

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0397	Grid Ref:	322207.34 244602.32
Community Council:	Clyro	Valid Date:	Officer: 20/04/2016 Tamsin Law
Applicant:	Mr Lloyd JR Lloyd & Son, Lower House Farm, Clyro, Hereford, HR3 5RU.		
Location:	Lower House Farm, Clyro, Hereford, HR3 5RU.		
Proposal:	Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The planning application is accompanied by an Environmental Statement.

Site Location and Description

The application seeks full planning permission for the construction of two poultry units and associated works to house 23,500 birds in total, split between two sheds comprising laying hens along with cockerels.

The application site is located within an area of open countryside, approximately 960 metres from the development boundary of Clyro. The proposed units would be located to the east of the existing buildings on the farm and is bound by agricultural land to the north-west and north east, the existing farm buildings to the south-west and the adjoining A438 to the south-east. The application site is agricultural land which has been intensively farmed and has previously gained consent for a single poultry building.

The site is located within 5km of two European Sites, the River Wye SAC (approximately 1048m from the proposed development) and Rhos Goch SAC (approximately 4234m from the proposed development). The application site also lies within 5km of the following SSSIs; River Wye (Lower Wye) SSSI, River Wye (Upper Wye) SSSI, Cwm-Gawnon Digne and Pature SSSI, Moity and Garth Dingles and Fron Wood SSSI, Rhos Goch (Rhos Goch Common) SSSI, Cors Ty-Llwyd SSSI, Hen-Allt Common SSSI and Pen yr Allt SSSI. The Cwm Byddog Radnorshire Wildlife Trust Reserve and 64 parcels of ancient woodland are located within 2km of the site (the closest ancient woodland locates approximately 56 metres from the site).

The proposed buildings would measure 111.5 metres in length, 18.5 metres in width, with a maximum height of 5.29 metres (6 metres to the top of the ventilation fans) falling to 2.74 metres at the eaves. The feed silos will be located at the eastern end between both units and would have a maximum height of 7.7 metres.

A welfare area in the form of a linked building between both poultry units is also proposed and this will provide an egg store, staff area, office and male and female WC.

The access to the poultry units would be through the existing access to the farm.

Consultee Response

Clyro Community Council

Response received 17th January 2017

The Clyro Community Council met on 10th January 2017 to hear representations from the community regarding the planning for the erection of two poultry sheds at Lower House Farm in Clyro.

This application had originally been discussed at a Community Council meeting in May 2016, but as considerable comments and representations to Councillors have been made it was decided to hold a public meeting to give the community a chance to air their views.

Fifty members of public attended the meeting along with the applicant and his agent, and a courteous yet robust discussion ensure in which all parties made valid points regarding the impact of the application, viz the increased traffic accessing a fat road, the issues regarding odour, particularly to the residents of Bronydd, the potentially damaging effects on tourism, especially to a campsite close by, We also heard sound arguments regarding the importance of farming diversification, the falling market for red meat in favour of chicken and the supported needed for the farming community.

One particular issue was that the community felt that they hadn't been informed of the application and thus given enough time to attend the original meeting.

It is the Community Council's view that the planning authority needs to appreciate a considerable level of feeling engendered by the project and the existence of such a large meeting of the local community needs to be brought to its attention.

Full report of this meeting can be found at www.clyro.org

Response Received 5th April 2017

With regard to the above planning application Clyro Community Council held an extraordinary meeting yesterday to discuss the issue and thereafter voted 3 in support of the application, 2 rejected the application and 1 abstained.

Response Received 6th April 2017

Further to our email of yesterday I would like to add that there was a large percentage of the public audience in attendance who opposed the application as well as how the Community Council voted.

Response Received 18th October 2017

At a meeting of the community Council on the 28th Sept the previous decision to support the above planning application was rescinded.

At a meeting of the Community Council on the 17th October, the Council, after re-hearing arguments for and against the proposal by members of the public, voted to oppose the above application.

Could you please amend the planning records to reflect the change of view, that the Clyro Community Council no longer supports application P/2016/0397.

PCC - Building Control

Please note building regulations will be required on this application (treatment plant)

Highway Authority

Correspondence received 26th April 2016 –

The submission fails to include a drawing detailing the access, its width, gradient and visibility through which this proposal will gain entry to the site. It is imperative that these details are provided to enable the Highways Authority to assess the impact on highway safety the scheme may have.

I would be grateful if you would seek an appropriate drawing and I will refrain from making a formal comment until this has been received.

Correspondence received 14th July 2016 –

The County Council as Highway Authority for the County Class I Highway, A438

Wish the following recommendations/Observations be applied

Recommendations/Observations

Based on the level of information supplied to date this application should be refused.

Reasons for Refusal

The suitability of the existing access off the A438 county highway to serve an enterprise of this nature has previously been considered and determined under applications P/2008/1357 & P/2009/0744. The imposition of highway conditions, in line with those imposed on the previously consented applications, are therefore deemed appropriate in this instance. Pre-planning application advice was also provided by the Highway Authority on this basis.

The access and visibility arrangements detailed on Drawing HA21647 are not however acceptable. The proposed 2.4 x 215m visibility splay to the north has been detailed incorrectly; it needs to be shown to the nearside carriageway edge which will inevitably require the removal/relocation of the existing hedgerow. In addition the centre line of the proposed access needs to be constructed at right angles from the edge of the A438 over a minimum distance of

20metres and also provide a 15m triangular awareness splay. The access road also needs to be a minimum of 6metres wide over that length.

The current proposals show the access road barely 4m in length before turning 90 degrees towards the proposed sheds. Such an arrangement would not provide sufficient space for vehicles, especially larger vehicles to align themselves correctly at the junction with the A438 in order to make a safe exit from the site and furthermore, vehicles attempting to enter the site may well be prohibited from doing so due to exiting vehicles blocking their approach. In summary the proposed alignment would not permit the safe access/egress from the site which would be to the detriment of highway safety.

Response received 28th July 2016 –

I'm afraid that the revised drawing HA21647/A does not address the fundamental concerns raised about the proposed alignment of the access. Whilst it is clear that the required visibility can be achieved the access road needs to be adjusted to prevent vehicles approaching the access point to the existing highway at an inappropriate angle. In short the access road needs to be at right angles to the existing highway for the first 20m and constructed in such a manner that prevents vehicles attempting to turn towards the site over that length. After the initial 20m the alignment of the access road can be configured to provide the requisite access to the site.

I trust the above clarifies matters and will await revised drawings.

Response received 9th August 2016 –

I have received revised access details for the above application as shown on layout drawing HA21647/Rev A dated 5th August 2016. (This drawing should not be confused with the previously submitted detail contained on the previous drawing submitted 15th July 2016 which unfortunately has identical drawing and revision numbers.)

I am now generally happy with the revised detail, save for a few minor alterations that are required for the junction radii and the proposed position of the foul drainage soakaway; I am however happy to cover those items by suitable conditions. I would therefore ask that the following conditions be attached to any consent granted.

HC1 Prior to the first beneficial use of the building 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.

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 Within 5 days from 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 0.26 metres above ground level at the edge of the adjoining carriageway and 215 metres distant in a north easterly direction measured from the centre of the access along the edge of the adjoining carriageway and 15 metres distant from the edge of the adjoining carriageway and 15 metres in each direction. 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 Within 5 days from 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 building, provision shall be made within the curtilage of the site for the parking of not less than 1 car and 1 heavy goods vehicle 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 7.3 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 first beneficial use of the building a radius of 12.5 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 of the building 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.

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge to any part of the septic tank or its soakaway installation.

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.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

Response received 5th April 2017

I make reference to the amended plans relating to the above site and have no further comments to make.

Response received 16th August 2017

Graham Clark has asked me to comment upon the recently submitted highway report from Badingham Consultants.

Having reviewed the document I consider the findings to be comprehensive and robust and on that basis consider that the proposed development would not have a detrimental impact on highway safety.

My previous recommendation and draft conditions issue 09/08/2016 are therefore still valid, however based on the latest information, it is recommended that the previously proposed condition HC4 be amended to read as follows:-

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point .26 metres above ground level 15 metres distant from the edge of the adjoining carriageway and 15 metres in each direction. 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.

Wales & West Utilities

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have 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.

Environmental Health

Response Received 6th May 2016

Thank you for your email letter dated the 25/4/16 in respect of the above.

Should planning permission be granted in respect of this application then the following conditions are recommended.

Conditions

(a) Noise Conditions.

(i) For the use of fixed plant/machinery, etc.

The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in

separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

(ii) Transport and Other Noise

Feed deliveries and egg collections to and from site, feed hopper filling, building clean-out, litter loading and litter removal associated with 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.

(iii) Time of operations for building construction.

All building construction operations associated with the development (including soil movements and landscaping) shall be carried out between the following hours: Monday to Fridays 08:00 to 18:00 hours; Saturdays from 08:00 hours to 13:00 hours and at no times on Sundays, Bank and Public Holidays.

Reason: To protect the local amenities of the local residents from noise.

(b) Prevention of insect and odour nuisances during storage of manure and manure spreading.

(i) General Odour condition

All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

Reason: To protect the local amenities of the local residents from the excess of mal-odorous emissions.

(ii) The Site for the Storage of manure

No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground.

No manure shall be stored over field drains or within 10 metres of a watercourse.

Reason: To avoid runoff and prevent deterioration of the local amenities.

(iii) 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.

(iv) Manure storage

All stored manure that needs to be covered shall be covered by the end of the day. The covering shall comprise polythene and placed in such a manner as to leave no gaps at the edges of the polythene and shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.

Reason: To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water.

(v) The spreading of manure

Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.

Reason: To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area.

(c) Artificial lighting condition.

Any artificial lighting incorporated to these units in connection to this application shall not increase the pre-existing illuminance at any light sensitive locations when the light is in operation.

Reason: To protect the local amenities of the local residents from the excess of illuminance.

(d) Dust from unpaved access.

The surface of the access hereby approved shall be constructed of hard materials to prevent visible dust formation when vehicles are using the access.

Reason: To protect the local amenities of the local residents from the excess of visible dust.

Informatives.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

If the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then I have no comment in this matter.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en> .

Response received 25th October 2016

Should planning permission be granted in respect of this application then the following conditions are recommended.

Conditions

(a) Noise Conditions.

(i) For the use of fixed plant/machinery, etc.

The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

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Response received 31st March 2017

Further to your emailed letter dated the 14/3/17 in respect of the above application as accompanied by an Environmental Statement I would advise that should planning permission be granted then the conditions as recommended in my letter to you dated the 25th October 2016 remain.

Response received 15th September 2017

In view of the objection and for the sake of completeness you may wish to ask the agent/applicant to reconfigure their odour impact assessment to include the impact on Lower House Barn?

Response received 21st September 2017

I note Graham Clark's comment regarding the odour report and that **all** receptors are below the Environment Agency's benchmark for moderately offensive odours, which answers the query regarding the impact on Lower House Barn.

Response received 22nd November 2017

Regarding the joint letter of objection I note the request that could the EHO assess Lower House Barn and Black Mountain Tent Site for noise.

The noise impact assessment submitted by the applicant refers only to the nearest receptor as 'receptor southwest' at 260m. Therefore it would be expedient to request that the applicant is asked to supply further detail in the noise impact assessment to assess the noise impact specifically at the locations mentioned above.

Response received 22nd November 2017

The noise report does refer to the nearest receptor adjacent to the farmhouse as 140m but confusingly in table 6.3 and 6.4 - Predicted Noise Contribution from Roof Ventilation & Gable End Fans – the distance to Receptor Southwest is detailed as 260m

County Ecologist

Response received 31st August 2016 –

Thank you for consulting me with regards to planning application P/2016/0397 which concerns the erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works.

I have reviewed the submitted information as well as comments received from Natural Resources regarding the proposed development.

The proposed development involves the construction of two poultry sheds that will house approximately 23,500 birds in total as well as associated infrastructure at Lower House Farm Clyro. A previous application was granted at the site in 2009 for a single poultry unit for the production of approximately 10,000 birds in 2009, this permission was not implemented and the current application for two poultry units on the site has now been put forward.

Due to the nature of the proposed development and its proximity to a number of environmentally sensitive sites the application was deemed to require an Environmental Impact Assessment and an Environmental Statement has been submitted with the application Appendix 4 provides an Ecological Assessment, this has been produced by Greenscape Environmental Ltd dated April 2016.

The River Wye SAC/SSSI is approximately 1km south-east of the proposed development. The Rhos Goch SAC/SSSI/NNR lies approximately 4.2km north-west of the development. Given the nature of the proposed development and the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the River Wye SAC and Rhos Goch SAC and/or their associated features has been considered.

Having reviewed the information provided by the applicant as well as comments received from NRW regarding Ammonia and Nitrogen Deposition, Manure Management and Foul and Surface water Drainage Plans it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC or Rhos Goch SAC and/or their associated features – I have attached a copy of the Screening Assessments for each SAC for your records.

A detailed Ammonia and Nitrogen assessment produced by AS Modelling & Data Ltd dated 19th March 2016 has been provided with the application, NRW have reviewed the results of this assessment and have confirmed that with regards to designated sites – SAC and SSSI – they are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are within the thresholds that they currently consider to be acceptable.

In addition to Internationally and Nationally Designated sites, areas of Ancient Semi-natural Woodland have been identified as present within 2km of the proposed development. The detailed ammonia and nitrogen modelling has identified that the proposed development would result in exceedances of the upper threshold of 100% (for non-statutory sites) for approximately 1.8 ha of nearby ancient woodland, with regards to these areas of ancient woodland the modelling predicts exceedance of the critical levels and load by 707%, 208% and 175% - these levels are considered to therefore be significant in their exceedance. Atmospheric nitrogen deposition and ammonia emissions alter acidity and nutrient balances and impacts on both ground and epiphytic flora within woodlands, as well as soil fungi. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

And UDP Policy ENV6: Sites of Regional and Local Importance makes reference to Powys LBAP habitats and species which include both woodland habitats typical of Ancient Woodland and species of lower plants which have potential to be present in Ancient woodland and states that:

'Development proposals adversely affecting the conservation interest of sites of Regional or Local Nature Conservation, Geological or Geomorphological Importance will only be permitted where conditions are attached to any permission or a planning obligation sought to ensure:

- 1. Satisfactory provision for the safeguarding of features of Nature Conservation, Geological or Geomorphological Importance within the proposed development; or*
- 2. The provision of appropriate compensatory or mitigation measures to offset the impact of the proposals'*

Part 1 Section 6 of the Environment (Wales) Act 2016 – which replaces the previous NERC 2006 Duty in Wales - requires Local Authorities to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. Section 7 of the Act lists habitats and species of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales these lists include both woodland habitats typical of Ancient Woodland and species of lower plants which have potential to be present in Ancient woodland and negatively affected by deposition of ammonia and nitrogen. The application has identified that under a Glas-tir Scheme the Gibbons Covert has been cleared and replanted with broadleaved woodland, both Natural Resources Wales and the Woodland Trust have identified that this should not be seen as mitigation in relation to the identified potential ammonia and nitrogen impacts.

Whilst the biodiversity benefit of the replanting of the woodland and new planting areas identified in the landscaping scheme with appropriate broadleaved species is recognised it

should also be noted that this will not change the fact that the poultry unit has been identified as likely to contribute significantly increased levels of ammonia and nitrogen to these areas, this would be likely result in negative changes to the Ancient Woodland flora even with the newly planted woodland.

UDP Policy ENV6 – Sites of Regional and Local importance states that:

‘Development proposals adversely affecting the conservation interest of site of regional or local nature conservation will only be permitted where conditions are attached to any permission or a planning obligation sought to ensure:

- 1. Satisfactory provision for the safeguarding of features of nature conservation within the proposed development; or*
- 2. The provision of appropriate compensation or mitigation measures to offset the impact of the proposals’*

In their response dated 13th May 2016 NRW suggest that production of an acceptable ammonia abatement scheme may be necessary to reduce the impact of the proposed development to an acceptable level. As I am not an expert Ammonia Abatement Measures I am unable to confirm to you whether or not an acceptable Ammonia Abatement Scheme is possible for this site to reduce the impact of the proposed development to the Ancient Woodland and associated flora to an acceptable level – therefore I would be unable to recommend submission of such a scheme prior to commencement of development through an appropriately worded condition as the condition may not be achievable. I would therefore recommend that you seek confirmation and details from the applicant that they consider that an Ammonia Abatement Scheme can be produced, I also recommend that you consult with NRW and their specialists in this area as to whether any measures proposed by the applicant are considered to be acceptable and achievable.

A revised Manure Management Plan was issued following comments received from NRW dated 18th August 2016, this confirms that there is sufficient land to dispose of the manure arising from the proposed development at a rate that is consistent with the CoGAP recommended upper limit.

Zones have been identified where manure will not be spread at any time:

- In accordance with NRW recommendations there will be no spreading of poultry manure in any part of field SO19475791 and a 10m buffer along the in order to prevent negative impacts to the Rhos Goch SAC

- A 10m buffer for no spreading of manure has been identified within the plan either side of any watercourse within the land holdings.

The revised Manure Management plan is considered to have addressed the concerns raised by NRW, subject to confirmation from NRW that they are now happy with the submitted plan I recommend that the implementation of the identified measures is secured through an appropriately worded condition.

The applicant has confirmed that there will be no requirement to alter the existing access to the site and therefore no requirement for hedgerow removal, NRW have confirmed that in light of this they consider that the proposed development would not be detrimental to the favourable conservation status of dormice populations in the local area.

NRW have requested that a Scheme of Reasonable Avoidance Measures for great crested newts is submitted prior to commencement of development, should you be minded to approve the application I recommend that the submission and implementation of a great crested newt RAMS is secured through an appropriately worded condition.

In order to ensure minimal impacts to nocturnal wildlife including foraging and commuting bats, careful consideration will need to be given to lighting design associated with the proposed development, this is required to minimise impacts to nocturnal wildlife commuting and foraging in the local area. I therefore recommend that a lighting design condition is included should planning permission be granted.

In addition I recommend that a Construction Pollution Prevention Plan detailing measures that will be implemented during the construction phase of the proposed development in accordance with best practice guidelines e.g. EA PPG 5 and PPG 6 is secured through an appropriately worded condition to ensure the protection of the nearby watercourse.

Therefore in order to ensure that the proposed development complies with the requirements of National and Local Planning Policy in relation to protection of Ancient Woodland and associated priority species I recommend that you request further information from the applicant regarding Ammonia Abatement Measures in relation to impacts to Ancient Woodland and associated Flora, I also recommend that NRW experts with regards to ammonia and ancient woodland are consulted to confirm whether any measures identified would be sufficiently acceptable and achievable to enable them to be secured through a planning condition

Response received 15th September 2017

Thank you for consulting me with regards to the additional information submitted with regards to planning application P/2016/0397 which concerns an application for Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works at Lower House Farm, Clyro, Hereford .

I have previously responded to this application on the 30th August 2016 where I identified concerns regarding potential impacts to Ancient Woodland and recommended advice was sought from NRW regarding this matter.

An amended Environmental Impact Assessment for the application was submitted in March 2017.

The information submitted to inform the planning application has been assessed against the NRW Quick Guide 9 Poultry Units: planning permission and environmental assessment Guidance for applicants, local planning authorities and NRW staff. This guidance note sets out the information required to be submitted to enable the LPA to assess the potential impacts of poultry unit developments in relation to the Environment.

The following information summarises details provided in my previous response and considers additional information as well as consultation responses and advice received from NRW regarding the application.

The following European Sites are present within 5km of the proposed development:

- River Wye Special Area of Conservation (SAC) approximately 1048m from proposed development
- Rhos Goch Special Area of Conservation (SAC) approximately 4234m from proposed development

The following Nationally Designated Sites are present within 5km of the proposed development:

- River Wye (Lower Wye) Site of Special Scientific Interest (SSSI) approximately 1048m from proposed development
- River Wye (Upper Wye) SSSI approximately 1888m from proposed development
- Cwm-Gwanon Dingle and Pasture SSSI approximately 2373m from proposed development
- Moity and Garth Dingles and Fron Wood SSSI approximately 3716m from proposed development
- Rhos Goch (Rhos Goch Common) SSSI approximately 4234m from proposed development
- Cors Ty-Llwyd SSSI approximately 4356m from proposed development
- Hen-Allt Common SSSI approximately 4510m from proposed development
- Pen-Yr-Hen-Allt SSSI approximately 4769m from proposed development

The following non-statutory designated sites are present within 2km of the proposed development:

- Cwm Byddog Radnorshire Wildlife Trust Reserve approximately 282m from proposed development
- 64 parcels of Ancient Woodland – closest parcel approximately 56m from proposed development

As of the 1st April 2017 NRW introduced revised thresholds of insignificance in relation to Ammonia and Nitrogen, however as the application was submitted prior to the 1st April 2017 NRW have identified that the ammonia and nitrogen thresholds applied by NRW to proposals before the end of March 2017 have been used to assess the scheme.

NRW have considered the predicted ammonia and nitrogen deposition rates and have confirmed as stated in their response dated 13/05/2016 that having reviewed the detailed model, they are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are within the thresholds that they use for assessing impacts of aerial emissions on European and Nationally designated sites.

Habitats Regulations Assessments have been undertaken for the River Wye SAC and Rhos Goch SAC, I have attached copies of the HRA screening records for these sites for ease of reference. The HRA screening assessments concluded that the proposed development would not result in a likely significant effect to either of the SACs, NRW have reviewed the findings of these screening assessments and confirmed in their response dated 22/09/2016 that agree with the conclusions of the assessments.

In my previous response to the application I identified concerns regarding the potential impacts of the proposed development to areas of ancient woodland as a result of ammonia and nitrogen deposition from the proposed development – the detailed ammonia and nitrogen modelling considered at that time identified that the proposed development would result in

exceedance of the critical levels and load for approximately 1.8ha of nearby ancient woodland, the model predicted exceedance of the critical levels and load by 707%, 208% and 175%. NRW identified in their response dated 13/05/2016 that the production of an acceptable ammonia abatement scheme may be necessary to reduce the impact of the proposed development to these areas of ancient woodland from the proposed development to an acceptable level. I recommended that advice was sought from NRW as to whether any proposed abatement measures would be acceptable.

Further details were provided in October 2016 by the applicant regarding potential impacts to the areas of ancient woodland and proposed mitigation measures. The additional information submitted includes a Phase 1 Environmental Appraisal of Woodland Area by Greenscape Environmental Ltd dated September 2016 which included an assessment of the areas of woodland in Gibbons Covert in the applicants ownership, other associated woodland was also briefly observed but is outside of the curtilage of the landowner. The associated woodland flora was assessed to determine the significance of the predicted ammonia emissions. The Environmental Statement identifies that plans have been revised to provide a total area of 1.6ha of woodland planting to mitigate for the impacts of ammonia – this is in addition to the 2.3.ha of Gibbons Covert that has been re-planted, locations of the proposed woodland planting have been shown on Fig 2 of the Landscape and Visual Impact Assessment Report by Haire Landscape Consultants Revised February 2017 – unfortunately the reproduction of this drawing on the Planning Portal has made much of the detail unreadable, however the locations and extent of woodland planting identified is consistent with that identified in the submitted reports.

Following a request for technical advice from NRW regarding the acceptability of the proposed mitigation measures to reduce the impacts of ammonia emissions to ancient woodland a response was provided by NRW on the 25/11/2016 – I have attached a copy of this letter for your information. Whilst NRW reiterate in this letter that they would not be taking a position on the potential effects of ammonia emissions on the nearby Ancient Woodland they have provided a technical summary of the issues and appropriateness of proposed mitigation to assist me in considering the appropriateness of the mitigation measures. NRW have confirmed that the use of woodland planting can reduce emissions by at least 25%, in addition the ecology survey recommends that the area of woodland affected are not of particular value for lichens or woodlands. Therefore, the critical level of ammonia for the site is 3 micrograms of ammonia per cubic metre. Having considered the additional information and the advice provided by NRW it is considered that the proposed additional woodland planting would be appropriate compensation for the residual impacts on the ancient woodland.

Having reviewed the submitted plans and associated information as well as advice received from NRW regarding the matter it is considered that subject to appropriate planning conditions being included to secure the proposed compensation measures, it would be possible to consider that the proposed development would comply with the requirements of Powys UDP Policy ENV6. **In order to ensure the effectiveness of the proposed mitigation it is recommended that a detailed Native Woodland Creation and Management Plan is secured through an appropriately worded condition.**

In addition concerns have been raised by local residents regarding the potential for the ammonia and nitrogen emissions to negatively impact protected species associated with waterbodies present in the Wet Covert south-east of the proposed development – I have

been contacted by a number of local residents who have advised me that great crested newts and white clawed crayfish have been found to be present in these habitats. In order to determine the likely significance of the proposed development to this habitat and associated species I requested further information with regards to the application.

In response to this request an Addendum to - A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Egg Laying Chicken Houses at Lower House Farm, near Clyro in Powys produced by AS Modelling & Data Ltd. dated 5th august 2017 was submitted. The report identifies that the proportion of nitrogen deposited from air-borne ammonia that might enter water-courses cannot be accurately known; however, due to mineralisation in soils and uptake by plants, it is likely to be quite a small proportion compared with fertiliser or manure applications from which nitrogen loss to run-off can be greater than half of the total nitrogen applied. A precautionary estimate of 50% of deposited nitrogen has been accepted by regulators and nature conservation bodies elsewhere. Assuming a precautionary 50% of the deposited nitrogen is available as run-off this is approximately 100 kg-N per year from area of 39 ha of the high resolution modelling domain, which might enter local water-courses and then might ultimately end up in the water-bodies at Wet Covert.

The report concludes therefore that if it is assumed 50% may enter water-courses the entire contribution from nitrogen deposited from air-borne ammonia from the proposed egg laying chicken houses at Lower House Farm would be equivalent to the contribution from approximately 1 ha of arable land, or 2 ha of pasture and probably similar to the likely contribution from a typical smallholding in the area.

A Drainage Assessment for the proposed development has been produced by Hydrogeo dated 24/03/2016, details of the identified drainage plans are shown on drawing no. HA2164103 Rev B dated Dec 2016.

Surface water runoff from hard surfaces will receive treatment in accordance with the SUDS Manual. Surface water runoff from the site will not be discharged to the River Wye.

Dirty 'washdown' water from cleaning the poultry buildings will be collected to underground storage tanks. The storage tanks will be sized to provide storage capacity over an above the storage volume within the trench soakaway. The 'dirty water' stored in the underground tanks will be taken off-site and spread on farm land in accordance with the manure management plans.

Foul water, from the development will discharge to an adequately sized septic tank where it will be treated before being discharge to a drainage field.

It is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity during operation of the site. **It is recommended that a planning condition is included to secure adherence and implementation of the identified measures regarding site drainage.**

A Manure Management Plan produced by Berrys has been submitted with the application. The manure management plan considers the manure that would be produced by all existing livestock numbers at the farm as well as the additional manure produced by the proposed development, existing livestock at the farm produces manure which will require 36.66ha the manure produced by the proposed development will require 55.91ha of land when allowing

for the 250kg N/hectare limit in accordance with the CoGAP – therefore a total area of 92.57ha is required. The plan identifies that to meet with biosecurity requirements the manure produced by the poultry unit will be spread at Cefn-y-Blaen Farm, there will be no spreading of manure in any part of the field SO19475791 due to the proximity to the Rhos Goch SAC, the total area available for spreading poultry manure on Cefn-y-Blaen Farm is therefore 165.56ha. The manure management plan identifies that no manure will be spread within 10m of any watercourse. The manure management plan includes a Contingency Plan detailing plans for storing any manure, slurry and dirty water produced at times when spreading may not be possible. Details have been provided to demonstrate that sufficient land holding capacity to enable the spreading of manure at below the CoGAP guidance of 250kg/N per hectare. The measures identified within the document are considered to be in line with current guidelines regarding manure management and **it is recommended that the adherence to and implementation of the identified measures is secured through an appropriately worded condition.**

No Pollution Prevention Plan has been submitted with the application, the measures identified with regards to site drainage and management of surface water runoff, dirty water and foul water are considered appropriate to ensure no negative impacts from pollution during the operation of the proposed poultry unit.

In addition Pollution Prevention measures need to be implemented during the construction phase of the development – NRW have also identified in their response dated 27/04/2017 that Construction Pollution Prevention Measures need to be implemented – **it is therefore recommended that the submission of a Construction Pollution Prevention Plan prior to the commencement of development is secured through an appropriately worded condition.**

A Phase 1 Environmental Appraisal was undertaken by Greenscape Environmental Ltd. in February 2016, a report dated April 2016 detailing the findings of the surveys has been submitted to inform the application.

In my response dated 30/08/2016 I noted that the applicant has confirmed that there will be no requirement to alter the existing access to the site and therefore no requirement for hedgerow removal, NRW confirmed that in light of this they consider that the proposed development would not be detrimental to the favourable conservation status of dormice populations in the local area. However having reviewed the drawing no. HA2164103 Rev B dated Dec 2016 it is noted that the plan appears to identify that the hedgerow along the A438 will be moved behind the required visibility splay. NRW have identified in their responses that *if it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal.* Given the plans appear to indicate there will be requirements for access improvements including the translocation for a length of hedgerow consideration needs to be given as to whether sufficient information has been provided to enable the LPA to comply with its duty under the Conservation of Habitats and Species Regulations 2010 (as amended). A review of available records identifies that dormice have been recorded within 300m of the proposed development.

Where European protected species are considered likely to be present and it has been identified that there is a potential for an offence under the Conservation of Habitats and Species Regulations 2010 (as amended) to be committed a European protected species

licence may be required to allow the works to proceed, as part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2010 (as amended) have been met prior to determining the application. If the Wildlife Licensing Unit at Natural Resources Wales (NRW) is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public 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”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

In order to address the 3rd test it is considered that appropriate mitigation would need to be identified. The proposed mitigation will need to be demonstrated to be achievable and located in a suitable location and appropriate to the species identified.

In addition NRW have requested that a Scheme of Reasonable Avoidance Measures for great crested newts is secured through a planning condition, again given the impact to hedgerows potential terrestrial habitat for this species consideration needs to be given as to whether sufficient information has been provided to enable the LPA to comply with its duty under the Conservation of Habitats and Species Regulations 2010 (as amended). A review of available records identifies that great crested newts have been recorded within 500m of the proposed development.

As NRW are a statutory consultee with regards to European protected species weight has to be given to their advice with regards to potential impacts to these species, however I would advise you to consider as to whether the inclusion of the conditions recommended by NRW is appropriate to ensure that the LPA is complying with its requirements under the Conservation of Habitats and Species Regulations 2010 (as amended) as well as National and Local Planning Policies.

In order to ensure minimal impacts to nocturnal wildlife including foraging and commuting bats, careful consideration will need to be given to lighting design associated with the proposed development, this is required to minimise impacts to nocturnal wildlife commuting and foraging in the local area. I therefore recommend that a lighting design condition is included should planning permission be granted.

The Environmental Statement identifies that any lighting on the site will be kept to a minimum required for a safe working environment. Other than this information no detailed plan of any external lighting has been provided as such **it is recommended that a planning condition is included to ensure any external lighting provided at the site is in accordance with the recommendations identified in the Ecology Report to ensure minimal impacts to nocturnal biodiversity.**

Therefore subject to the LPA satisfied that appropriate information has been submitted to enable the LPA to comply with its duties in relation to European protected species – dormice and great crested newts – and to demonstrate that the application complies with the requirements of the Three Tests in relation to EPS should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting identified on shown on drawing no. HA2164103 Rev B dated Dec 2016 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, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Report produced by Hydrogeo dated 24/03/2016 and shown on drawing no. HA2164103 Rev B dated Dec 2016 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Construction Phase Pollution Prevention 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 ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal Report by Greenscape Environmental Ltd dated April 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

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 Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to dormice prepared by a suitably qualified and experienced ecologist

identifying the measures that will be put in place to ensure that dormice populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to great crested newts prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that great crested newt populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following 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.

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

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

It is therefore an offence to:

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

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

Dormice - 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 dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If

a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Response Received 3rd January 2018

Thank you for consulting me with regards to the additional information submitted with regards to planning application P/2016/0397 which concerns an application for Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works at Lower House Farm, Clyro, Hereford .

Further to my comments dated 15th September 2017 additional concerns were raised by 3rd parties regarding potential for the proposed development to impact a population of white clawed crayfish in a pool within Wet Covert.

Given the proximity of the pool to tributaries of the River Wye and taking into account the fact the covert lies within the flood zone associated with the River Wye it was identified that there was potential for a population of white clawed crayfish present within wet covert to be connected to the River Wye. As white clawed crayfish are a qualifying feature of the River Wye SAC it was identified that further consideration was required with regards to the Habitats Regulations Assessment of the planning application to establish whether the proposed development would result in a Likely Significant Effect to the River Wye SAC and/or its associated features.

In order to ensure the LPA complies with its requirements under the Conservation of Habitats and Species Regulations 2017 with regards to Habitats Regulations Assessment of Projects which have the potential to impact European Sites the Habitats Regulations Assessment Screening undertaken in August 2016 has been reviewed and updated.

In order to determine the Likely Significant Effect of the proposed development to white clawed crayfish consideration was given to the potential for the development to negatively impact the quality of the aquatic habitat in Wet Covert. The following were identified as potential factors which could result in negative impacts to water quality:

- Improper management of surface, dirty and foul water at the development site;
- Impacts to water quality from manure generated by the proposed development;
- Aerial emissions from the proposed poultry unit – Ammonia and Nitrogen deposition.

These potential sources of impact to water quality and white clawed crayfish have been considered below.

Site Drainage

A Drainage Assessment for the proposed development has been produced by Hydrogeo dated 24/03/2016, details of the identified drainage plans are shown on drawing no. HA2164103 Rev B dated Dec 2016, the measures proposed in the drainage strategy was considered in my previous response dated 15th September 2017 and NRW have provided comments regarding the drainage strategy, to summarise the drainage plan identifies that:

- Surface water runoff from hard surfaces will receive treatment in accordance with the SUDS Manual. Surface water runoff from the site will not be discharged to the River Wye.
- Dirty 'washdown' water from cleaning the poultry buildings will be collected to underground storage tanks. The storage tanks will be sized to provide storage capacity over

an above the storage volume within the trench soakaway. The 'dirty water' stored in the underground tanks will be taken off-site and spread on farm land in accordance with the manure management plans.

- Foul water, from the development will discharge to an adequately sized septic tank where it will be treated before being discharge to a drainage field.

It is considered that the identified measures for the management of foul, dirty and surface water are appropriate to avoid negative impacts to biodiversity at the site and the wider environment during operation of the site.

Manure Management

A Manure Management Plan produced by Berrys has been submitted with the application, the details of which were reviewed in my previous comments dated 15th September 2017 regarding the application. The manure management plan considers the manure that would be produced by all existing livestock numbers at the farm as well as the additional manure produced by the proposed development, existing livestock at the farm produces manure which will require 36.66ha the manure produced by the proposed development will require 55.91ha of land when allowing for the 250kg N/hectare limit in accordance with the CoGAP – therefore a total area of 92.57ha is required.

The Plan identifies that to meet with biosecurity requirements the manure produced by the poultry unit will be spread at Cefn-y-Blaen Farm, the total area available for spreading poultry manure on Cefn-y-Blaen Farm is therefore 165.56ha – sufficient to accommodate the manure generated by the proposed development. Cefn-y-Blaen Farm is over 1.5 miles from the proposed development site and over 3km from the River Wye SAC.

The manure management plan identifies that no manure will be spread within 10m of any watercourse. The manure management plan includes a Contingency Plan detailing plans for storing any manure, slurry and dirty water produced at times when spreading may not be possible. Details have been provided to demonstrate that sufficient land holding capacity to enable the spreading of manure at below the CoGAP guidance of 250kg/N per hectare. The measures identified within the document are considered to be in line with current guidelines regarding manure management

Aerial Emissions

During the process of reviewing the HRA Screening for the River Wye SAC to take into account the concerns raised regarding potential for impacts to a white clawed crayfish population at Wet Covert it was identified that further technical advice was required regarding the potential for aerial emissions from the proposed poultry farm to impact Wet Covert and the associated white clawed crayfish population which has been identified as having potential to be connected to the River Wye SAC and therefore significant negative impacts to white clawed crayfish within the pool at Wet Covert would have the potential to result in Significant negative impacts to the River Wye SAC.

In response to a previous request for additional information to assess the potential for the ammonia and nitrogen emissions to negatively impact protected species associated with waterbodies present in the Wet Covert south-east of the proposed development an *Addendum to - A Report on the Modelling of the Dispersion and Deposition of Ammonia from*

the Proposed Egg Laying Chicken Houses at Lower House Farm, near Clyro in Powys produced by AS Modelling & Data Ltd. dated 5th august 2017 was submitted. The report identifies that the proportion of nitrogen deposited from air-borne ammonia that might enter water-courses cannot be accurately known; however, due to mineralisation in soils and uptake by plants, it is likely to be quite a small proportion compared with fertiliser or manure applications from which nitrogen loss to run-off can be greater than half of the total nitrogen applied. A precautionary estimate of 50% of deposited nitrogen has been accepted by regulators and nature conservation bodies elsewhere. Assuming a precautionary 50% of the deposited nitrogen is available as run-off this is approximately 100 kg-N per year from area of 39 ha of the high resolution modelling domain, which might enter local water-courses and then might ultimately end up in the water-bodies at Wet Covert.

The report concludes therefore that if it is assumed 50% may enter water-courses the entire contribution from nitrogen deposited from air-borne ammonia from the proposed egg laying chicken houses at Lower House Farm would be equivalent to the contribution from approximately 1 ha of arable land, or 2 ha of pasture and probably similar to the likely contribution from a typical smallholding in the area.

In order to ensure the potential impacts of aerial emissions from the proposed development were properly considered during the Habitats Regulations Assessment, technical advice was sought from NRW Air Pollution Experts, a response to this request for advice and clarification of likelihood of significant negative impacts to white clawed crayfish in Wet Covert was provided by NRW on the 22nd November 2017 – a copy of this response was also sent to yourself – the advice concludes that NRW do not believe that the aerial emissions that would result from the proposed development would have a significant effect on white clawed crayfish in Wet Covert. Full details of justification as to why this conclusion has been reached are provided in NRW's email White –clawed crayfish (*Austropotamobius pallipes*) – Lower House Clyro dated 22nd November 2017.

Having taken into account the information submitted with the application as well as technical advice provided by NRW experts it is considered that the proposed development would not result in a Likely Significant effect to the River Wye SAC and or its associated features – including an outlier white clawed crayfish population at Wet Covert. I have updated the HRA Screening Assessment to include this information and have attached a copy for your records.

As identified in previous responses the other European Site which was identified as having potential to be impacted by the proposed development is Rhos Goch SAC. I have reviewed the findings of the HRA Screening for this Site and associated features undertaken in August 2016 and consider that the findings of this assessment remain valid – I have attached a copy of this screening assessment for your reference.

Therefore to summarise my previous recommendations regarding the application which I consider remain valid in light of additional assessment of the proposed development and the potential for impacts to biodiversity subject to the LPA being satisfied that appropriate information has been submitted to enable the LPA to comply with its duties in relation to European protected species – dormice and great crested newts – and to demonstrate that the application complies with the requirements of the Three Tests in relation to EPS should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting identified on shown on drawing no. HA2164103 Rev B dated Dec 2016 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, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Report produced by Hydrogeo dated 24/03/2016 and shown on drawing no. HA2164103 Rev B dated Dec 2016 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Construction Phase Pollution Prevention 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 ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal Report by Greenscape Environmental Ltd dated April 2016 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

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 Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to dormice prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that dormice populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to great crested newts prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that great crested newt populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

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

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following 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.

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

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

It is therefore an offence to:

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

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

Dormice - 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 dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Natural Resources Wales

Response received 13th May 2016 –

Thank you for consulting Natural Resources Wales (NRW) about the above application.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

We have significant concerns with the proposed development as submitted. We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Summary of Requirements

Requirement 1 – Manure: The applicant will need to submit a manure management plan in support of this application if the applicant intends to spread the manure on land within the applicants' ownership/control.

Requirement 2 – Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal.

Requirement 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Requirement 4 – Bats: submission of a light spillage scheme.

Protected Sites: Air Quality

We have reviewed the Detailed Modelling prepared by Steve Smith, AS Modelling and data Ltd that supports the planning application and have the following comments to make.

Where a N2K/SSSI has not been progressed to detailed modelling (Table 6) we have used the highest predicated PC from Table 5.

Cwm-gwanon Dingle & Pasture SSSI

Background ammonia is 1.14µg/m³ and background nitrogen deposition is 26.04kgN/ha/yr. The ammonia critical level is 3µg/m³ and the nitrogen critical load is 10 – 20kgN/ha/yr for the site.

The farm contribution to ammonia is 0.04µg/m³ (1.47% of critical level) and to nitrogen is 0.343N/ha/yr (3.43% of the critical load).

Cors Ty-llwyd SSSI

Background ammonia is 1.14µg/m³ and background nitrogen deposition is 16.52kgN/ha/yr.

The ammonia critical level is 1µg/m³ and the nitrogen critical load is 10 – 15kgN/ha/yr for the site.

The farm contribution to ammonia is 0.014µg/m³ (1.4% of critical level) and to nitrogen it is 0.0728N/ha/yr (0.7% of the critical load).

Moity & Garth Dingles & From Wood SSSI

Background ammonia is 1.14µg/m³ and background nitrogen deposition is 26.04kgN/ha/yr. The ammonia critical level is 3µg/m³ and the nitrogen critical load is 10 – 20kgN/ha/yr for the site.

The farm contribution to ammonia is 0.024µg/m³ (0.8% of critical level) and to nitrogen it is 0.187N/ha/yr (1.87% of the critical load).

Hen-allt Common SSSI

Background ammonia is 1.49µg/m³ and background nitrogen deposition is 16.66kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 10 – 15kgN/ha/yr for the site.

The farm contribution to ammonia is 0.016µg/m³ (1.6% of critical level) and to nitrogen it is 0.0832N/ha/yr (0.8% of the critical load).

Rhos Goch SAC

Background ammonia is 1.42µg/m³ and background nitrogen deposition is 17.64kgN/ha/yr. The ammonia critical level is 1µg/m³ and the nitrogen critical load is 5 – 10kgN/ha/yr for the site.

The farm contribution to ammonia is 0.01µg/m³ (1% of critical level) and to nitrogen it is 0.052N/ha/yr (0.5% of the critical load).

River Wye SAC

Background ammonia is 1.42µg/m³ and background nitrogen deposition is 17.64kgN/ha/yr.

The ammonia critical level is 3µg/m³ and the nitrogen critical load set for the transitional mire feature is 10 - 15kgN/ha/yr for the site however this feature is not present within the area modelled.

The farm contribution to ammonia was modelled as 0.134µg/m³ (4.47% of critical level) and the farm contribution to nitrogen was modelled as 0.697N/ha/yr (7% of the critical load).

Following this more detailed modelling was undertaken with regards to the River Wye SAC and this demonstrated that the farm contribution to ammonia is actually 0.1µg/m³ (3.33% of critical level) and to nitrogen it is 0.79N/ha/yr (7.9% of the critical load).

Having reviewed the detailed model, we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are within the thresholds that we use for assessing impacts of aerial emissions on designated sites.

Although not a matter on which NRW would normally advise, we want to bring to your attention that the calculations for process contributions to the nearby woodland may be wrong and possibly too high. For nearby ancient woodland, the farm contribution is in excess of 700% of the lower critical level (Table 6), which is a very high contribution for the system being proposed. The current threshold for contributions to critical levels of ammonia on sensitive habitat (ancient woodland) would be 100% of the critical load and therefore this would be a significant exceedance. NRW recommend that Powys County Council seek clarification of that calculation from the applicant to help inform their decision. It is recommended that you establish whether the applicants have based the annual average on the peak ammonia emissions expected during clear out at week 55, or if this is this an accurate calculation of annual average ammonia emissions. If these predicted level are accurate then it may be necessary to consider ammonia abatement measures.

We note that the ancient woodland Gibbons Covert is undergoing extensive restoration funded through Glastir Woodland Restoration Grant from the Welsh Government. It is suggested in the Environmental Statement that this restoration would be appropriate mitigation for any ammonia impact. NRW advise that it would be usual to rely on additional measures for mitigation and not on measures already committed under a separate initiative.

Water Quality

It is noted that the applicant has submitted a detailed plan showing the layout of the proposed drainage system. In it the water is divided into foul water from the sheds and clean water from the roof which is in line with NRW advice. The drainage plan also illustrates how clean water will be discharged to a soakaway to the east of the building and will not be discharged into the adjacent watercourse. The applicant demonstrates in the plan that all dirty water from the yard and sheds will be directed towards a sealed dirty water tank during clean out and this will be used to store wash water before it is tankered off site. The tank will be located to the west of the building away from any watercourses which is in line with NRW advice however NRW would advise that the dirty water tank which will be installed as part of this proposal should be constructed to meet SSAFO Regulations (Wales) 2010.

The work should also be compliant with all appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted during construction.

The application also includes the installation of a septic tank and soakaway to accommodate the foul water from the toilet in the control room and this is also located to the west of the proposed unit also away from the adjacent water course. Under the Environmental Permitting Regulation 2010, there is a requirement to register all septic tanks. A septic tank can be registered on-line at the following link:

<https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

Manure Management Plan

Requirement 1 – Manure: The applicant will need to submit a manure management plan in support of this application if the applicant intends to spread the manure on land within the applicants' ownership/control.

It is estimated that the new unit will generate 338 tonnes of manure per cycle (55 weeks). The applicant has not submitted a manure management plan but have explained that all manure will be removed from the site as manure cannot be spread within 1.5 miles of the site for biosecurity reasons and that if necessary the manure will be transported to Cefny Blaen (HR3 5SH) which is another farm which is in the applicants ownership for storage within a manure storage building. It is best practice to store manure in a store until it can be safely spread however NRW would recommended that the store should be SSAFO compliant. If it is necessary to store any manure in temporary field storage heaps then it should be stored in accordance with COGAP.

It is not clear in the application if the manure will be spread on Cefny Blaen or on any other farm in the applicants' ownership/control or if it will be sold off the farm. If the applicant intends to spread the manure from the unit on land within the applicant's ownership/control it will be necessary for the applicant to submit a manure management plan in support of this application.

The plan should demonstrate that the applicant has sufficient land to spread the manures produced by the proposed development alongside the other manure generated on the farm at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen /ha.

Concern has been raised about spreading manure at because Cefny Blaen because part of this farm is located within the catchment of the Rhos Goch SAC which is highly sensitive to increases in nutrients. The Plan should identify areas where manure spreading should not take place including around ditches, watercourses and sensitive sites (including the nearby protected sites i.e. Rhos Goch SAC). It is advised that a 10m buffer should be maintained around watercourses and any other sensitive areas. No spreading should take place within 50m of springs, wells and boreholes (CoGAP).

Consideration must also be given to the phosphate contained with the manures and residual amounts in the soils to ensure that crop requirement is not exceeded. It is recommended that routine soil sampling is undertaken for pH, phosphate and magnesium, and that manure and fertiliser application rates be adjusted as required to meet the requirement of the crop.

Spreading of manure should be carried out in accordance with the CoGAP (i.e. not on wet, waterlogged, frozen, snow covered or steeply sloping ground).

When Powys County Council undertake a HRA assessment for this scheme it is recommended that Rhos Goch SAC be considered in the assessment as well as the River Wye SAC if manure is to be spread on Cefny Blaen however provided the applicant is able to demonstrate that the manure will be managed in such a way as to not impact on Rhos Goch SAC through the manure management plan then NRW would be able to agree that the scheme would not have a likely significant effect on Rhos Goch SAC.

Environmental Permitting Regulations

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2010 would be required from Natural Resources Wales.

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.

Protected Species

Dormice

The local area is a sensitive locality with respect to dormice (closest record is 0.37km), currently the plans do not propose that any hedge will be removed, however it is noted that the Highways Authority have asked the applicant to submit further information about the access in-order to establish whether it is suitable.

There is a farm building to the west of the current entrance and a hedge to the east of the entrance. If it is necessary to improve the entrance following advice from the Highways Authority and this affects the adjacent hedge then NRW would advise that it will be necessary to consider the potential impact on dormice and the hedge would have to be checked for dormice before removal. If a substantial stretch of hedgerow is required for removal (over 20m) then NRW would recommend connectivity enhancements along the hedge-line to the north of the proposal to connect the two blocks of woodland adjacent to the site.

Requirement 2 – Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and if necessary a mitigation proposal.

Great Crested Newts

NRW advise that the potential for detrimental effects of the overall proposal on the great crested newt needs to be addressed. NRW currently have a record of great crested newts 440m away from the development and have been made aware of standing water within Wet Covert less than 250m away from the proposed development. We consequently consider there to be a reasonable likelihood that this species is present on the site.

The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

NRW would expect the permission to be conditioned to include proposals to deliver the following to ensure that the proposal would not be detrimental to the favourable conservation status of the population of GCN present in the locality;

1. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures (RAMs);
2. Submission and implementation of long term conservation scheme.
3. If shown to be present, works to be carried out under licence.

Should it be confirmed that the application site supports European Protected Species, Great Crested Newt, we advise that development may only proceed, under a derogation licence issued by Natural Resources Wales, who is the appropriate authority responsible for issuing

licences under Regulation 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes of:

“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that;

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

Requirement 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Bats

The scheme is unlikely to directly affect bats because it is to be located within an agriculturally improved field and currently the plans do not involve the removal of any mature trees or hedges. However the proposed poultry unit is located in close proximity to areas of mature deciduous woodland which has been identified as supporting trees with high bat potential and therefore the light from the development could indirectly impact on these bats.

Therefore NRW recommend that the planning application be conditioned to ensure that a light spillage scheme, detailing positions and technical specifications of light sources, be submitted to and approved in writing by the Local Planning Authority. Lighting on site should be kept to a minimum and restricted to core activity areas. Development of the light spillage scheme should ensure that exterior security lighting is Passive Infrared (PIR) triggered.

Requirement 4 – Bats: submission of a light spillage scheme.

Natural Environment and Rural Communities (NERC) Act

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority’s general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision and management of “linear” and “stepping stone” habitats.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

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

Response received 18th August 2016 –

Thank you for consulting Natural Resources Wales (NRW) about the above application.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 –Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Condition 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Condition 4 – Bats: submission of a light spillage scheme.

Air Quality and Ancient Woodland

As mentioned in our previous letter (13/5/16) NRW would not usually comment on the impact of this type of development on ancient woodland and provided comments to your authority in order to assist you in assessing the potential impact of the scheme. NRW does not wish to comment further on the additional submitted information.

Manure Management Plan

In our previous correspondence NRW requested that a manure management plan be submitted in support of this application. Concern was raised about the spreading of manure at Cefn y Blaen (HR3 5SH), which is another farm in the applicant's ownership, because of its proximity to Rhos Goch SAC which is highly sensitive to nutrients.

The applicant has submitted a manure management plan in support of their application which shows that the farm has adequate area in order to be able to accommodate the manure at a rate which is CoGAP compliant 250kg of N/Ha/Year (the farm has 168.56Ha and the area needed to spread the manure is 92.57Ha). The plan also identifies areas where manure will be spread and any buffers and areas where manure will not be spread.

The field on the manure spreading map which includes part of the Rhos Goch SAC (Field SO19475791) appears to be divided into an area marked red for not spreading which is within the SAC and area of field which is marked as yellow which the manure management plan explains means that it can be used for spreading most of the year. There does not appear to be any buffer around the SAC where manure spreading will not take place.

NRW have reviewed the hydrology in this area and NRW recommend that no poultry manure is spread in this field. This is because it slopes down toward the SAC and the habitat includes

a series of spring fed mires that would be extremely sensitive to the risks of runoff or seepage of nutrient enrichment that could damage the fen meadow SAC feature. It is advised that the manure plan should be amended to add a 10m buffer along the boundary of the SAC where no manure spreading of any kind should occur and that no poultry manure should be spread in the remaining area shaded in yellow on the current plan. The application of livestock manures in the area marked yellow (excluding the 10m buffer along the boundary of the SAC) other than poultry manure should still be acceptable. Better monitoring of the nutrient levels of the soils in this field may help to alleviate this concern. NRW consider that the application of poultry manure to any part of this field could pose an unacceptable risk to maintaining the quality of the habitat on this part of the SAC.

Condition 1 –Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Condition 1 –Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Protected Species

Dormice

In our previous correspondence NRW suggested that if a hedge needed to be removed that the applicant would need to submit an avoidance and if necessary a mitigation proposal for dormice. The applicant has confirmed that no hedges will be removed, provided that this is the case NRW would agree that the scheme should not be detrimental to the favourable conservation status of the population of dormice present in the locality.

Great Crested Newts

In our previous correspondence NRW recommended that the permission be conditioned to include proposals to deliver the following:

1. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures (RAMs);
2. Submission and implementation of long term conservation scheme.
3. If shown to be present, works to be carried out under licence.

The applicant has agreed to this condition and provided this condition is applied and adhered to then the scheme should not be detrimental to the favourable conservation status of the population of great crested newts present in the locality.

Condition 2 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Bats

NRW explained in our previous correspondence that because the proposed poultry unit is located in close proximity to areas of mature deciduous woodland which has been identified as supporting trees with high bat potential there is concern that light from the development could indirectly impact on these bats. NRW recommended that the planning application be conditioned to ensure that a light spillage scheme be submitted. The applicant has now agreed to this condition, provided that this condition is applied and adhered to the scheme should not be detrimental to the favourable conservation status of the population in the locality.

Condition 3 – Bats: submission of a light spillage scheme.

In summary we recommend that you should only grant planning permission if you attach the conditions outlined above. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

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

Response received 30th August 2016

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1

Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SQI 9475791.

Condition 3 - Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Condition 4— Bats: submission of a light spillage scheme.

Air Quality and Ancient Woodland

As mentioned in our previous letter (13/5/16) NRW would not usually comment on the impact of this type of development on ancient woodland and provided comments to your authority in order to assist you in assessing the potential impact of the scheme. NRW does not wish to comment further on the additional submitted information.

Manure Management Plan

In our previous correspondence NRW requested that a manure management plan be submitted in support of this application. Concern was raised about the spreading of manure at Cefn y Blaen HR3 5SH). Which is another farm in the applicants ownership, because of its proximity to Rhos Goch SAC which is highly sensitive to nutrients.

The applicant has submitted a manure management plan in support of their application which

shows that the farm has adequate area in order to be able to accommodate the manure at a rate which is CoGAP compliant 250kg of N/Ha/Vear (the farm has 168 56Ha and the area needed to spread the manure is 92.57Ha) The plan also identifies areas where manure will be spread and any buffers aid areas where manure will not be spread.

The field on the manure spreading map which includes part of the Rhos Goch SAC (Field SOI 9475791) appears to be divided into an area marked red for not spreading which is within the SAC and area of field which is marked as yellow which the manure management plan explains means that it can be used for spreading most of the year. There does not appear to be any buffer around the SAC where manure spreading will not take place.

NRW have the hydrology in this area and NRW recommend that no poultry manure is spread in this field. This is because it slopes down toward the SAC and the habitat includes a series of spring fed mires that would be extremely sensitive to the risks of runoff or seepage of nutrient enrichment that could damage the fen meadow SAC feature. It is advised that the manure plan should be amended to add a 10m buffer along the boundary of the SAC where no manure spreading of any kind should occur and that no poultry manure should be spread in the remaining area shaded in yellow on the current plan. The application of livestock manures in the area marked yellow (excluding the 10m buffer along the boundary of the SAC) other than poultry manure should still be acceptable. Better monitoring of the nutrient levels of the soils in this field may help to alleviate this concern. NRW consider that the application of poultry manure to any part of this field could pose an unacceptable risk to maintaining the quality of the habitat on this part of the SAC

Condition 1 —Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

Protected Species

Dormice

In our previous correspondence NRW suggested that if a hedge needed to be removed that the applicant would need to submit an avoidance and if necessary a mitigation proposal for dormice. The applicant has confirmed that no hedges will be removed, provided that this is the case would agree that the scheme should not be detrimental to the favourable conservation status of the population of dormice present in the locality.

Great Crested Newts

In our previous correspondence NRW recommended that the permission be conditioned to include proposals to deliver the following:

1. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures RAMs
2. Submission and implementation of long term conservation scheme.
3. If shown to be present, works to be carried out under licence.

The applicant has agreed to this condition and provided this condition is applied and adhered to then the scheme should not be detrimental to the favourable conservation status of the population of great crested newts present in the locality.

Response received 22nd September 2016

Thank you for consulting Natural Resources Wales about the above application. This letter is to be read in conjunction with our responses to this planning application on the 18/8/16 and the 30/8/16 which provides an explanation for conditions 2, 3 and 4.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions should address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 2— Dormice: If it is necessary to improve the entrance advice from the applicant should submit an avoidance: and (if necessary) a mitigation proposal.

Condition 3- Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.

Condition 4— Bats: submission of a light spillage scheme.

Protected Sites

Previously NRW have raised concerns about the potential impact that the scheme may have on the River Wye SAC and the Rhos Goch SAC.

Powys County Council have consulted NRW in relation to their Habitat Regulation Assessments for development in relation to both the River Wye SAC and Rhos Goch SAC. NRW are able to agree with the conclusions of the assessments.

In addition to this the applicant has submitted an amended manure management plan which demonstrates that a 10m buffer has now been put in place along the boundary of the Rhos Goch SAC within field S019475791 and the manure management plan also states that no poultry manure will be spread within field S019475791. Provided that the applicant adheres to the manure management plan then NRW will be able to agree that the applicant has fulfilled condition 1 listed in our letter dated the 30/08/16 and there is no longer a need to apply this condition.

Condition 1

—Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary & the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791.

In summary we recommend that you should only grant planning permission if you attach the conditions outlined above. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Response received 28th October 2016

NRW have previously confirmed that provided the conditions we identified in our letter dated the 30/8/16 are attached to the planning permission we would not object to this scheme.

Air Quality

It is understood that the original air quality assessment for this development predicted a significant exceedance of the thresholds set for the adjacent ancient woodland. NRW do not usually comment on air quality within ancient woodland however we did highlight it as a potential issue in our letter dated the 13/5/16 and recommended that the assessment be checked to ensure that the correct annual average.

It is suggested in the Environmental Statement that restoration funded through the Glastir Woodland Restoration Grant Welsh Government would be appropriate mitigation for any ammonia impact. NRW advise that it would be usual to rely on additional measures for mitigation and not on measures already committed under a separate initiative. Also it should be noted that mitigation would usually involve measures to reduce the emissions or the impact of the emissions from the development.

It is understood that the applicant has submitted an ecological assessment of the adjacent ancient woodland to assess the value of the woodland. NRW do not wish to comment further as this matter does not fall within the checklist of matters which NRW comment on in relation to planning applications.

NRWs - Checklist 'Natural Resources Wales and Planning Consultations" (March 2015) is published on our website: (<https://naturalresources.wales/consulting-and-developments/planning-and-development/consulting>: .) 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.

In summary NRW do not wish to comment further on this planning application in relation to the effect that aerial emissions will have on the adjacent ancient woodland and we recommend that you should only grant planning permission if you attach the conditions outlined in our letter dated the 30/8/16. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Response received 27th April 2017

Thank you for consulting us regarding the updated Environmental Statement for the above proposal received on 14th March 2017. The purpose of this letter is to clarify NRW's position following the updated Environmental Statement and representations from objectors.

We have previously responded in relation to this proposal as summarised in the table below;
CAS-18379-R4M7 13/05/2016 – Significant concerns with requirements
CAS-21665-R6K6 18/08/2016 – No objection subject to conditions
CAS-21665-R6K6 30/08/2016 – No objection subject to conditions
CAS-23183-L5V3 22/09/2016 – No objection subject to conditions
CAS-24677-ZOS8 28/10/2016 – Letter about air quality impacts on ancient woodland

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Please see Table 1 for details of the previous requirements and conditions and the current situation.

	Original Requirement	Conditions	Current situation
1	Manure: The applicant will need to submit a manure management plan in support of this application if the applicant intends to spread the manure on land within the applicants' ownership/control. CAS-18379-R4M7	Rhos Goch SAC: Resubmit an amended manure management plan which clarifies that a 10m buffer will be added along the boundary of the SAC where no manure spreading of any type will take place and that no poultry manure will be spread within field SO19475791. CAS-21665-R6K6	This requirement was met in the amended Manure Management Plan received by PCC and NRW on 24 th August 2016.
2	Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal. CAS-18379-R4M7	Dormice: If it is necessary to improve the entrance following advice from the Highways Authority the applicant should submit an avoidance and (if necessary) a mitigation proposal. CAS-21665-R6K6 CAS-23183-L5V3	Carried forward as a condition Condition 1: Dormice: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.
3	Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence CAS-18379-R4M7	Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence. CAS-21665-R6K6 CAS-23183-L5V3	Carried forward as a condition Condition 2: Great Crested Newts: Submission of an avoidance and mitigation proposal, a long term conservation scheme and if found to be present works to be carried out under licence.
4	Bats: submission of a light spillage scheme CAS-18379-R4M7	Bats: submission of a light spillage scheme CAS-21665-R6K6 CAS-23183-L5V3	Carried forward as a condition Condition 3 Bats: submission of a light spillage scheme

Protected Sites Air Quality

The effects of ammonia and nitrogen deposition have been previously examined and we responded in our letter dated 13/05/2016 CAS-18379-R4M7. Having reviewed the detailed model, we are satisfied that the process contributions of ammonia and nitrogen deposition from this proposed unit are within the thresholds that we use for assessing impacts of aerial emissions on designated sites.

River Wye and Rhos Goch Special Area of Conservation

The likely significant effects on the River Wye and Rhos Goch Special Areas of Conservation have been considered and we commented in our letter dated 22/09/2016 CAS-23183-L5V3

“Powys County Council have consulted NRW in relation to their Habitat Regulation Assessments for this development in relation to both the River Wye SAC and Rhos Goch SAC. NRW are able to agree with the conclusions of the assessments.

Pollution Prevention - Construction and Management

Applications need to include appropriate pollution prevention measures to ensure that the water environments (both surface and groundwater) are not polluted during construction or operation of the site.

We acknowledge that the Drainage Assessment by Hydrogeo 24/03/2016 and latest plan HA21647103 Rev B Dated Dec 2016; partially address this issue in relation to the operation of the proposal. A commitment to avoidance of water quality impacts during construction is also necessary.

Appropriate pollution prevention measures must be in place, to ensure that the water environment (both surface and groundwater) are not polluted during excavation, construction or landscaping. When working near watercourses, work must be carried out in a way so as not to cause pollution of controlled waters. It is an offence under Regulations 38 of the Environmental Permitting Regulations 2016 to cause or knowingly permit a water discharge activity

All works at the site must be carried out in accordance with PPG6: Working at construction and demolition sites’.

Any works and maintenance in or near water will need to follow Guidance for Pollution Prevention 5.

Guidance for pollution prevention is available online at:

<http://www.netres.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-apps-full-list/>

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000.

Site Drainage Plan

Clean, uncontaminated surface waters should be disposed of by means of sustainable drainage principles. Any soakaways should be directed away from existing surface waters. The development must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

We also advise applicant of the need to ensure that any effluent tank must be constructed to meet SSAFO Regulations (Wales) 2010. In addition the manure trailer should be sealed and be sheeted to prevent leakage if it is sited on the yard.

The work should incorporate appropriate pollution control measures to ensure that the water environment (both groundwater and surface water) is not polluted.

For our latest comment we understand the site as represented on HA21647103 Rev B Date Dec 2016.

The drawing shows

- The division of clean and foul water
- The clean water being discharged to a soakaway to the east of the building
- Dirty water from the yard and sheds being directed towards dirty water tank
- A septic tank and drainage field to the east
- A spring at 322296, 244767

The Drainage Assessment by Hydrogeo 24/03/2016 5.3 refers to foul drainage from the toilet in the control room going to septic tank then being treated before being discharged to River Wye SAC, however. the drainage plan shows a septic tank drainage field and does not show pathway to discharge in the River Wye SAC. The septic tank drainage field is shown very close to the surface water soakaway and the applicant would be strongly advised to check whether this is acceptable under Building Regulations.

The section below on Environmental Permitting is relevant to the site drainage plan as the grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is applicant's responsibility to ensure that all relevant authorisations are obtained before any work commences on site.

Environmental Permitting

- Intensive Farming

Should the subsequent planning application increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2010 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.

- 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

- Septic Tank Package Treatment Plant

Under the Environmental Permitting Regulation 2016, there is a requirement to register all septic tanks. A septic tank can be registered on-line at the following link:

[https://npturalresources.wales\)pDDIy-tor-a-permiVwater-discha ster-vour-septic-tank 'T1ent0lant%!](https://npturalresources.wales)pDDIy-tor-a-permiVwater-discha ster-vour-septic-tank 'T1ent0lant%!)

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

Roof water from units with low velocity roof extraction should be treated as lightly polluted and directed to a constructed soakaway, swale, pond or reed bed.

Undesignated Sites and Ancient Woodland

As a result of representations on the matter and to provide assistance to the LPA our letter 13/05/2016 CAS-18379-R4M7 addressed this issue. Our position was further clarified in 28/10/2016 CAS-24677-ZOS8 and we will not be providing further comment.

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. 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.

Response received 22nd November 2017

Aerial ammonia concentrations and nitrogen deposition impacts on white-clawed crayfish (*Austropotamobius pallipes*)

Please find below NRW's response regarding your query in relation to the possible impact of ammonia on white-clawed crayfish.

Ammonia critical levels and nutrient nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White-clawed crayfish are a freshwater species found normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations nor to aerial nitrogen deposition. By being below the water surface they are protected from the direct effects from aerial ammonia concentrations and nitrogen deposition.

Aerial ammonia (NH₃) gas dissolves in water quite easily. Approximately 31g of ammonia gas can dissolve in 100ml of water at 25°C under laboratory conditions. This chemical reaction with water results in a solution of ammonium hydroxide which is alkaline. The situation in the field is not the same as laboratory conditions and the dissolution of ammonia into the pond water is likely to be markedly less, due to wind patterns, topography, tree shelter belts. In terms of ammonia contributing to increasing the acidity of the pond. It is true that ammonia does contribute to acid deposition. For this to occur the ammonia needs to react with acidic pollutants such as the products of sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions to produce fine ammonium (NH₄⁺) containing aerosol. The time taken for the reactions that would produce ammonium occur over further distances (10 – 100km) than in this case and therefore not likely to give rise to acid deposition over the short distance. Much of the ammonia from the proposed poultry farm will be in the form of the dry gas and this is not likely to cause increased acidity in the pond for the reasons given above.

To conclude we do not believe that the aerial emissions from the proposed Poultry Farm at Lower House Clyro will have a significant effect on the white-clawed crayfish in wet covert.

Cadw

Response received 12th May 2016

Thank you for your email of 25 April 2016 inviting our comments on the planning application for the proposed development as described above.

Our 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 or registered historic parks and gardens. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including issues concerned with listed buildings and conservation areas.

The proposed development is located within the vicinity of the scheduled monuments known as RD067 Castle Kinsey and RD148 Lower House Moated Site

The application area is inside 300m of RD148 Lower House Moated Site and 635m of RD067 Castle Kinsey; however, the intervening topography and existing vegetation completely screens all views to and from the scheduled areas and therefore the proposed development will have no impact on the designated monuments.

The application area may be visible from the Clifford Castle scheduled monument and could have an impact on the setting of that designated monument, consequently we advised you to consult Historic England on this aspect of the application. The proposed development could also have an impact on undesignated archaeological sites and therefore the archaeological advisors to Powys County Council, Clwyd-Powys Archaeological Trust should be consulted on this aspect of the application.

Response received 2nd November 2016

Thank you for your consultation, the additional information include new plans showing changes to the foul drainage system and improvements to the visibility splay for the site access along with reports on ecology and ammonia and manure management. This information will not alter our previous advice dated 12 May 2016.

Historic England

Thank you for your letter of 12 May 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Welsh Water

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

Sewerage

Dwr Cymru Welsh Water has no objection to the proposed development.

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

Water Supply

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as a Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be recharged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. Please ensure an easement of 8m is maintained, 4m either side of the centre of the main.

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.

Welsh Historic Gardens Trust

No comments received at the time of writing this report.

Welsh Government Planning Division

No comments received at the time of writing this report.

Tourism Officer:

I am writing with reference to the above planning application to express my views on the proposed development in terms of its potential impact on tourism in this part of Powys. And also on its impact on an existing tourism business which is located in very close proximity of the applicant site, Lower House Farm, Cyro, HR3 5RU.

In May 2010, Black Mountain View Caravan Park opened for business, and was granted permission for an extension in January 2016, taking the site to its current capacity of 54 units. The owners of the site are extremely concerned that the proposed development of two large poultry units, access track and treatment works within 15Gm of their site will be detrimental to the successful operation of their business, and will impact negatively on their ability to attract visitors: particularly those in tents and touring caravans.

Having visited the site on 5th July 2017, and having seen the proximity of the proposed development, I can understand the concerns of the owners of Black Mountain View Caravan Park.

Since opening the site, a thriving rural business has been developed at Black Mountain View, offering exactly the type of peaceful, rural retreat sought by the type of visitors that as a County, we are actively trying to attract to Powys. The main target audience for this business are families, young active groups and older retired couples who stay in the area on short breaks, and frequently return to the area. Close proximity to the Hay on Wye, The Black Mountains, the River Wye for activities and the Offa's Dyke National trail make this site very popular throughout the main holiday period, and as numerous review sites suggest, the business is providing a high quality visitor experience and attracting a considerable volume of repeat visitors.

Sites such as Black Mountain View stimulate considerable direct visitor spend into the local economy and support numerous other rural businesses indirectly. The Caravan and camping sector accounts for 38% of all staying visitors to Mid Wales*, and the economic value of the non-serviced accommodation sector in Powys was £481.29 million in 2015*.

The average economic contribution of a holiday caravan in Wales is £25,500 per unit per annum, with a touring/tent pitch valued at £15,500 per pitch per annum, a large proportion of which is spent in the local area. The average economic impact of a site such as Black Mountain View based on the number of pitches they currently offer would be £758,500 per annum. [Research from Visit Wales Visitor Survey 2016 and Powys CC STEAM report 2015.]

The site owners have submitted their own detailed objections to the proposed development, and having visited the site, I can understand their concerns in relation to the potential negative impacts which they feel could undermine the viability of their business. As the caravan site's key visitor market are staying mainly in touring caravans and tents, the potential odour impacts due to the direction of the prevailing wind could be significant, particularly during the summer period when odour emissions will be at their highest level at the very same time that visitor numbers are at their peak.

In more general tourism terms, I have concerns that the visual impact of the two large poultry units, in direct view from the main A438 arterial route into Powys from England, and possible odour emissions during the peak tourism season could also impact on the general visitor population in this very scenic part of Powys, and particularly on walkers using the Offa's Dyke National Trail which is in very close proximity. Offa's Dyke is one of only three National Trails in Wales, and is one of Powys County Council's priority promoted walking routes: in addition to being heavily promoted in national marketing campaigns by Visit Wales and Visit Britain as the linking route for the Wales Coastal Path which allows walkers the opportunity to walk all the way around Wales, this particular section of National Trail from Bronydd village to Hay on Wye, which runs adjacent to Black Mountain View Caravan Park, is very popular with both visitors and local people as it provides a direct walking link of 3-4 kilometres alongside the River Wye into the very popular market town of Hay on Wye. The development site will be visible from the National Trail, the A438 trunk road and in an area of otherwise uninterrupted and scenic views of the Wye Valley and Black Mountains.

The most recent Wales Visitor Survey from 2016 asked visitors about their motivations for visiting Wales, and of the visitors to Powys surveyed, 70% came to enjoy the landscape and countryside, and the main outdoor activity they undertook while in Powys was walking. When surveyed about satisfaction levels with their visit to Powys, satisfaction with the Quality of

the Natural Environment scored highest, at 9.3 out of 10 (where a score of 1 = very dissatisfied and 10 = very satisfied.) P Research from Visit Wales Visitor Survey 2016]

While I fully understand the need for diversification within the agricultural sector, I would ask the planning committee to give careful consideration to the impact this type of development could have on the very tourism assets which are the primary motivator in attracting visitors to Powys, and the associated economic benefit that those visitors bring into the County.

Representations

The application was advertised through the erection of a site notice and press advertisement. 104 letters of objection and one petition of 41 names has been submitted. The majority of these comments have been made in opposition to the proposed development and these are summarised below;

- Concerns over the impact of the proposed development on residential amenity
- Concerns raised over the impact of noise and odour on residential amenity on nearby residents, residents of Bronydd and the wider community
- Conflict between neighbouring land uses
- Proposed development could have a detrimental impact on established tourism enterprise, including but not limited to Black Mountain Caravan Park and walking routes
- The supporting information has failed to consider sensitive receptors in close proximity to the development
- Concerns over impact on Scheduled Ancient Monuments
- Concerns regarding the potential landscape impact of the proposed development
- Landscape an visual impact of the proposed development on public rights of way, including the Offa's Dyke National Trail
- Impact on landscape and visual amenity when driving along the A483
- The development will appear as industrial development rather than rural development
- Landscape and Visual Impact Assessment did not take into consideration alterations to the highway
- Lack of information regarding the use of solar panels on the development
- Significant amount of earthworks and the building will have a detrimental impact on the character and appearance of the area
- The development would be a substantial addition to the landscape which is defined as open countryside
- Size and scale of the proposed development will mean the development would not assimilate into the surrounding landscape character even if there is additional landscaping
- Inappropriate application for this site
- Questions raised regarding the accuracy of information submitted – particular mention is given to the odour assessment
- Regional nor site specific meteorological data is used which is not specific to the valley – potential for katabatic wind (cold drainage flow)
- Clean out period has not been considered in the odour report
- In future bird numbers could increase and would take odour levels above those determined as acceptable within the modelling

- The visibility required by conditions recommended by Highways cannot be complied with
- Road speeds are regularly in excess of 60mph – fast and dangerous road
- Highway data is underestimated and does not provide a correct picture of accidents on the highway
- The applicants wanted to provide for 30,500 – this should be assessed now
- Development is not in the interest of public health or safety
- Vehicles with reversing warning noise have not been mentioned in the operational noise
- Loading pallets in to HGVs has not been assessed in the noise report
- Tents should have been assessed as they are more sensitive receptors and Lower House Barn should be assessed
- Continual and fluctuating noise of fans would have an unacceptable impact on the amenity of the area for visiting tourists and permanent residents.
- Is the application truly viable – information should be submitted to ensure that the application is not unviable
- Farm diversification has already taken place at Lower House Farm
- Concerns regarding white clawed cray fish and Habitats Regulations Assessment
- No formal assessment of Wet Covert has been undertaken
- Gibbons Covert should not be used as mitigation
- Potential serious impacts on SACs, EPS, Ancient Woodland, Human and Animal Welfare.
- Site should be located at applicants home at Cefn y Blaen rather than at Lower House Farm
- Rainwater falling on ground immediately around the building should be considered as lightly polluted
- No information on how water is to be separated between soakaway and off site and no information regarding where the water will be taken to off site
- Manure Management Plan makes no reference to trailers being sealed and sheeted to prevent leakage
- Public Authority must seek to maintain and enhance biodiversity in the exercise of its functions
- Lighting will affect the rural landscape and nearby caravan park
- How are the Council considering cumulative development
- Dust from the development is a substance hazardous to health
- Concerns raised over potential pollution problems

Radnorshire Wildlife Trust

Radnorshire Wildlife Trust (RWT) wishes to object to this planning application which presents a number of significant concerns relating to its potentially damaging impact upon legally protected sites and species and the wider environment.

RWT shares a number of the concerns outlined in the objection letter submitted by Natural Resources Wales: the potential for disturbance and harm to be caused to legally protected species, including: bats, dormice, great crested newt and white-clawed crayfish.

Chief among our concerns is the proximity of the RWT Cwm Byddog Nature Reserve less than 300 metres from the proposed development. The ancient oak trees at Cwm Byddog are

some of the oldest trees in Radnorshire and support one of the best examples of a lichen dominated community (called the Lecanactidetum premneae) found in the county. British examples of this community are of global importance since the loss of ancient trees and atmospheric pollution have decimated it across western Europe. This community is highly sensitive to ammonia pollution and this needs careful research as part of the determination of this planning application. Planning officers need to ensure that this point has been adequately addressed as this is just the type of scenario where the Local Authority will be called to account for its action when reporting back to the Welsh Government on the 'Future Generations Goals' as it is now legally obliged to do so.

Within the Cwm Byddog Nature Reserve is the 'Castle Kinsey' Scheduled Ancient Monument (SAM) which is referred to by CADW in the comments they have contributed as part of this process. CADW state that the SAM is wholly screened by woodland cover from any visual intrusion by this proposal, however, the main viewing point and seat at the eastern end of the nature reserve looks towards Lower House Farm and the proposed development.

Wildlife Trust Nature Reserves are places for quiet recreation and enjoyment and are afforded protection under Powys County Council Local Development Plan policies, as such any visual intrusion or other nuisance caused by the proposed development upon the quiet enjoyment of visitors to Cwm Byddog has to be a material consideration for planning officers as part of this process. RWT is concerned about the potential for noise, dust and smell to disturb and maybe even harm visitors (we understand the stench from these units can on occasion cause vomiting in some people, as observed at a similar unit at Walton, Presteigne on 1st January 2016) to the nature reserve.

RWT shares the concerns expressed by the Woodland Trust within their objection letter regarding the impact upon the Gibbons Covert Plantation on Ancient Woodland Site (PAWS).

RWT is concerned that the Environmental Statement supplied with the application has missed the existence of Crack willows beside the River Wye SAC at NGR SO 233 457 and the moss species *Myrinia pulvinata* and notes that its populations in Britain are of global significance. It is considered Near Threatened in the UK Red Data Book and is Nationally Scarce. Will these populations be negatively impacted upon by this development if it were to proceed?

As always, please do not hesitate to contact RWT should you need clarification or further information on any of the points we have raised.

Woodland Trust

As the UK's leading woodland conservation charity, the Woodland Trust (Coed Cadw) aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,000 sites across the UK, covering around 20,000 hectares (5,000 acres) and we have 500,000 members and supporters.

Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since at least AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between

plants, animals, and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UKs most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost.

The Woodland Trust objects to the planning application on the basis of damage to Gibbons Covert (grid ref. SO221446) a Plantations on Ancient Woodland and also as a Restored Ancient Woodland and Wet Covert (grid ref. SO223445), an Ancient Semi Natural Woodland, both woodlands are designated as such on Natural Resources Wales Woodland Inventory (AWI).

The Welsh Assembly has recognised that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as biodiversity resources through the publication of Planning Policy Wales (2014) paragraph 5.2.9 which states “Trees, woodlands and hedgerows are of great importance both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and area of woodland where they have natural heritage value or contribute to the character and amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.”

It states within the Design and Access Statement, the Environmental Impact Assessment and the report on the modelling of the dispersion and deposition of ammonia the following:

“the modelling predict that the proposed development of the poultry unit would be an exceedance of 100% (the Environment Agency’s upper threshold for non-statutory sites) of the Critical level of 1.0UG – NH₃/m³ over approximately 1.8 ha of nearby Aws (approximately 1.7 ha at Gibbons AW and less than 0.1ha of the Wet Cover AW).”

It then goes on to state:

“The Gibbons AW is currently undergoing extensive management improvements as part of the Glastir Woodland Restoration grant from the Welsh Assembly. This has resulted in the felling of a large amount of trees and replanting with native broadleaves trees. The area being replanted covers 2.3 hectares. This work will improve the quality of the woodland and with other additional planting proposed, which will cover a total of approximately 0.2 hectares, as part of the landscape scheme is considered to mitigate for any impact on ancient woodlands from ammonia.”

Ammonia deposition causes local and widespread eutrophication; the increase and accumulation of chemical nutrients. Eutrophication can alter the composition of plant communities, changing competitive interactions that determine relative species abundance and diversity by differentially stimulating plant species growth.

Due to the close proximity of proposed poultry unit to ancient woodland the site will be impacted by an increase in the amount of ammonia that is present on site. This increase in ammonia over time will impact on the ancient woodland and slowly change the composition of the site and cause significant damage to the ancient woodland.

We note that within the planning application the restoration of the adjacent ancient woodland is being proposed as 'mitigation' for the damage that will take place within the ancient woodland. The Woodland Trust is of the opinion that compensation measures as proposed by the applicant should not be included as a benefit in the application which will have a serious negative impact on ancient woodland.

In conclusion the Woodland Trust objects to this application due to the significant damage which will occur to the ancient woodland.

NFU Cymru

I am writing in regard to the planning application for the proposed erection of two poultry units along with access track and associated landscaping works on land forming part of Lower House Farm; reference P/2016/0397.

Whilst the NFU is not in a position to comment on the site location and individual planning issues raised by this application – this is a matter for Powys County Council – we support productive, progressive and profitable agriculture including the expansion of the British Poultry industry such as that proposed by Mr Andrew Lloyd and his family. This expansion is important to help secure the future of Mr Lloyd's farming business and in turn will also support businesses and create employment in the local area.

According to Defra the poultry meat sector was 87% self-sufficient in 2015. The NFU has highlighted the decline in the UK's self-sufficiency in recent years and new ventures such as this will help to reverse this disturbing trend. If granted permission, Mr Lloyd's application will allow him to erect two poultry units that will house parent stock laying hens along with cockerels for fertile egg production. The eggs laid will be collected and taken to a hatchery. The offspring will go into broiler production cycles, thus providing more British poultry meat and subsequently assisting with the target of increasing self-sufficiency figures in the UK.

The global population is set to grow by 30% by 2050; much of this growth will be in developing countries, where increasing wealth is leading to richer diets including more animal protein. This information points towards a need for local authorities to recognise the need for a strong and growing farming industry when considering planning applications for modern and efficient developments. In the short, medium and long term, reliance on imports of staple food products will simply not be sustainable.

I recognise the conflicting demands of the planning process, and the need to maintain the integrity of the local environments, but felt that the market demands on this important industry should be known by your planning department. I am sure when considering this application for permission to construct two modern and efficient poultry units that you will consider the importance of such developments to the local rural economy and the need for the UK poultry industry to grow,

Planning History

P/2009/0744 - Full: Erection of a free range table poultry house and improvements to existing access. Conditional Consent.

P/2008/1537 - Outline: Erection of a free range poultry house. Conditional Consent.

SO/2016/0003 - Screening Opinion: Proposed Poultry Units. Environmental Impact Assessment Required.

Principal Planning Constraints

Pipeline Buffer
Historic Landscapes Register - Outstanding
River Wye SAC

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 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

- Welsh Office Circular 11/99 – Environmental Impact Assessment
- 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
SP6 – Development and Transport
SP14 – Development in Flood Risk Areas
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
ENV14 – Listed Buildings
ENV17 – Ancient Monuments and Archaeological Sites

ENV18 – Development Proposals Affecting Archaeological Sites
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
DC1 – Access by Disabled Persons
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

Introduction

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 EIA development by virtue of location of the proposed development (its close proximity to the River Wye SAC) and the characteristics of potential impacts on the environment.

On the basis of the above, the planning application is accompanied by an Environmental Statement.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, states:

“The relevant planning authority or the Welsh Minister or an inspector must not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have taken the environmental information into consideration, and they must state in their decision that they have done so”.

Planning History

The application site had previously benefitted from outline planning permission for the construction of a free range poultry house. Following this a full application was submitted in 2009 (P/2009/0744) for a free range table poultry house and improvement to the existing access. The poultry unit measured approximately 925 square metres and would house 10,169 birds. This was granted consent on the 22nd October 2009.

A letter on file, dated the 8th May 2014, from a Planning Officer stated that information and photographs had been submitted which demonstrated improvements to the access as required by conditions in the consent had been undertaken. The Officer confirmed that the works constituted the commencement of 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

Lower House 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.

For the purposes of LANDMAP, the proposed site of development is located within the 'Rolling hills, south-east' aspect area which is characterised as an attractive traditional pastoral landscape with strong field patterns and well laid hedges, typical of Radnorshire. Whilst the settled, attractive and tranquil nature of the aspect area is acknowledged, LANDMAP suggests that it is not uncommon or distinctive and therefore the overall visual and sensory value is defined as moderate. Notwithstanding the above, it is noted that the land located immediately to the south of the application site lies within the 'Lower Wye Floor' aspect area, the visual and sensory value of which is classified as high given the prominence and relationship with the River Wye.

The application site comprises of agricultural land located approximately 40 metres to the north east of the existing building complex and occupies a prominent location adjacent to the highway. Whilst the southern area of the application site adjacent to the highway is relatively flat, it is noted that the land rises to the north. Existing field boundaries comprise of hedgerow to the south and mature woodland to the east.

A Landscape and Visual Impact Assessment was submitted in support of the application and following concerns being raised by Officers over the potential landscape impact of the development it was revised in February 2017.

The Landscape and Visual Impact Assessment (LVIA) outlines the characteristics of the host landscape and thereafter assesses the potential landscape and visual impact of the proposed development from key receptors including residential properties, public highway, the rights of way network and nearby settlements. Included within the assessment is a landscape mitigation proposal which indicates;

- Planting of native species trees on the south eastern side of the proposed development;
- Retention of the deciduous woodland blocks to the north and north east;
- Construction of a bund and planting of native woodland trees on land immediately to the north east of the development;
- Implementation of a new hedgerow linking the existing farmstead with the existing block of woodland located to the north of the proposed building.

In addition to the above, the LVIA confirms that the lower portion of the site will be re-profiled in order to integrate the proposed development and reduce the building's profile in an attempt to reduce associated landscape and visual impact.

The Assessment states that the site comprises established pasture of medium landscape value which is also of moderate value. The Assessment states that the proposed development will be viewed as an extension to the established agricultural use at the site. The proposed development will be visible from a very limited number of locations to the south and east of the site and the materials used in the construction will reduce the visual prominence of the proposed buildings. Additional landscaping mitigation proposed will provide effective screening from the limited number of locations identified as being potential receptors for

visual impact. The assessment states that the mitigation proposals will be effective in screening or significantly reducing significantly the visual impact from most locations.

Concerns have been raised in relation to the Landscape and Visual Impact of the proposed development on users of the adjoining A483. The revised Landscape and Visual Impact Assessment concludes that there will be slight adverse effects on local paths and the A483, however these will reduce over time as the landscaping scheme becomes more established.

The landscape mitigation proposes a line of additional native woodland planting to the south-east of the building along the A483 and to the north-west of the building. A block of planting is also proposed to the north of the site adjacent to the existing area of woodland.

The proposal involves the construction of two poultry sheds, feed bins and hardstanding and associated landscaping and would be located adjacent to the existing farming enterprise. The development would result in the loss of part of a field, and the encroachment of built development into the open countryside.

The proposed poultry buildings are of a large scale, they are grouped within the context of the existing building complex and as such, potential landscape and visual impact could be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Proposed landscaping together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of part of the existing field, but, taking account of the mitigation measures, the location adjacent to existing buildings and the condition and sensitivity of the landscape it is considered that whilst the development would have an impact on the surrounding landscape, and particularly from the adjacent road, it is not considered sufficient to warrant refusal of the application on this ground.

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 and the close relationship of the units to the existing farm complex, 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 and landscape mitigation proposed will all 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, given the proposed grouping, it is considered that whilst the development would have an impact on the surrounding landscape, and particularly from the

adjacent road, it is not considered sufficient to warrant refusal of the application on this ground.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed grouping together with existing and proposed landscaping, 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, securing the implementation and retention of existing and proposed landscaping whilst also requiring details of existing and proposed ground levels to be provided. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed thereby safeguard the Powys landscape in accordance with relevant planning policy, in particular policies SP3, ENV2, EC1, EC9, TR2 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 an improved access off the county class I highway (A438) located immediately to the south whilst parking and turning provision will be provided within the application site boundary. The supporting planning statement indicates that the main vehicular movements associated with the proposed poultry development are as follows;

- Delivery of 'point of lay' birds at the start of the cycle consisting of 2 articulated lorries per building over 2 days;
- Egg collection – 2 times a week using a single 18 tonne lorry;
- Feed delivery – 2 HGV lorries weekly;
- Collection of birds – end of cycle (55 weeks) using 4 articulated HGV's per building;
- Removal of litter – end of cycle using 23 tractor and trailer loads.

Following initial consultation, Members are advised that the Highway Authority recommended refusal of the application on the grounds that the scheme proposed the use of a substandard access in terms of its alignment. Subsequent to the above, an amended plan was received by Development Management which has since been subject to further review by the Highway Authority. Based upon the revised details, the Highway Authority has withdrawn their objection subject to appropriate conditions being attached to any grant of consent.

In light of the comments received and notwithstanding the third party concerns raised, Development Management is satisfied that the proposed development is capable of being served by an adequate means of access and therefore consider the scheme to be compliant with planning policy, particularly policies GP1, GP4, EC1 and EC10 of the Powys UDP.

Biodiversity and Ecology

SSSI's and SAC

Policies ENV4, ENV5 and ENV6 indicates that development proposals should preserve and enhance biodiversity and features of ecological interest. Specific guidance within UDP policy ENV4 confirms that development proposals should not significantly affect the achievement of the conservation objectives for which a SAC is designated either individually or in combination with other proposals. In addition to the above, 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 5km of the following Nationally Designated sites;

- River Wye Special Area of Conservation (SAC) approximately 1048m from proposed development
- Rhos Goch Special Area of Conservation (SAC) approximately 4234m from proposed development
- River Wye (Lower Wye) Site of Special Scientific Interest (SSSI) approximately 1048m from proposed development
- River Wye (Upper Wye) SSSI approximately 1888m from proposed development
- Cwm-Gwanon Dingle and Pasture SSSI approximately 2373m from proposed development
- Moity and Garth Dingles and Fron Wood SSSI approximately 3716m from proposed development
- Rhos Goch (Rhos Goch Common) SSSI approximately 4234m from proposed development
- Cors Ty-Llwyd SSSI approximately 4356m from proposed development
- Hen-Allt Common SSSI approximately 4510m from proposed development
- Pen-Yr-Hen-Allt SSSI approximately 4769m from proposed development

The following non-statutory designated sites are located within 2km of the proposed poultry unit;

- Cwm Byddog Radnorshire Wildlife Trust Reserve approximately 282m from proposed development
- 64 parcels of Ancient Woodland – closest parcel approximately 56m from proposed development

In support of the application a Detailed Modelling prepared by AS Modelling and Data Lts has been submitted. The report concluded that the process contributions to the annual mean ammonia concentration and nitrogen deposition rate are predicted to be below the Environment Agency's threshold. NRW were consulted on the submitted information in relation to the designated sites and NRW confirmed that they are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are within the thresholds that they use for assessing impacts of aerial emissions on European and Nationally designated sites.

Concerns over the impact of the proposed development on Wet Covert to the south east of the site where third parties consider white clawed crayfish could be present were raised. As

white clawed crayfish are a feature of the River Wye SAC further information was sought from technical experts within NRW to ensure that the potential impact of aerial emissions from the proposed development were properly considered during the Habitats Regulations Assessment. NRW states that ammonia critical levels and nitrogen critical loads have been developed for terrestrial habitats and not aquatic systems. White clawed crayfish are a freshwater species normally in flowing water, residing below the water surface and therefore not exposed to aerial ammonia concentrations and nitrogen deposition. NRW advise that aerial ammonia gas easily dissolves in water. NRW state that much of the ammonia from the proposed poultry unit will be in the form of dry gas and this is not likely to cause increased acidity in the pond. NRW conclude that they do not believe that the aerial emissions from the proposed development will have a significant effect on the white clawed crayfish.

A Habitats Regulation Assessment has also been undertaken by the Powys Ecologist due to the proximity of the River Wye SAC and Rhos Goch SAC. The HRA Screening concluded that the proposed development would not have a likely significant effect on the SACs.

Ancient Woodland

The detailed ammonia and nitrogen modelling considered at the time the application was submitted identified that the proposed development would result in exceedance of the critical levels and load for approximately 1.8ha of nearby ancient woodland. NRW also identified in their response that the production of an acceptable ammonia abatement scheme may be necessary to reduce the impact of the proposed development to these areas of ancient woodland from the proposed development to an acceptable level. Further details were provided by the applicant regarding potential impacts to the areas of ancient woodland and proposed mitigation measures. The additional information submitted includes a Phase 1 Environmental Appraisal of Woodland Area which included an assessment of the areas of woodland in Gibbons Covert in the applicants ownership, other associated woodland was also briefly observed but is outside of the curtilage of the landowner. The associated woodland flora was assessed to determine the significance of the predicted ammonia emissions. The Environmental Statement identifies that plans have been revised to provide a total area of 1.6ha of woodland planting to mitigate for the impacts of ammonia – this is in addition to the 2.3ha of Gibbons Covert that has been re-planted. In addition the ecology survey recommends that the area of woodland affected are not of particular value for lichens or woodlands.

Having considered the additional information and the advice provided by NRW it is considered that the proposed additional woodland planting would be appropriate compensation for the residual impacts on the ancient woodland.

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

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

Protected Species

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

A Phase 1 Environmental Study dated April 2016 was submitted in support of the application. NRW were consulted on the submitted information and concluded that the proposed development would not be detrimental to the favourable conservation status of dormice populations in the local area. NRW have also requested that a scheme for Reasonable Avoidance Measures for great crested newts is secured through planning conditions.

Third parties have raised concerns over the potential impact of the proposed development on white clawed crayfish, which had been discussed above. Following further correspondence with NRW it was concluded that they did not consider that the proposed development would have a significant impact on white clawed crayfish.

Whilst the Powys Ecologist has commented that consideration needs to be given as to whether sufficient information has been provided to enable the Local Planning Authority to comply with its duty under the Conservation of Habitats and Species Regulations 2010. The Powys Ecologist however also stated that NRW are the statutory consultee with regards to European Protected Species and weight has to be given to their advice. As such, as no objection has been received from NRW subject to conditions being attached to any consent the development is therefore considered to comply with both local and national policies and relevant legislation.

With regards to the potential of the development to impact on nocturnal wildlife, including foraging and commuting bats, the Powys Ecologist has stated that careful consideration would need to be given to lighting associated with the development. Conditions requiring these details along with pollution prevention plan, reasonable avoidance measures and a woodland creation management plan has been requested and will be included in any grant of consent.

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.

Water Quality

UDP Policy DC9 states that proposals which would unacceptably impact on water resources would not be permitted. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 establishes a legislative framework for the protection of surface waters (including rivers, lakes, transitional waters and coastal waters) and ground water throughout the EU.

Following consultation with Dwr Cymru Welsh Water offer no objection to the proposed development in relation to its impact on water resources. NRW in their response to the application note that the applicant has submitted detailed drawings showing the layout of the proposed drainage system. The plans demonstrate that clean water will be discharged to a soakaway and will not be discharged into the adjacent watercourse. The application also demonstrates that all dirty water from the yard and sheds will be directed towards a sealed dirty water tank before being tinkered off site. The tank will be located to the west of the building away from any watercourse which is in line with NRW advice.

NRW have also advised in relation to ammonia and nitrogen deposition regarding SSSIs and SACs and that this is in line with the relevant guidelines.

As such in line with recent guidance published by the Planning Inspectorate, as the development would not impact on pathways to Water Framework Directive water bodies it is considered that an assessment would not be required.

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 application is accompanied by a Noise Impact Assessment. Members are advised that the closest residential property not associated with the site is Lower House Barn (approximately 140 metres from the proposed building, approximately 40 metres from the red outline), a number of properties then lie to the south-west of this dwelling. The Black Mountains Caravan site lies approximately 300 metres to the north-east of the proposed building.

Following consultation with Environmental Health it was confirmed that they were content with the conclusions of the submitted noise impact assessment subject to a condition being attached to any consent limiting the hours of construction, limiting the hours of service and delivery vehicles and limiting the noise levels of any plant or machinery at the site.

On the basis of the information 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/m³). 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/m³ 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.

Following concerns raised by third parties regarding the closest sensitive receptor to the site, an amended report was submitted in September 2017.

The application is supported by an "Odour Dispersion Modelling Study" prepared by AS Modelling & Data. This assessment uses the standardised approach to odour assessment and the results of the model runs are presented in a report. The conclusion states the following in relation to residential properties not associated with the farm: "The modelling predicts that at all of the residential receptors considered, the odour exposures would be below the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 0 ouE/m³ over a one year period."

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.

Drainage

A Drainage Assessment was submitted in support of the application which concluded that there was adequate surface water provision at the site. Following consultation with Environmental Health no objection to the proposed drainage at the site has been received.

At pre-application NRW requested a drainage plan to show clean and foul drains, effluent containment, soak away, French drains and any sustainable drainage proposed including swales, reed beds or ponds. This information was provided as part of the FCA and following consultation with NRW they considered that this requirement had been met and requested a condition to ensure that the system is implemented in accordance with the FCA.

Powys Ecology were also consulted on the drainage plans and identified that the surface water run-off would not be discharged to the River Wye, the dirty wash down water from cleaning the poultry buildings would be collected to underground storage tanks and that foul

water would be discharged to an adequately sized septic tank. The Powys Ecologist concluded that the identified measures for the management of four, dirt and surface water are appropriate to avoid negative impacts to biodiversity during the operation of the site.

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

Archaeology

Policy ENV17 states that development which would unacceptably affect the site or setting of a Scheduled Ancient Monument will not be permitted.

The Scheduled Monument Lower House Moated Site RD148 lies approximately 100 metres to the east of the proposed development. The Scheduled Ancient Monument lies to the far east of an area of ancient woodland and is screened from the proposed development by the existing ancient woodland, the A483 and the existing mature hedgerow along the southern boundary of the A483.

Due to the distance maintained, the existing screening and the additional screening proposed it is considered that the proposed development would not unacceptably affect the site or setting of Scheduled Ancient Monuments in accordance with policy ENV17 and Technical Advice Note 24 –The Historic Environment (2017).

Rights of Way and Tourism

UDP TR2 seeks to oppose development of any kind, which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions. The application site sits in the heart of rural Powys, an area that has a strong tourism industry in a variety of guises although it is noted that many tourists are drawn to the area for its scenic quality and utilise the public right of way network to enjoy the area. Policies RL4, RL6 and RL7 states that proposals that improve access to and enjoyment of the countryside will be encouraged.

Several representations have been received raising concerns that the proposed development will be of detriment to local tourism and their livelihoods or events. A letter from the Powys Tourism Officer has been submitted and makes particular comment on the impact of the proposed development on the Black Mountain View Caravan Park and subsequently on the tourism economy in Powys.

Whilst objectors and the Tourism Officer makes reference to potential impact of odour emissions on the Caravan Park consideration should also be given to the technical professional reports submitted with the application and the comments raised by the Environmental Health Officer who offers no objection to the proposed development. Whilst the concerns raised by objectors and the Tourism Officer is noted the evidence submitted and reviewed detail odour emissions that are in line with relevant guidelines.

With regards to landscape impact, it is noted in the landscape section of this report that the proposed development will be visible, especially in the early stages of construction and operation whilst the planting landscaping scheme is established. However the proposed

building will be grouped with the existing farm buildings and will be viewed adjacent to the existing farming operation as part of the rural landscape.

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.

RECOMENDATION

Development Management considers that the proposed poultry development is compliant with planning policy. The recommendation is one of conditional consent.

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

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the documents received (Environmental Statement V2 (dated February 2017), Environmental Statement (dated March 2016), Highways Statement (dated 26th June 2017), Noise Impact Assessment (dated March 2016), Landscape and Visual Impact Assessment (dated March 2016), Phase 1 Environmental Appraisal of Woodland Area (dated September 2016), Manure Management Plan, Drainage Assessment (dated 23rd March 2016), Odour Dispersion Modelling Study by AS Modelling and Data (dated 19th March 2016 and 21st March 2016), Phase 1 Environmental Appraisal and Habitat Regulations Assessment (dated April 2016), Planning, Design and Access Statement) and plans (drawing no's HA21647 Rev A Dec 2016, HA21647/03 Rev B Dec 2016, HA21647/05 Rev A Dec 2016, HA21647 March 2016 (Unit Plans and Elevations).
3. Prior to the commencement of building works full details of the colour of the external materials proposed in the construction of the application buildings and feed bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the details so approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
6. The poultry units hereby permitted shall house a maximum of 23,500 birds.
7. Prior to the first beneficial use of the building 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 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.
9. No other development shall commence until the access has been constructed so that there is clear visibility from a point 0.26 metres above ground level 15 metres distant from the edge of the adjoining carriageway and 15 metres in each direction. 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.
10. 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.
11. Prior to the first beneficial use of the building, provision shall be made within the curtilage of the site for the parking of not less than 1 car and 1 heavy goods vehicle together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. The width of the access carriageway, constructed as Condition 9 above, shall be not less than 7.3 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.
13. Prior to the first beneficial use of the building a radius of 12.5 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.
14. Prior to the first beneficial use of the building 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.
15. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge to any part of the septic tank or its soakaway installation.
16. Upon formation of the visibility splays as detailed in Condition 9 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.
17. No storm water drainage from the site shall be allowed to discharge onto the county highway

18. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014
19. Feed deliveries and egg collections to and from site, feed hopper filling, building clean-out, litter loading and litter removal associated with 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.
20. All building construction operations associated with the development (including soil movements and landscaping) shall be carried out between the following hours: Monday to Fridays 08:00 to 18:00 hours; Saturdays from 08:00 hours to 13:00 hours and at no times on Sundays, Bank and Public Holidays.
21. All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.
22. No storage of manure shall be sited next to dwellings, place of work, and popular leisure areas and all stored manure shall be stored on level ground. No manure shall be stored over field drains or within 10 metres of a watercourse.
23. All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.
24. All stored manure that needs to be covered shall be covered by the end of the day. The covering shall comprise polythene and placed in such a manner as to leave no gaps at the edges of the polythene and shall be tightly secured. All poultry manure that needs to be covered shall remain covered for a minimum period of 10 days before it is used.
25. Poultry manure shall not be applied to ground that is waterlogged, flooded, frozen hard or snow covered. No poultry manure shall be applied within 10 metres of ponds or watercourses or within 50 metres of wells or boreholes. Only manure that is free from flies and larvae and low in odour shall be used.
26. The surface of the access hereby approved shall be constructed of hard materials to prevent visible dust formation when vehicles are using the access.
27. Prior to commencement of development, a detailed Native Woodland Creation and Management Plan including details of species to be planted, timetable for implementation, initial aftercare and long-term maintenance to benefit biodiversity for the areas of new native woodland planting identified on shown on drawing no. HA2164103 Rev B dated Dec

2016 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

28. The development shall be carried out strictly in accordance with the measures identified regarding Site Drainage Management including Foul, Dirty and Surface Water Management within the Report produced by Hydrogeo dated 24/03/2016 and shown on drawing no. HA2164103 Rev B dated Dec 2016 and maintained.
29. Prior to commencement of development a Construction Phase Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
30. The mitigation and enhancement measures identified in Section 6 of the Phase 1 Environmental Appraisal Report by Greenscape Environmental Ltd dated April 2016 shall be adhered to and implemented in full.
31. Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to dormice prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that dormice populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.
32. Prior to commencement of development a detailed Reasonable Avoidance Method Statement with regards to great crested newts prepared by a suitably qualified and experienced ecologist identifying the measures that will be put in place to ensure that great crested newt populations in the local area will not be negatively impacted by the development and confirming that an EPS licence is not required shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter. The method statement should include details on measures to avoid impacts to dormice such as timing of works, employment of an ECOW to supervise works etc.
33. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To safeguard the character and appearance of the area in accordance with policy GP1 of the Powys Unitary Development Plan (March 2010).

4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy GP1 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
5. In order that the Local Planning Authority may control the use of the premises in the interests of the protection and preservation of the amenity of the area in accordance with policies GP1, EC1, EC9 and EC10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
6. 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).
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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15. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
16. In the interest of highway safety in accordance with Powys UDP Policy GP4 and Technical Advice Note 18: Transport.
17. To protect the amenities of the local residents in line with Powys UDP policy GP1
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19. To protect the amenities of the local residents in line with Powys UDP policy GP1

20. To protect the local amenities of the local residents from the excess of mal-odorous emissions in line with Powys UDP policy GP1.
21. To avoid runoff and prevent deterioration of the local amenities in line with Powys UDP policy GP1.
22. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in line with Powys UDP policy GP1.
23. To ensure that any flies or fly larvae are killed, prevent sudden increase of fly and other insect infestations and minimise smells and contamination of water in line with Powys UDP policy GP1.
24. To minimise odour emissions and reduce ammonia loss and prevent access by flies that may already be in the area in line with Powys UDP policy GP1.
25. To protect the amenities of the local residents in line with Powys UDP policy GP1.
26. To protect the local amenities of the local residents from the excess of visible dust in line with Powys UDP policy GP1.
27. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016
28. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
29. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
30. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
31. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and to comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
32. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as

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

33. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

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

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

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

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

It is therefore an offence to:

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

- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

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

Dormice - 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 dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. 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 dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Environmental Health

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

If the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then I have no comment in this matter.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

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