Great Crested Newts (GCN)

We accept the findings and conclusions of the report by Star Ecology (RP/1928/17.1 14th June 2017) that there are no GCN records within 1km and ponds 1 and 2 are unlikely to be successfully used by GCN for breeding purposes.

### Environmental Permitting Regulations

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 before any work commences on site.

- Intensive Farming

The current advice relates to a proposed 16,000 free range bird unit. Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

- Abstractions

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

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

- Discharges

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

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/envir>

Water Resources Act (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010 and Welsh Governments Code of Good Agricultural Practice.

#### Scope of NRW Advice

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

#### Cadw

Thank you for your letter of 22 September 2017 inviting our comments on the above planning application.

### Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.

### Our role

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

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

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance.

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

Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest 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.

### **Representations**

The application was advertised through the erection of a site notice and press advertisement. No objections have been received.

### Ramblers

This application does not seem to affect the nearby right of way so the only comment we have is to ask that in the event of planning permission being granted can the applicant please be informed about the importance of keeping the right of way free from obstruction during and after the development works

### **Planning History**

None

### **Principal Planning Constraints**

Class 3 Road C2130

### **Principal Planning Policies**

#### National Planning Policy

- Planning Policy Wales (9th Edition, 2016)
  
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)
  
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 61/96 – Planning and the Historic Environment
  
- Natural Environment and Rural Communities Act (2006)

#### Local Planning Policy

- Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage

SP4 – Economic and Employment Developments

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV1 – Agricultural Land

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV4 – Internationally Important Sites

ENV5 – Nationally Important Sites

ENV6 – Sites of Regional and Local Importance

ENV7 – Protected Species

EC1 – Business, Industrial and Commercial Developments

EC7 – Farm/Forestry Diversification for Employment purposes in the Open Countryside  
EC9 – Agricultural Development  
EC10 – Intensive Livestock Units  
RL6 - Rights of Way and Access to the Countryside  
TR2 – Tourist Attractions and Development Areas  
DC3 – External Lighting  
DC9 – Protection of Water Resources  
DC13 – Surface Water Drainage  
DC14 – Development and Flood Risk

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **Officer Appraisal**

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

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

### Environmental Impact Assessment Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists those developments where EIA is mandatory and Schedule 2 where the development must be screened to determine if it is EIA development.

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”. Whilst an Environmental Impact Assessment is not a mandatory requirement for the proposed development, the floor area of the proposed building exceeds the applicable threshold of 500 square metres and therefore for the purposes of the regulations is Schedule 2 development requiring a screening opinion to be issued by the Local Planning Authority.

Members are advised that the proposed poultry development was assessed against the selection criteria contained within Schedule 3 of the Regulations, with the opinion being that the development was not EIA development.

### Principle of Development

Policies EC1, EC7, EC9 and EC10 accept the principle of appropriate agricultural development within the open countryside. In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

## Farm Diversification

Rhiwhiriaeth Isaf is a family owned farming business and is seeking consent to diversify in order to secure the long-term viability of the farming enterprise.

Planning policy acknowledges that rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasises the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities therefore encouraging Local Authorities to facilitate appropriate rural development.

Notwithstanding the policy presumption in favour of appropriate rural development, support needs to be balanced against other material considerations including landscape and visual impact, highway safety implications, ecology together with the potential impact on local amenity. Consideration of such matters is duly given below.

## Landscape and Visual Impact

Guidance within the Powys Unitary Development Plan indicates that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

The application site comprises of agricultural land located approximately 230 metres to the south east of the existing farm complex. Details provided with the application state that the site was chosen as other locations had more impact on landscape and visual receptors than the chosen site.

The building will be finished in juniper green box profile sheeting, and this combined with its low profile will help the building assimilate into the landscape. Existing trees and hedgerows will be retained which will minimise views from the west of the site.

There is the opportunity to view the development from other properties whose occupiers would be more sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be visible. However the distance maintained between the proposal and nearby properties, together with the trees and hedgerows on intervening land, it is considered that there would not be an unacceptable impact on residential receptors.

A public right of way is located near to the site, being located to the south. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However the existing vegetation will serve to mitigate the view from the public rights of way network. From the public rights of way it is considered that the effect on visual amenity would not be unacceptable.

The Powys Unitary Development Plan through policy EC9 seeks to ensure that the harm from new agricultural buildings is minimised through sensitive design and siting. Guidance within EC9 suggests that wherever possible, new buildings should be grouped with existing buildings and utilise materials which are sympathetic to the site's surroundings. Whilst

Officers acknowledge that the proposed poultry development represents a substantial addition to the rural landscape and whilst not grouped immediately adjacent to the existing complex it is considered that the proposed unit would be viewed as integral to the existing farm complex within the wider landscape. Furthermore, given the limited visibility of the application site together with existing landscaping, it is considered by Officers that the proposal is capable of being accommodated without causing unacceptable harm to existing character and appearance.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed siting together with existing landscaping and topography of the area, it is considered that the proposed development is broadly in accordance with planning policy. Should Members be minded to grant planning permission it is recommended that any consent is subject to appropriate conditions restricting materials and securing the retention of existing landscaping. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed poultry development can be appropriately managed thereby safeguard the Powys landscape in accordance with policies SP3, ENV2, EC1, EC9 and EC10 of the Powys Unitary Development Plan.

### Transport Impacts

Policy GP4 of the Powys Unitary Development Plan indicates that development proposals will only be permitted where appropriate highway provision is incorporated in terms of a safe access, adequate visibility, turning and parking.

Access to the application site will be provided via the existing junction off the C2130 which then connects with the B4350. The proposed development will also widen the existing access to allow for simultaneous access and egress from the site.

Following initial consultation with the Highways Authority concerns were raised regarding the suitability of the access to the site. Following the submission of additional drawings the Highways Authority removed their objection to the proposed development subject to conditions being attached to any approval.

In light of the above, Officers consider the proposed development to be in accordance with planning policy, particularly policies GP4 of the Powys UDP, Technical Advice Note 18 and Planning Policy Wales.

### Biodiversity and Ecology

#### *Gweunydd Ger Fronhaul SSSI*

Policies ENV4, ENV5 and ENV6 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest. There are no Special Areas of Conservation (SACs) within 10km of the site. Specific guidance within UDP policy ENV5 confirms that there will be a presumption against proposals for development likely to damage either directly or indirectly, the nature conservation interest of national nature reserves or sites of special scientific interest.

The proposed site of development is located within approximately 2.2km of the following Nationally Designated sites;

- Gweunydd Ger Fronhaul SSSI

The following non-statutory designated sites are located within approximately 1km of the proposed poultry unit;

- 8 parcels of Ancient Woodland

In support of the application a SCAIL modelling report was submitted. Consultation with NRW confirmed that the process contributions of ammonia and nitrogen deposition from the proposed development appear to be below the threshold that NRW apply in their assessment of potential impacts on SSSIs.

### *Protected Species*

Policy ENV7 of the Powys UDP, TAN5 and PPW seek to safeguard protected species and their habitats.

A Great Crested Newt assessment report by Star Ecology dated June 2017 was submitted in support of the application. Following consultation with both NRW and the Powys Ecologist no objection to the proposed development subject to conditions being attached to any grant of consent securing a watching brief, a tree and hedgerow protection plan, and works being undertaken in line with the submitted reports and pollution prevention plan.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policies SP3, ENV3 and ENV7 of the Powys UDP, Technical Advice Note 5 and Planning Policy Wales.

### Residential Amenity

Intensive livestock units have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise and odour, concerns relating to which have been expressed within third party representations received.

Members are advised that the application is supported by an Environmental Statement which contains chapters assessing the significant likely impacts on amenity and the living conditions of neighbouring properties. Consideration of the aforementioned impacts is duly given below;

### *Noise*

UDP policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities.

The proposed building will incorporate the use of mechanical ventilator extraction fans. The closest residential property is approximately 225 metres away and it screened from the development by a block of woodland.

Environmental Health were consulted on the application and offered no objection subject to the proposed development regarding noise subject to a condition limiting hours of delivery.



On the basis of the comments received, Officers consider that sufficient information has been submitted to demonstrate that the proposed poultry development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of noise. As such, the proposed development is considered to fundamentally comply with UDP policies GP1, EC1 and EC10, Technical Advice Note 11 and Planning Policy Wales.

### *Odour*

In terms of odour, odour levels can be assessed using odour dispersal model based on standardised values. Odour concentrations are expressed as European odour units per cubic metre (ouE/m<sup>3</sup>). The Environment Agency (EA) has published guidance for the objective assessment of odour impacts: How to Comply with Your Permit- H4 Odour Management. It recommends the use of 98th percentile of hourly average odour concentrations modelled over a year. Appendix 3 of this document provides a benchmark of 3.0 ouE/m<sup>3</sup> for moderately offensive odours. Moderately offensive odours are identified as including those associated with intensive livestock rearing. It is noted that the use of this threshold has been supported by Inspectors in planning appeal decisions.

The application is supported by a Design and Access Statement which covers the issues of amenity. This states that manure will be removed from the shed every 3-4 days, therefore ensuring there will be no long-standing manure in the shed which would produce odour. The manure will then be spread on the applicants farm holding.

Environmental Health were consulted on the application and offered no objection to the proposed development.

On the basis of the information submitted, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of odour. Following consultation, it is noted that no concerns have been offered by the Environmental Health Department in this respect. Therefore Development Management considers the proposal to be in accordance with planning policy, in particular UDP policy GP1.

### Ranging

At pre-application NRW requested that detailed ranging information be submitted in support of any forthcoming application. In support of the submission a ranging plan was submitted that detailed the following;

- Watercourse and ponds
- Buffers of 10 metres around the watercourse and protected sites
- Range area of 10.5 hectares
- Direction of slop
- Field drains to retain sediment from potential runoff

Following consultation with NRW it was confirmed that other planning submissions have demonstrated that the watercourse has been previously culverted, therefore it will not be vulnerable to pollution from the ranging area. NRW were content with the submission.

## Drainage

A drainage plan was submitted in support of the application which demonstrates stone attenuation trenches for clean surface water and discharge to watercourse, dirty water flow underground connection to SSAFO compliant dirty water tank and a concrete apron around the building.

At pre-application NRW requested a drainage plan to be submitted with the forthcoming application. This information was provided as part of the application and following consultation with NRW they considered that this requirement had been met and were content with the information.

Powys Ecology were also consulted on the drainage plans and were content with the process of collecting dirty water in an underground tank via a sump during cleaning operations and removed from site in a vacuum tanker.

Therefore Development Management considers the proposal to be in accordance with planning policy, in particular UDP policy DC11 and DC13.

## **Other Legislative Considerations**

### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

### Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **RECOMMENDATION**

Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, the recommendation is one of conditional consent.

### **Conditions**

- 1.The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
- 2.The development shall be carried out strictly in accordance with the documents received (Design & Access Statement dated August 2017, Method Statement Pollution Prevention, Management Plan dates September 2017, Ranging Plan, Manure Management Plan and Great Crested Newt Assessment dated June 2017) and plans received (drawing no's GD-MZ168-01, GD-MZ168-02, GM-MZ168-03, GD-MZ168-03 entitled Drainage Plan and RPP/GD-JOB40-01).
- 3.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
- 4.Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
- 5.Prior to any other works commencing on the development site, detailed engineering drawings for a widening and visibility improvement along the Class II B4385 and Class III C2130 and associated works as shown on drawing number RPP/GD-JOB40-03 Rev A, shall be submitted to and approved in writing by the Local Planning Authority.

6. Prior to any works commencing on the development site, all Highway Improvements, referred to in condition 5, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. 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.
9. The centre line of the first 20 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
10. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
11. Before any other development commences 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.
12. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

14. The width of the access carriageway, constructed as Condition 11 above, shall be not less than 5.5 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.
15. Prior to the occupation of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.
16. Prior to the first beneficial use the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.
18. Upon formation of the visibility splays as detailed in Condition 10 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.
19. Prior to any works being commenced on the development site the applicant shall construct one passing bay, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed up to adoptable standard prior to any works being commenced on the development site
20. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 08.00 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
21. An ecological watching brief for reptiles and small mammals shall be maintained by a suitably qualified and experienced ecologist during the hedgerow translocation works.
22. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
23. The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
24. Vehicles used for the movement of manure shall be sheeted to prevent spillage of manure.

### **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. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
4. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
5. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
6. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
7. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
8. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
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16. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
17. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
18. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
19. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
20. To protect the local amenities of the local residents by reason of noise in line with Powys UDP policy GP1.
21. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
22. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

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

## **Informative Notes**

### **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.

### **Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)**

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural

Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

**Reptiles - Wildlife & Countryside Act 1981 (as amended)**

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

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