

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

<b>Application No:</b>	P/2014/0009	<b>Grid Ref:</b>	300294.42 272355.33
<b>Community Council:</b>	St. Harmon	<b>Valid Date:</b>	<b>Officer:</b> 06/01/2014 Tamsin Law
<b>Applicant:</b>	Mr Carl Thomas, Beili Ddol Farm, Rhayader, Powys, LD6 5NS		
<b>Location:</b>	New Broiler Unit, Banc Gwyn, Llawrllan Hill, St Harmon, Rhayader, Powys, LD6 5NG		
<b>Proposal:</b>	Full: Erection of 2 broiler units, link control room, boiler building, feed bins, hard standing and access improvements		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The application is supported 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 80,000 birds in total, split between two sheds comprising broilers.

The application site is located to the within an area of open countryside, approximately 1 mile to the east of the settlement of St Harmon. The proposed units would be located to the south of the existing highway with agricultural land to the east, south and west. The application site is existing agricultural land.

The site is located within 5km of the following statutory designated sites;

- Cae Coed-Gleision SSSI approximately 1937m from the proposed development
- Marcheini Uplands, Gilfach Farm & Gamallt SSSI approximately 2351m from the proposed development
- Caeau Wern SSSI approximately 2573m from the proposed development
- Upper Nantserth Pasture SSSI approximately 3328m from the proposed development
- Cors Cae'r Neuadd SSSI approximately 3780m from the proposed development
- River Wye SAC approximately 4031m from the proposed development
- Elenydd-Mallaen SPA approximately 3391m from the proposed development

The proposed buildings would measure 91.45 metres in length, 21.335 metres in width with a maximum height of 5.44 metres (6.5 metres including fan height) falling to 2.8 metres at the eaves. A boiler room will be located to the south of the proposed building. The floorspace created will be approximately 3,902.2 square metres. The buildings will be finished with a polyester coated composite panel finished in juniper green.

The access to the poultry units would be through an existing access from the C1229.

## **Consultee Response**

### **St Harmon Community Council**

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

The Community Council does not support this application and has expressed various concerns that need urgent clarification. These include:-

- Noise emission
- Positioning of power point and supply back up
- Dispersion of odours
- Detrimental environmental impact
- The overall scale of the project/industrialisation of the area

Other important issues are:

- Unsuitability of the access point to the public highway
- Unsuitability of highway access route to the main road network
- Inadequacy of passing places (only 3)
- Surface water run off/potential for flooding
- Bank erosion of the nearby stream
- Soakaways/contamination of water/risk of disease

As this is a major construction project the concerns have been raised regarding;

- Damage to the road caused by heavy vehicle movements
- Potential structural damage to the old properties (adjacent to the road) due to vibration
- Lack of provision for the costs of repairs to the road and roadside properties
- Loss of safety for other road users, walkers, horse-riders

On behalf of the Community Council I would request please that the above concerns are addressed before this application proceeds to determination. I would appreciate your response as soon as possible.

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

Please be advised that St Harmon Community Council strongly object to the proposed development and would request that the planning permission is refused.

#### 3<sup>rd</sup> Response

The Community Council expressed deep concerns about the inadequate level of information available and its incorrectness (including drawings). This makes it impossible to make an informed judgement and a correct decision. The main concerns include;

- Number of proposed passing places – totally inadequate
- The length of the passing places – not long enough (especially when two lorries have to pass)
- This is a single track road and the inadequate number of passing places will result in vehicles having to reverse quite a long way, sometimes in the dark or vehicles being trapped.
- The road is totally unsuitable for any regular heavy vehicles traffic.

Therefore the Community Council strongly objects to the proposed development and would request that the planning permission is refused.

#### 4<sup>th</sup> Response

As you are fully aware from our letter of 30<sup>th</sup> April 2014 the Community Council has already expressed serious concerns about;

- The totally inadequate number of the proposed passing places
- The passing places need to be long enough for 2 lorries to pass

Our letter of 30<sup>th</sup> July 2014 advised that the Community Council was gravely concerned to discover that;

- Not only the number of passing places has not been increased
- But also that their proposed length of 20m has now been reduced to 10m
- As well as the removal of provision of passing places to be constructed prior to the commencement of the development

Please note that the Council and many members of St Harmon community regard this as totally unacceptable, unrealistic and seriously unsafe.

Due to the seriousness of the above concerns we would request that a site meeting takes place as soon as possible between members of the Council and representatives from the Highways and Planning Departments.

We would be grateful if you could please suggest any available dates at your earliest convenience so that the necessary arrangements can be made.

#### 5<sup>th</sup> Response

The Community Council expressed deep concerns about a number of issues. The main concerns include;

##### General

- The overall scale of the project
- Detrimental environmental impact

##### Access

- The number of proposed passing places and their length reduced from 20m to 10m is totally inadequate and unacceptable. Of particular concern is the busiest length of road – 650 metres between Beili Bedw and the B4518 which has several bends and where no passing places are proposed.
- The road has a high proportion of agricultural traffic, often with trailers for stock, feed, hay etc. There would be no passing places for the first 650m from the B4518 and a farm vehicle meeting a HGV servicing the proposed poultry unit may need to reverse a long distance (impossible during the hours of darkness) – possibly a dangerous manoeuvre reversing onto the B4518.
- The substandard road is totally unsuitable for any regular heavy traffic. It is too narrow and has many bends with poor visibility.
- The additional of the proposed maximum length/weight heavy vehicles in the construction phase followed by the production phase can only destroy the surface. No provision for the costs of repairs to the road. A weight limit should apply to any vehicles servicing the proposed unit – similar to Glan Marteg, St Harmon (P/2009/0725).

#### Access (visibility)

- Long vehicles existing the C1229 on to the B4518 need to use the wrong side of the road to manoeuvre. These move at slow speed creating their own hazard combined with the visibility issues and traffic on the B4518 frequently exceeds the 30mph speed limit.
- The site entrance is located on a blind bend opposite a tall hedge that has recently been cut. Visibility at the site entrance is inadequate for vehicles approaching around the blind bend from the Abberycwmhir direction which is only 180m away. This is currently a dangerous bend and the addition of long slow-moving traffic manoeuvring would only make it worse.
- Lack of visibility over land at the garage to the south east of the junction between the C1229 and B4518. Visibility in the southerly direction is already obscured because of the hidden bend 170m to the south of the junction. This is compounded with the reduced visibility over the garage forecourt and grass verge obstructed by large parked vehicles and cars for sale. These are parked legally because the land is not in the control of either Powys or the applicant.

#### Residential Amenity

- A potentially significant odour effect on the dwelling known as Pencwm due to cold drainage flow (also peak odour emissions rates have not been considered)
- HGVs would be extremely close to Tynant whilst turning the 90degree bend outside. Lorries would be taller than the eaves and it is possible that their mirrors would scrape the wall of the house.
- No provision for sound proofing of affected properties. The noise of HGVs past Tynant and other houses on the C1229 at night with resultant sleep deprivation of the inhabitants of these houses is not acceptable.
- Potential structural damage to the old properties (adjacent to the road) due to vibration. No provision for the costs of repairs to these properties.

#### Alternative locations have not been fully evaluated

- Visibility at U1260 junction with the B4518 at the entrance to Glan yr Afon is vastly superior to that at the C1229/B4518 junction. The decision to favour the proposed Banc Gwyn site was made before it was known that the grass verge vision splay (for access to Banc Gwyn) is in the private ownership of the garage forecourt.
- Another advantage for the selection of Glan yr Afon is that vehicles servicing the proposed poultry unit would not have to negotiate the double bend on the B4518 at Cwm is y rhiw. Long vehicles need to use the opposite side of the road with very limited visibility, and this is a particularly dangerous manoeuvre at night, with fast cars on the road returning home after an evening out.
- For Beili Ddol, the bio-security implications have not been explained. The ammonia calculations have not been updated since NRW published its appendix to its consultee letter of 31 January 2015. This appendix advises that ammonia emissions from the broiler units are considerably less than for free-range birds, reducing depositions at the adjacent SSSI.

The Community Council strongly objects to the proposed development and reiterates its statement that this development is totally unacceptable, unrealistic and seriously unsafe. Taking all the above material considerations into account the Council requests that the planning permission is refused.

## 6<sup>th</sup> Response

I write on behalf of St Harmon Community Council who reviewed and discussed the additional information (Environmental Statement, December 2016) regarding this proposed development at the last Council meeting on 27th June 2017.

The Community Council expressed deep concerns about a number of issues. The main concerns include:-

### General

- The overall scale of the project
- Detrimental environmental impact

### Access

- The number of proposed passing places and their length reduced from 20m to 10m is totally inadequate and unacceptable. Of particular concern is the busiest length of road – 650 metres between Bailey Bedw and the B4518 which has several bends and where no passing places are proposed.

- The road has a high proportion of agricultural traffic, often with trailers for stock, feed, hay etc. There would be no passing places for the first 650m from the B4518 and a farm vehicle meeting a HGV servicing the proposed poultry unit may need to reverse a long distance (impossible during the hours of darkness) – possibly a dangerous manoeuvre reversing onto the B4518.

- The substandard road is totally unsuitable for any regular heavy vehicle traffic. It is too narrow and has many bends with poor visibility.

- The addition of the proposed maximum length/weight heavy vehicles in the construction phase followed by the production phase can only destroy the surface. No provision for the costs of repairs to the road. A weight limit should apply to any vehicles servicing the proposed unit – similar to Glan Marteg, St Harmon (P/2009/0725)

### Access (visibility)

- Long vehicles exiting the C1229 on to the B4518 need to use the wrong side of the road to manoeuvre. These move at slow speed creating their own hazard combined with the visibility issues and traffic on the B4518 frequently exceeds the 30mph speed limit.

- The site entrance is located on a blind bend opposite a tall hedge that has recently been cut. Visibility at the site entrance is inadequate for vehicles approaching around the blind bend from the Abbeycmhir direction which is only 180m away. This is currently a dangerous bend and the addition of long slow-moving traffic manoeuvring would only make it worse.

- Lack of visibility over land at the garage to the south-east of the junction between the C1229 and B4518. Visibility in the southerly direction is already obscured because of the hidden bend 170m to the south of the junction. This is compounded with the reduced visibility over the garage forecourt and grass verge obstructed by large parked vehicles and cars for sale. These are parked legally because the land is not in the control of either Powys or the applicant.

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- HGVs would be extremely close to Tynant whilst turning the 90° bend outside. Lorries would be taller than the eaves and it is possible that their mirrors would scrape the wall of the house.

- No provision for sound proofing of affected properties. The noise of HGVs past Tynant and other houses on the C1229 at night with resultant sleep deprivation of the inhabitants of these houses is not acceptable.

- Potential structural damage to the old properties (adjacent to the road) due to vibration. No provision for the costs of repairs to these properties.

Alternative locations have not been fully evaluated

- Visibility at the U1260 junction with the B4518 at the entrance to Glan yr Afon is vastly superior to that at the C1229/B4518 junction. The decision to favour the proposed Banc Gwyn site was made before it was known that the grass verge vision splay (for access to Banc Gwyn) is in the private ownership of the garage forecourt.

- Another advantage for the selection of Glan yr Afon is that vehicles servicing the proposed poultry unit would not have to negotiate the double bend on the B4518 at Cwm-is-y-rhiw. Long vehicles need to use the opposite side of the road with very limited visibility, and this is a particularly dangerous manoeuvre at night, with fast cars on the road returning home after an evening out.

- For Beili Ddol, the bio-security implications have not been explained. The ammonia calculations have not been updated since NRW published its appendix to its consultee letter of 31 July 2015. This appendix advises that ammonia emissions from broiler units are considerably less than for free-range birds, reducing depositions at the adjacent SSSI.

The Community Council strongly objects to the proposed development and reiterates its statement that this development is totally unacceptable, unrealistic and seriously unsafe. Taking all the above material considerations into account the Council requests that the planning permission is refused.

## **PCC - Highways**

1<sup>st</sup> Representation

The County Council as Highway Authority for the County Class III Highway, C1299

Wish the following recommendations/Observations be applied

Recommendations/Observations

I have carefully considered all the information provided relating to this application and despite the significant volumes of objecting correspondence do not believe there are reasonable highway grounds to refuse this application.

The volume of traffic for more than 90% of the year will be just two additional movements per day along the class III road which I do not imagine can be termed as significant.

The swept path drawings supplied indicate that the proposed vehicles will be able to negotiate the bends in the highway if driven at an appropriate speed. I cannot ignore this information and would not wish to assume the ability of any driver.

However, in view of concerns expressed regarding the viability of the manoeuvres shown I would suggest the applicant be requested to carry out a trial run with the vehicles proposed for regular use to the unit. If this were required following an 'in principle' approval of the application by Committee but prior to the issue of a decision, appropriate vehicle size limitation could be agreed and added if necessary.

Visibility at the junction with class II road is, on occasion, partly inhibited by vehicles parked inconsiderately on the frontage of the property to the south. As this is not a permanent obstruction it would not be acceptable to turn down a submission for such an inconsistent reason.

The passing bay lengths, whilst previously agreed as 10 metres to accommodate a domestic sized vehicle whilst a heavy goods vehicle passes, could be discussed further if more specific data were provided to quantify the frequency of hgv movements and justify the longer length.

The number and size of passing bays requested was based on the perception of traffic flows during the site visits carried out. I therefore consider it appropriate to recommend, based on the multiple concerns that three spaces are insufficient for this length, that a further two passing places be required should the development receive approval. The location and size of these and the size of those already proposed could be agreed and approved prior to the commencement of the development.

I would also strongly advise that any passing places should be completed prior to the commencement of any work on the site. It is not clear from where the alternative of after construction arose but I would not support such timing.

I therefore recommend that the following conditions be included on any permission granted in the interest of highway safety.

HC1 Any entrance gates shall be set back at least 15.0 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.

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 and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

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 binder course material for a distance of 15.0 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.

HC21 Prior to the occupation of the broiler units the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway.

HC30 The centreline of any new or relocated hedge should be positioned not less than 1.0 metres to the rear of the visibility splay.

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

HC37 Prior to any works being commenced on the development site the applicant shall construct 5 passing bays, in (a) location(s) to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard prior to any works being commenced on the development site.

## 2<sup>nd</sup> Representation

The County Council as Highway Authority for the County Class III Highway, C1299

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Main local road – B4519; site access from C1299 about 2km east of Harmon.

Given the time elapsed it is recommended that full details (at 1:500 scale) should be provided to show how the draft conditions (set out in officer comments of 12th September 2014) will be satisfied. Particularly, the provision of passing bays at suitable locations that can accommodate large HGVs. The applicant should re-submit a typical schedule of likely vehicle type, movements and frequency. This will inform consideration of the likelihood of two HGVs meeting along the C1299

There has been considerable discussion on this application. The applicant is advised to provide the full details of all the highway works they propose to sponsor. These are chiefly to provide suitable passing places to mitigate against the increased vehicle movements attracted to the site. The details should also consider construction and drainage matters.

The applicant might be further informed by the document produced by St. Harmon Community Council following their meeting on 20th January 2015.

## **PCC - Ecologist**

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

I have reviewed the submitted documents, including the Baseline Ecological Site Audit prepared by Betts Ecology in December 2013.



The Baseline Ecological Audit recorded a snipe within the site during their site visit on the 10<sup>th</sup> December 2013 and state that the site may hold potential for other ground nesting birds. From the site photographs and aerial photographs on Google maps, it is considered that the site may have potential to support nesting curlew. Curlew are listed on the RSPB Wales Red List of birds of conservation concern and curlew are a UK priority Biodiversity Action Plan (BAP) species and Powys County Council BAP Species. Curlews are very sensitive to disturbance, particularly during their breeding season.

Further investigation is required with the regard to the potential for this species to be present on the site or on adjacent land where they may be affected by the development proposals. This should include a habitat suitability assessment and a record search (2km) from the Powys and Brecon Beacons Biodiversity Information Service and consultation of the Radnorshire Bird Report. This assessment should be undertaken by a suitably experienced ecological consultant.

Should the site be assessed as having potential to support nesting curlew then further surveys may be required and/or suitable mitigation strategy, for example undertaking construction works outside of the curlew nesting season (March to August inclusive).

This information in relation to nesting curlews is required prior to determination.

#### Construction Method Statement and Biodiversity Enhancement Plans

The Baseline Ecological Site Audit prepared by Betts Ecology recommends that as a precautionary approach site clearance is undertaken outside of the nesting bird season and that measures are implemented to avoid harm to any lizards that may be present on site. These measures should be detailed and set out in a Construction Method Statement and be submitted to the LPA for written approval.

To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 5, November 2012), TAN5: Nature Conservation and Planning, all planning applications are required to include biodiversity enhancements. Therefore a detailed Biodiversity Enhancement Plan is required to be submitted to the Local Planning Authority for written approval. This could include measures such as identifying and eliminating or minimising pollution (as identified by Betts Ecology during their site visit) of the watercourses on and adjacent to the site.

#### Pollution Management and Mitigation Scheme

There is a watercourse (Cwm Caws) adjacent to the site which eventually connects with the River Marteg and River Wye SAC downstream. Therefore, in order to comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to the Natural Environment and to meet the requirements of Planning Policy Wales (Edition 5, November 2012), TAN5: Nature Conservation and Planning and the NERC Act 2006, a Pollution Management and Mitigation Scheme is required to be submitted to the LPA for written approval. This should provide detailed measures of how pollution of the Cwm Caws will be avoided during the construction and operational phases of the proposed development. It

should also comply with the Environment Agency's Pollution Prevention Guidance 5: Works in or Near Water.

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

Thank you for consulting me with regards to planning application P/2014/0009 which concerns an application for the Erection of 2 broiler units, link control room, boiler building, feed bins, hard standing and access improvements at Banc Gwyn, Llawrllan Hill, St Harmon, Rhayader, Powys.

A baseline ecological survey was carried out by Betts Ecology covering the site to assess the habitats present and to identify any features of importance with regards to biodiversity. The survey was carried out in December which is outside of the optimum survey period for many species, however the report states that the nature of the habitat and their observation were considered to provide sufficient insight into the potential for protected species to be supported on site and therefore the timing of the survey was not considered to be a significant constraint to the assessment of the site.

The assessment of the site identified that the land within the site boundary is of low to moderate ecological value comprising areas of grassland and rush pasture. The land has been agriculturally improved and is dominated by common species, no notable plants, vegetation or habitats were identified during the survey. The access track was found to be most bare ground. To the west between the access track and the site a drainage channel was identified and approximately 20m to the north east the Cwm Caws stream is present. No ponds were found to be present on the site.

The assessment of the site for its potential to support protected species concluded the following:

- Badger – No evidence of activity of badger setts were found on the site
- Otter – no watercourses were present within the development footprint, the Cwm Caws stream was assessed as having negligible potential as a commuting route for otters.
- Bats – no buildings or trees present on the site, therefore no potential opportunities for roosting bats. Lack of suitable features e.g. hedgerows on the site to provide foraging and commuting routes for bats
- Dormice – No suitable habitat on site
- Deer – no field signs observed but potentially suitable habitat present
- Hedgehog – No suitable habitat on site
- Birds – snipe were observed on site and red kite were observed flying overhead, no nesting activity was observed as the survey was undertaken out of season. The assessment concluded that the site has little ecological value to birds generally but may be utilised by ground nesting birds and habitat should therefore be retained for them
- Reptiles – no reptiles were observed on site during the survey, the site was generally assessed as having negligible potential to support adder, grass snake and slow-worm due to lack of suitable habitat, however it was identified that the site has low potential to support common lizard and it is recommended that pre-search-clearance is undertaken as precautionary measure
- Amphibians – no suitable habitat was found on site, no ponds were identified within 500m of the site. Boggy/marshy areas were identified as having some pools but these were found to be polluted and contain very few macrophytes. Common species of amphibians were considered to potentially present in low numbers during in the terrestrial phase.

- Fish – No watercourses are present on the site, the nearby Cwm Caws stream was considered unsuitable to support migratory fish species and pollution presence in the stream was considered to reduce the potential for species e.g. trout and bullhead to be present.
- Invertebrates – the site was found to lack suitable habitats to support any notable assemblages or protected or priority invertebrate species.
- Non-Native Invasive species - None were found to be present on the site during the survey.

It is recommended that if planning permission is granted for the proposed development that adherence to the mitigation measures identified in the Baseline Ecological Site Audit Report produced by Betts Ecology dated December 2013 are secured through an appropriately worded planning condition to ensure the development complies with the requirements of Powys LDP Policy DM2.

Further to the Baseline Ecology Survey a Breeding Bird Survey was undertaken by Betts Ecology the results of this survey have been provided in a Report dated June 2014. The main target species of the surveys was Curlew. Surveys were undertaken in April, May and June 2014 following good practice survey techniques. Transect and Vantage point surveys were carried out during the survey visits. The survey results were as follows:

- Meadow pipit (Amber List) confirmed breeding on site
- Skylark (Red-Listed) no breeding on site confirmed, site was used for foraging
- Wheatear (Amber-Listed) possibly breeding on site, used site for foraging
- Linnet (Red-Listed) no breeding on site confirmed, commuting over site
- Red Kite (Amber-Listed) no breeding on site, possible territory identified as bird observed soaring over and beyond site
- Pied Wagtail, Jay and Raven were also recorded during the survey.

The ornithological diversity of the site was considered to be low with 8 species recorded during the surveys, only five of which were using the site for breeding and/or foraging. Of the five species recorded within the site boundary only the meadow pipit was confirmed as breeding on site.

An area of foraging habitat will be lost due to the proposed development, the report states that provided the land surrounding the development remains in its present state, due to its extensive nature the impact of the loss of a small area of low quality foraging habitat as a result of the proposed development would not have a significant impact to bird species in the local area.

Curlew were not recorded using the site during any of the surveys, they were however heard near-by during each survey and observed off site in low numbers – two birds during one survey and one birds during the final two site visits. Based on these observations it was concluded that curlew were potentially nesting within a field adjacent to the site approx. 350m north-west of the proposed. The report concludes that the proposed development would not adversely affect curlew.

In order to minimise impacts to nesting birds mitigation measures have been identified these include pre-clearance search of all areas, site clearance undertaken outside of the bird nesting season or appropriate checks made by suitably qualified and experienced ecologists to confirm no nesting activity present and installation of 10 bird boxes in suitable locations at or near the site.

It is recommended that if planning permission is granted for the proposed development that adherence to the mitigation measures identified in the Breeding Bird Survey Report produced by Betts Ecology dated June 2014 are secured through an appropriately worded planning condition to ensure the development complies with the requirements of Powys LDP Policy DM2.

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

- Cae Coed-Gleision SSSI approximately 1937m from the proposed development
- Marcheini Uplands, Gilfach Farm & Gamallt SSSI approximately 2351m from the proposed development
- Caeau Wern SSSI approximately 2573m from the proposed development
- Upper Nantserth Pasture SSSI approximately 3328m from the proposed development
- Cors Cae'r Neuadd SSSI approximately 3780m from the proposed development
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- Elenydd-Mallaen SPA approximately 3391m from the proposed development

NRW have reviewed the proposed development with regards to potential for significant negative impacts to SACs, SSSIs and Local Wildlife Sites as part of the permit process for the site, the result of this screening have concluded that the predicted process contributions would not exceed the thresholds of significance.

In addition further detailed assessment of the proposed development was undertaken by NRW to determine the likely significance of a cumulative impact from the proposed development and other consented applications in the area. The assessment of potential cumulative impacts concludes that the proposals potential contributions to ammonia levels are not considered to be significant individually or when considered in combination with emissions from existing livestock units, full details of the assessment of cumulative atmospheric releases from the proposed development and other existing livestock units can be found in the NRW response dated 29th January 2016 (Reference SE/2014/117180/03).

A Surface Water Management Plan has been produced by ADAS in relation to the proposed development.

Drainage of surface water from the site will be accommodated through the construction of a detention basin system, which has been designed to limit surface water runoff from the site. Whilst the report identifies that the attenuation pond will not be a permanent pond, the soils in the basin bed will be periodically waterlogged for prolonged periods. It has been identified that an appropriate wetland species seed mix will be sown within the basin bed and inner banks – this is welcomed and is considered to have potential to provide benefits for biodiversity i.e. biodiversity enhancements. It is recommended that if planning permission is granted for the proposed development that in order to ensure the seed mixes proposed and management of this area is appropriate an appropriately worded planning condition is included to ensure the development complies with the requirements of Powys LDP Policies DM2 and DM4.

The report identifies that foul water generated by the proposed development (including welfare facilities and wash-down water) will be captured and handled entirely separately from the surface water drainage system. Dirty water will be taken to a dirty water storage tank where it will be stored before being emptied by a vacuum tanker for disposal.

Details regarding construction method and pollution prevention have been identified within the report, the reports makes reference to EA Pollution Prevention Guidelines PPG5, it should be noted that this document has now been superseded by GPP5 (which can be found at [http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm\\_source=website&utm\\_medium=social&utm\\_campaign=GPP5%2027112017](http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017)) the details provided regarding soil stabilisation during construction of the surface water management features are considered to be appropriate and it is recommended that if planning permission is granted adherence to these measures is secured through an appropriately worded planning condition.

The Design and Access Statement produced by Ian Pick dated June 2014 states that at the end of each flock cycle the buildings will be cleaned out and the manure removed and loaded directly in waiting vehicles, which are sheeted and the manure removed from the site. No manure will be retained on the site as it represents a disease risk to the incoming flock of birds. All manure exported from the site will be disposed of through the use of anaerobic digesters/biomass power stations.

The Design and Access Statement produced by Ian Pick dated June 2014 states that native tree planting is proposed to the north and west of the proposed development, this is also shown on the site layout plan. Whilst the primary purpose of the native tree planting is to mitigate the exposed view of the site from Pencwm to the site entrance the provision of native planting is also considered to provide potential improvements for biodiversity – biodiversity enhancements, these are welcomed in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016 which requires Local Authorities to seek to maintain and enhance biodiversity through all of its functions including the planning process. A Landscaping Planting Specification has been provided within the Design and Access Statement, the species proposed and the planting specifications identified are considered to be appropriate and it is recommended that if planning permission is granted adherence to these measures is secured through an appropriately worded planning condition to ensure the development complies with the requirements of Powys LDP Policies DM2 and DM4.

No details have been provided regarding the need to install exterior lighting associated with the proposed development. Whilst it is recognised that at this time there may be no intention to install exterior lighting, in the future it may be deemed necessary to install external lighting e.g. for safety reasons, to ensure that the lighting would not have a negative impact on local wildlife, therefore I recommend that if planning permission is granted a planning condition is included requiring that any additional external lighting identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7.

The proposed development is approximately 4031m from the River Wye SAC and 5668m from the Elan Valley Woodlands SAC, I have undertaken Habitats Regulations Assessments of the proposed development in relation to these European Sites, the screening of the proposed development concluded that there would be No Likely Significant Effect to these sites or their associated features either alone or in combination with other plans or projects – I have attached copies of the screening assessment for your records. With regards to the River Wye SAC, this screening has also taken into account the requirements of the Water Framework Directive.

The Elenydd-Mallaen SPA is approximately 3391m from the proposed development, this European site has not been subject to a HRA screening as it was determined based on the distance from the proposed development, nature of the designated site and associated features that there would be no likely direct or indirect impact to this site and as such a HRA is not required.

Should you be minded to approve the application I recommend that the following conditions are included:

The mitigation measures identified in the Baseline Ecological Site Audit Report produced by Betts Ecology dated December 2013 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

The Mitigation and enhancement measures identified in Breeding Bird Survey Report produced by Betts Ecology dated June 2014 shall be adhered to and implemented in full and maintained thereafter.

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

The Native tree Landscaping Planting Specification referred to in the Design and Access Statement produced by Ian Pick dated June 2014 and shown on the Site Layout Plan shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 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.

Prior to first beneficial use of the development a detailed Planting Specification and Aftercare Scheme for the detention basin shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM4 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.

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 LDP Policies DM2 and DM7 in relation to The Natural Environment and External Lighting 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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

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

## **PCC - Environmental Health**

1<sup>st</sup> Response

I believe Kevin may have commented on this in the past. However Chris Austin requested a condition on a nearby smaller unit concerning commercial traffic from the unit late at night.

I would be grateful if the similar condition could be considered for this larger proposed development.

1. Commercial traffic generated by the development shall not enter or leave the site between the hours of 20:00hrs to 07:00hrs of the following day.

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

- 1) Concerns over the monitoring location and background readings for the assessment

Having read and discussed with colleagues the Noise assessment undertaken by Matrix Acoustics (M1341/R02) I am unable to accept the findings over the background survey that was undertaken.

The background monitoring location is some distance from the noise sensitive properties labelled A and V in the report. Given the distance, the background data cannot be described as representative of the background noise environment with any certainty.

It is therefore my strong recommendation that the exercise is repeated within the amenity areas of properties A and B.

The Matrix Acoustics (M1341/R02) report states 'During the setting up and collection of the noise monitoring it was noted that the noise of running water in the stream was audible when the ambient noise levels were low. The stream is therefore likely to be the source of the underlying noise during the period when other environmental levels are low.'

Seasonal variations in precipitation will have a large effect on the stream indicated within the report.

- 2) Concerns over the day and night time movements of HGVs and vehicles past property A

The Matrix Acoustics (M1341/R02) report states that 544 vehicle movements per annum, mainly HGVs will take place during the day and desticking of birds at night. This has the potential to have significant impact on the amenity of property A, as these vehicles would pass very close.

In order to assess the impact of vehicle movements, an assessment should be undertaken against the World Health Organisation's guideline with regard to day time and night time noise.

World Health Organisation's guidelines state the following;

In dwellings, the critical effects of noise are on sleep, annoyance and speech interference. To avoid sleep disturbance, indoor guideline values for bedrooms are 30dB LAeq for continuous noise and 45dB LAmax for single sound events. Lower levels may be annoying, depending on the nature of the noise source. The maximum sound pressure level should be measured with the instrument set at Fast.

To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55dB LAeq



for a steady, continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure levels should not exceed 50dB LAeq. These values are based on annoyance studies.

At night, sound pressure levels at the outside facades of the living spaces should not exceed 45dB LAeq and 60dB LAmax so that people may sleep with bedroom windows open. These values have been obtained by assuming that the noise reduction from outside to inside with the window partly open is 15dB.

3) Construction noise could be reduced with the following suggested condition

Given the proximity of residential receptors it will be necessary to limit the hours of construction in order to prevent noise negatively impacting on residential amenity. I would recommend that the following condition be attached to any consent granted;

Hours of demolition and construction works

Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents from excessive noise, vibration and dust.

3<sup>rd</sup> Response

I write with reference to the above application. Following discussions with Mr Paul Smith from Matrix Acoustics with regards to the noise report, I am satisfied that the fans can be controlled through sound attenuation so that they will not give rise to excessive noise at the nearest noise sensitive properties. The issue regarding deliveries is such that the applicant is willing to undertake this during the daytime, noise will be heard from the passing lorries but this will be limited to day time.

Recommendations

Should members grant permission to this application then the following conditions are recommended.

Conditions

(a) Noise Conditions

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.

Reason: To protect the local amenities of the local residents by reason of noise.

(a1) Transport Noise

All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

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

(b) Prevention insect and of 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.

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.

Manure storage.

All stored manure that needs to be covered shall be covered by the end of the day. The covering shall be tightly with polythene in such a manner as to leave no gaps and the edges of the polythene 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.

(iii) 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 the light sensitive locations when the light is in operation.

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

Construction noise could be reduced with the following suggested condition.

Given the proximity of residential receptors it will be necessary to limit the hours of construction in order to prevent noise negatively impacting on residential amenity. I would recommend that the following condition be attached to any consent granted:-

Hours of Demolition & Construction Works

Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:130 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.

Reason: To protect the amenity of local residents from excessive noise, vibration and dust.

## **NRW**

1<sup>st</sup> Response

Thank you for referring the above planning application to us which we received on 9 January 2014 and further details on 11 April 2014. We appreciate the extension of time to allow us to provide you with our advice.

We have no objection to the proposed development as submitted, but have provided your Authority with advice to help determine this application. We also inform you that in making your decision you should be aware that this proposal will be subject to the Environmental Permitting Regulations (2012) and regulated by us/

Environmental Permitting

Based on the details submitted with the planning application and environmental statement, a permit will be required by us. We will not issue a permit unless satisfied that a high level of protection is provided for the environment and human health. Any permit issues would be

concerned with the operation and control of the process within a defined boundary once the facility has been built.

The permit is likely to control the following activities within the facility boundary;

1. Management of Activity

- Including the general management of units;
- Accident management plans;
- Energy efficiency and efficient use of raw materials (including water)
- Avoidance, recovery, and disposal of wastes produced by activity (for example manure) NB: not construction of buildings;
- Site security

2. Operations

- Permitted activities
- Operating techniques
- Closure of activity and decommissioning

3. Emissions and Monitoring

- All emissions from the operation to water, land and air
- Transfers off site
- Fugitive emissions of substances
- Odour, noise, dust and vibrations

4. Information management

- Records, reporting and notifications

In addition, any discharged to the water environment (surface and ground waters) from the operations will need be included in any permit application for this facility.

Dust

We note representations have been made to your Authority regarding potential dust issues on neighbouring land. We can confirm that as part of any determination of a permit for this site, we expect a supporting risk assessment to cover issues such as dust, resulting from the operations. If a risk assessment flags any environmental impact (including dust), we would expect the applicant to assess how this would affect human health and the environment, for example on sensitive receptors such as residential properties, or wildlife sites. If we are not satisfied with the adequacy of the risk assessment we will request further work/information to a sufficient standard before determining the permit.

We consider each permit application on an individual basis. During our determination we access the information submitted to establish if suitable and appropriate measures are in place to ensure the protection of the environment and human health. We do not assume that an issue at one site will occur at another undertaking the same operations.

If a permit is issued, it is likely to contain condition(s) relating to emissions of substance which may cause pollution, such emissions could include dust. The operator will be required to comply with the conditions, and if they are breached, enforcement action can be taken. The permit will also allow for a condition to be varied if circumstances change through the

lifetime of operation. Our compliance team will ensure that if an issue, such as dust, arises it will be addressed with the operator while keeping local residents informed.

#### Ammonia screening

We received a pre-application enquiry for an environmental permit at this site for an 80000 broiler facility. We provided the agent with an initial ammonia screening assessment. We can confirm that based on this assessment it is unlikely that we would require detailed modelling to assess ammonia impacts on designated sites.

#### Water framework Directive

The Water Framework Directive (WFD) places a duty on your authority to have regard to River Basin Management Plan. This means that a Local Authority should ensure when determining a planning application they are compliant with meeting the no deterioration objective of the WFD. In considering this application, you should therefore ensure that it has sufficient information to conclude that the proposal (plan) will not result in any deterioration of waterbody status or prevent a waterbody achieving Good Ecological Status. The same duty will apply to us when issuing any environmental permit but will only be considered WFD in the activities we will regulate. Therefore issues such as construction stage, associated development (such as access tracks) and landscaping will not be assessed during a permit application and WFD not considered by us in this process. We recommend you discuss potential mitigation measures that can ensure you meet your WFD duty with your Ecologist, for example securing a Construction and Environmental Management Plan in planning permission is granted.

#### Ecology

We note from the submitted ecological report that it identified several concerns regarding pollution at the existing site. We acknowledge this baseline assessment. However, for this proposal to be operational, as stated above, an environment permit will be required. This will ensure the management and general running of the farm will need to be to a particular standard, our compliance team will work with the operator to get this site to a set standard.

Further assessment may need to be carried out to ensure that impacts on ground nesting birds are avoided. This advice supports the recommendations of the baseline assessment and we recommend you discuss and agree with your ecologist on any information or mitigation required.

#### Habitats Regulations

The River Wye Special Area of Conservation (SAC), Elan Valley Woodlands SAC and Elenydd SPA are less than 5km from the application site. The Planning Authority is the Competent Authority under the Habitats Regulations for planning permissions and we advise that a HRA should be carried out to determine impact upon these sites. This should be done in advance of issuing of any planning permission and should assess direct, indirect and cumulative impacts. If/when an environmental permit is applied for, we will also be a Competent Authority under the Habitats Regulations (however we have not yet received an application).

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. 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 ecologist and/or nature conservation organisations such as the local Wildlife Trusts, RSPB etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.ork.uk](http://www.biodiversitywales.ork.uk)).

#### Drainage and Surface Water

We note the submission of a surface water management plan (reference TH001 dated 9 April 2014) prepared by ADAS UK Limited. We acknowledge that soakaways for this proposal are not appropriate. As with all development, we encourage and advise that betterment should be provided in terms of surface water run-off control, for example from roof and paved areas. Opportunities should also be taken to improve existing drainage/highway system, if within the scope of the application. We recommend that a composite solution, incorporating hedge and tree planting, swales and rainwater harvesting is considered. We note some tree planting is proposed but assume this solely a measure to mitigate visual impact.

Your land drainage department should ultimately be satisfied that the proposals in place are appropriate and the storage volumed and greenfield run-off rates are acceptable.

We will also request details on drainage resulting from permitted operations on site, if an environmental permit application is submitted. We will require all run-off from the units to be disposed of satisfactorily due to the potential for contamination. The disposal will be in a manner that does not impact on the water environment.

#### Landscape

The application site does not sit within a Landscape of Historic Interest and we confirm it is not within our LANDMAP aspect area classed as 'Outstanding'. We do note from the Design and Access Statement submitted with the application that the site was chosen so that the 'development can be accommodated within the landscape without material harm to the character and appearance of the area through the use of existing landform and landscape features...' However, notwithstanding this, the development is large scale and in the open countryside, and therefore mitigation is likely to be required in order to assist integrating it within the landscape. Therefore we would recommend appropriate conditions are secured to ensure landscape mitigation measures are in place, if the application is granted.

#### Further Advice to LPA

We take this opportunity to draw to the Highways Department's attention concerns that have been raised about drainage issues from tracks outside the redline boundary. In considering the suitability of access to the site we ask that LPA/Highways Department are mindful of possible watercourse pollution and siltation issues arising from increased vehicle usage and be mindful of their WFD and Habitats Regulation duties while considering these aspects.

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

We have reviewed all new information, including this party representations, since our last response on 6 May 2014 and are writing to explain our assessment of this proposal in light of the new information,

As a result, we confirm that we do not object to planning permission for this proposal.

We set out below explanations of our further assessments of the following topics;

- Aerial Emissions Impacts on Statutory Protected Sites
- Aerial Emissions Impacts on Local Ecology Receptors
- Odours Emissions
- Noise Impact

#### Aerial Emissions Impacts on Statutory Protected Sites

We have considered the potential impact on the nearby designated sites of Elan Valley Woodlands SAC and Cae Coed-Gleision SSSI. Specifically we have assessed the potential for ammonia emissions from the development to harm plant and change vegetations in the SAC and SSSI. The potential for adverse effects to bryophytes and lichens arises if ammonia levels exceed 1 ug/m<sup>3</sup> and to other vegetations if levels exceed 3ug/m<sup>3</sup>. As the SAC woodland feature 'Old sessile oak woods with Ilex and Blechnum in the British Isles' includes bryophytes and lichens, the critical level for the SAC is 1 ug/m<sup>3</sup>. For the SSSI, the critical level is 3ug/m<sup>3</sup>.

Our original response was informed by an assessment of potential ammonia level that we carried out using our highly precautionary in-house ammonia screening tool during pre-application discussions. This showed that this development would contribute 0.008 ug/m<sup>3</sup> to ammonia levels at the edge of the SAC nearest to the development. It also showed that it would contribute 0.04ug/m<sup>3</sup> to ammonia levels at the nearest edge of the SSSI. These contributions would not be significant, or adversely affect the SAC or SSSI.

As other representations to you have pointed out there is potential for this development to have a cumulative effect with other intensive livestock units in the area. We have used the additional information provided by local residents regarding the 13 other intensive livestock units in the area to review the potential for cumulative effects of these with the current development. Our recently completed assessment (attached) shows that the existing farms are, together, making a reasonably high overall contribution to ammonia levels in the area. However, it also shows that the cumulative effect of these farms does not extend to the SAC and remains within 3ug/m<sup>3</sup> at the SSSI.

To conclude we have not objected on grounds of effects on the SAC or SSSI because this proposal's potential contributions to ammonia levels at those sites are not significant individually or when considered cumulatively with emissions from existing livestock units.

The contributions are low mainly because this type of unit, and the way it is operated, give lower emissions.

#### Aerial Emissions Impacts on Local Ecology Receptors

Our assessment of emissions from this development and its potential to have cumulative effects with existing livestock units could inform your assessment of effects on ecology receptors of local conservation value.

#### Odour Emissions

Installations as this can give rise to periodic odour. The extent of odour will depend on a number of variables, for example the technology used in the installation, management techniques and operational procedures. We will assess the risk of odour on sensitive

receptors such as residential property in the locality during the permit application. Any permit application will need to include a detailed risk assessment to address this issue which we will thoroughly assess. Unless the applicant can meet the requirements of the EPR regime we will not issue a permit and they will not be able to operate. If we do issue a permit for this proposal, it is likely to include a condition that will control/manage odour. Our compliance officers will ensure that if an odour issue arises and is causing pollution outside of the installation, it will be addressed with the operator while keeping local residents informed.

Odour from the process and emissions will primarily be a matter for the permit application, but we advise that there is some cross over into your planning determination. For example, if the location of the installation has an influence on odour, which causes a nuisance to a residential receptor, then this is a clear planning consideration.

A representation made by a member of the public to you on 28 July 2014 raises the specific issue of cold drainage flow carrying odour to their property. According to their independent review of the submitted Odour Dispersion Modelling Study (prepared by Environmental Pollution Management Ltd, 27 May 2014, referenced 1409AQR), it is possible that Pencwm will experience high concentrations of odour due to the proposed position of the poultry unit (adjacent to the watercourse that flows past Pencwm). The review concluded that the applicant's study had not considered cold drainage flow.

We have also received the independent review and a DVD which intended to illustrate the cold drainage flow effect on 7, 10 and 11 September 2014. In our view the representation has a valid point and there is a possibility of cold drainage flow affecting the residential property at Pencwm. However, based on the information available, mitigation measures by the applicant should be possible which will be considered through the EPR regime. Therefore we have no further comments to make on the impacts from odour to your Authority. The applicant will need to consider this in their risk assessment and consequently their installation, design and operation procedures.

Taking the remaining conclusions of the independent review (2.8.1) into consideration, excluding point iv, we advise that these issues will also be assessed through EPR regime. In respect of point iv, we recommend you seek advice from your Environmental Health Department.

#### Noise Impact

Emissions of noise that are generated outside of the installation boundary will not be addressed by the environmental permit. We will not require the applicant to consider noise emissions from outside the installations such as transport and construction impacts. We have reviewed the Noise Impact Assessment prepared by Matrix including the three revisions (M1341/R01, R02 and R02a). We have no serious concerns regarding noise emissions from inside the installation at this time. We will require any environmental permit application to include an assessment demonstrating the satisfactory control of noise.

We note a representation made on 25 July 2014 by a local resident which attached an independent review by Environmental Pollution Management Ltd on the applicant's submitted Noise Impact Assessment. The concerns raised in the review that are pertinent to EPR such as fan operating, background noise levels, removal of litter and cleaning of houses are unlikely to affect the principle of this development at this location. We are satisfied that the



environmental permit can address these issues. If the environmental permit process required mitigation measures which required modifications or changes to any planning permission, the applicant may need to revise or re-apply for permission.

We advise you to discuss the matters highlighted in Environmental Pollution Management Ltd review that relate to traffic and construction with your authority's Environmental Health Department.

Environmental Permitting Regulations (England & Wales) 2010 (as amended) (EPR 2010)

We have not received an application for an Environmental Permit under the above regulations for this proposal. We note that representations from the public have referenced the relationship between the planning and EPR regimes. Planning and permitting decisions are separate but closely linked, and issues can overlap. Planning authorities should focus on land issues rather than the control of processes or emission. The recommended best practice for developments requiring both decisions is for parallel tracking.

### Summary

We do not object to this planning application as submitted but advise you that the determination of any future environmental permit is independent to our role as an advisor to you on this planning application. We are likely to require more information as part of our permit determination and this response should not be taken that a permit will be issued.

### 3rd Response

NRW received a letter dated 12 November 2015 from a third party regarding our advice to you. This prompted us to instigate an investigation according to Stage 2 of our complaints policy which involved an independent officer reviewing the case. We have now completed this review. A report was prepared which has been sent to the third party. There is a recommendation in the report that NRW write to Powys County Council in order to confirm our advice has been fully understood.

1. Our response letter dated 31 July 2015 was in response to additional information and does not supersede our letter dated 6 May 2015. Both letters should be read in conjunction with each other.
2. The statement in our 31 July 2015 letter 'background noise levels...are unlikely to effect the principle of this development at this location' is only in relation to the noise matters within our remit that will be dealt with under the Environmental Permitting Regulations (EPR) regime. We are not advising you on noise matters outside of the EPR remit.
3. It remains NRW's advice that a Habitats Regulations Assessment should be carried out prior to determining this planning application. We are able to provide you with further advice, if you require.
4. We provided you with advice under the 'Landscape' heading in our 6 May 2014 letter. NRW are not endorsing the statement quoted from the Design and Access Statement.

I trust the above points are understood and will be considered by you in your determination of this application. If you do require any further advice, or if there are other points within our letters you wish us to clarify, please contact me.

### 4th Response

Thank you for referring the Environmental Statement (ES) to us on 9 May 2017. As you're aware we also requested the air quality modelling which informs the ES for review. We were also forwarded an independent review of the ES on 2 May 2017 (document reference: 1409ES and dated 23 March 2017), this was prepared by Environmental Pollution Management Ltd. In providing our advice we have taken into account both the ES and the independent review.

The applicant requested a Scoping Opinion from Powys County Council. This opinion stated an odour assessment which assesses cold drainage flow on the dwelling known as Pencwm should be included in the ES.

Cold air drainage flow (or Katabatic winds) is discussed in section 4.0 of Appendix 5 of the ES. It states that without sophisticated on-site measurements, it is not possible to gauge the depths likely to be attained for cold air drainage flow; however the ES findings suggest it would be rather unlikely that the depth attained at the site would be more than 2 or 3 metres.

The ES also states that the proposed buildings and ventilation system would emit odours from a height of approximately 6.5 metres at a velocity of 11 m/s and therefore plume rise would be significant – approximately “tens of meters above stack height”. This means emissions from the unit would not be directly emitted into any potential cold air drainage flow and therefore it is unlikely that odours from the ventilation system could be entrained with the flow, which in turn, could impact the receptor at Pencwm.

However the ES did not provide any on-site measurements or calculated depth of possible cold air drainage flow at the proposed site. This is due to the type of modelling used (i.e. ADMS), which is unable to model cold air drainage flow.

Given the circumstances we ran further modelling (using German Weather Service KLAM\_21) to better understand the effects of cold air drainage flow at this site. These results show possible hourly average depth of cold air drainage flow up to 7.2 metres at the poultry units with a northerly wind direction. Under other wind directions the flow depth would be under 6 metres. We have noted that the proposed fan exit height of 6.5 metres and exit velocity of 11m/s which will lead to plume rise.

Based on all the information we have, our view is that the stack ventilation plume is unlikely to be entrained into possible cold drainage flow and carried downstream, possibly effecting the receptor at Pencwm. This advice is on the presumption that all the conditions in the model, for example the fan at full speed and not variable speeds, are reflected and applied during the operation at the site.

In summary, the modelling has shown that cold air drainage flow at the site does not have a significant odour impact on sensitive receptor at Pencwm. We remind you that this site will be required to apply for an Environmental Permit from us. At this time the applicant will be required to provide an odour risk assessment to ensure they can comply with relevant guidance. If necessary conditions can be attached to the permit.

#### Further Advice to Applicant

Our review of your odour dispersion modelling study found that you will need to review the odour emission rates used in the odour impact modelling study when submitting an odour risk

assessment as part of the permit application. We also advise you use more representative and robust met data in the odour impact modelling study.

## Land Drainage

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

THE coUNTY Council as Land Drainage Authority would wish the following recommendations/observations be applied;

#### Flood Defence

No contours should be altered within 5m of any watercourse, without prior permission from the Planning Authority. This should also apply to any planning application within the designated C2 flood zone.

No buildings, structures, fences or planting shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres wither side of any culverted watercourse.

Records indicate that the site slopes towards the watercourse, the applicant would need to consider how surface water will be controlled from the site whilst interrupting drainage of the surrounding land and not exacerbating or creating any flooding problems. The Authority would seek on site attenuation to the site 1 in 100 year standard + 20% for climate change, whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas.

No development shall commence until a scheme for the drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the dwellings are occupied. The scheme to be submitted shall show foul drainage being connected to the public sewerage system.

Prior to submission of the details required by the condition above, an assessment shall be carried out into the potential for disposing of surface water by means of sustainable drainage system (SuDS) in accordance with the principles set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment provided to the local planning authority. If the assessment demonstrated that there is potential for disposing of surface water by means of SuDS, the details to be submitted pursuant to the above condition shall incorporate such provision. Where SuDS scheme is to be implemented, the submitted details shall:

1. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
2. Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for the implementation; and
3. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for their adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. A new road/dwelling may increase the volume of runoff that reaches

the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime. A Flood Consequence Assessment will be required, the scope of which will need to be agreed with Powys County Council Land Drainage Section.

Site operators should ensure that pollution prevention measures are put into place to prevent any works having an impact on surrounding watercourses. Adequate measures should be in place to prevent work materials and suspended solids from entering any watercourse. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. No material is to be deposited within 10m of any watercourse/ditch or spring. If there are any pollution incidents, these should be reported immediately to the Environment Agency's Emergency Hotline on 0800 807060.

#### Maintenance Responsibilities

The developer must obtain a land drainage consent from Powys County Council Land Drainage Section prior to any works in, under or over the watercourse, or within 7 metres of the base of any floodbank or wall, or where there is no bank or wall within 7 metres of the top of the riverbank.

The developer must not, in any way, create an obstruction or a restriction to the flow of a watercourse under normal or flood flow conditions. No material should be tipped within 7 metres of a watercourse or within the floodplain.

It is presumed that Riparian rights and responsibilities exist in respect of the open or culverted watercourse and advise that the landowner will be responsible to maintain any section of the watercourse that passes or abuts their land.

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

The County Council as the Lead Local Flood Authority (LLFA) would wish to make the following observations/comments/recommendations:-

This response should be read in conjunction with the previous response made by the LLFA dated 31st March 2014

#### Land Drainage / Local Flood Risk.

The proposed site is located in an area shown to be at risk of flooding by surface water, as shown on Natural Resources Wales website (<https://naturalresources.wales/evidence-and-data/maps/long-term-flood-risk/?lang=en>). Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

From a site visit, it appears the site is mainly located within a natural wetland area. The natural storage capabilities would be lost through development of the site, thus causing water to be displaced.

An appropriate Assessment should therefore be prepared to evaluate and assess the impacts of this flood risk and displacement of floodwater. The assessment should also

demonstrate what suitable measures can be achieved to mitigate this flooding and water displacement.

No contours should be altered within 5m of any watercourse, without prior permission from the Planning Authority.

No buildings, structures or fences shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse.

Recommendation:

Prior to the granting of any permission, an appropriate flood consequence assessment should be provided to demonstrate how local flood risk can be managed on the site, together with proposals to safeguard the land drainage features.

Reason: To manage local flood risk on and off-site. To ensure that the proposed development does not compromise the function of the land drainage features and that any proposed alterations are fully compliant with regulations and are of robust design.

Advisory: Prior to undertaking any works in, under or over the watercourse, an ordinary watercourse consent must be obtained from Powys LLFA.

The developer must not, create an obstruction or a restriction to the flow of a watercourse under normal or flood flow conditions. No material should be tipped within 5 metres of a watercourse or within the floodplain.

It is presumed that Riparian rights and responsibilities exist in respect of the open or culverted watercourse.

The following is provided in fullness to the consultation.

Surface Water Drainage.

The hydrology of receiving water bodies can be affected by the presence of new impermeable surfaces. Any new hardstanding, road or roof will more than likely increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channel is required, this may also affect the local hydrological regime.

Records indicate that the site slopes towards the watercourse, the applicant would need to consider how surface water will be controlled from the site whilst interrupting drainage of the surrounding land and not exacerbating or creating any flooding problems. The LLFA would seek on site attenuation to the 1 in 100 year standard plus an allowance for climate change, whilst limiting discharge to the existing 1 in 1 year Greenfield run-off for the connected impermeable areas. The Applicant's current drainage submission does not comply with this standard but instead applies a variable discharge rate according to storm duration, which is notoriously difficult to achieve in practice. The LLFA would recommend that the surface water drainage be re-designed to achieve the required 1 in 1 year maximum discharge rate. As a consequence, a re-design of the attenuation system would also be required.

No surface water run-off shall flow onto the public highway.

No development shall commence until a scheme for the drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the site is operational. The scheme to be submitted shall show the arrangements for the foul water drainage.

Recommendation: No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the buildings come into use.

Reason: To ensure that the proposed surface water drainage system for the site is fully compliant with regulations and is of robust design. To ensure that no surface water runoff from the access road runs onto the public highway.

### 3<sup>rd</sup> Response

Thanks for the email. Having discussed the drainage report with Graham, the Land Drainage Section would make the following additional comments:

#### Local Flood Risk/Land Drainage

Observation: Having reviewed the submitted FCA prepared by ADAS dated August 2017, we concur with the findings of 2.1 Flood Risk, in that parts of the site are located within a Low Surface Water Flood Risk Area.

Comment: The mitigation principles detailed on Surface Water Drainage Plan Drawing. No. TH001-01/PE-KH11/SuDS 02, showing the grass swale interceptor channel and shallow ditches are deemed acceptable, however, further engineering details and drawings (inc. cross sections) are required to confirm the suitability of the flood defence measures prior to any commencement onsite.

#### Surface Water Drainage

Observation: Having reviewed the submitted FCA prepared by ADAS dated August 2017, the Lead Local Flood Authority (LLFA) find the surface water drainage proposals generally acceptable, however, the Greenfield runoff rate, shown in Table 1 of 11 l/s appears higher than calculations we have prepared. Based on the approximate area of the site we would expect flows of around 6 l/s [5.6 l/s (1 in 1yr) from ADAS 345 (via MicroDrainage) & 6.63 l/s from HR Wallingford (greenfield run-off tool)]. Our figures are in line with Natural Resources Wales figure of 10l/s/ha for the Wye catchment which equates to 6l/s Greenfield runoff rate. The Land Drainage Section therefore recommends that the maximum discharge rate is reduced to 6l/s, with the attenuation pond designed to accommodate the 1 in 100 year rainfall standard +20% CC.

Recommendation: Prior to commencement onsite, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site to be limited to 6 l/s maximum discharge, include a management and maintenance plan for the lifetime of the development

or other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The development shall only take place in accordance with these agreed details and be fully completed before the site becomes operational.

Reason: To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.

### **Representations**

The application was advertised through the erection of a site notice and press advertisement. A number of objection letters have been received from 48 individuals and the objections are summarised below.

- Concerns regarding highway safety and damage to the existing highway network
- Concerns raised regarding residential amenity in relation to noise, odour, additional traffic movements and damage to existing properties
- The proposed development is of an industrial scale in the wrong location
- The C1229 is unsuitable for traffic that would be generated and associated with the development
- Unacceptable location as there is no existing buildings at the site; development is located in pristine countryside; possibly the largest building in Powys; is visually intrusive
- The development would have a detrimental impact on the landscape
- Alternative sites for the development have not been fully considered
- Concerns raised regarding the surface and foul drainage at the site and potential impact on nearby residents
- Concerns raised regarding the impact of the poultry unit on biodiversity features such as protected species, SACs, SSSIs and SPAs
- Potential for the development to pollute statutory sites
- Impact of the proposed development on air pollution
- Inaccuracies within the application

### Radnorshire Wildlife Trust

On behalf of the Radnorshire Wildlife Trust I wish to object to the proposed erection of two broiler units in close proximity to the Cwm Caws, St Harmon.

Gilfach, Radnorshire Wildlife Trusts 410 acre flagship Nature Reserve, is renowned for nationally rare and vice-county rarity lichen and moss species which are highly sensitive to air quality and air pollution.

The lichen and moss diversity at Gilfach are of significant financial value to the reserve with education programmes at Gilfach based on the rich diversity found there. The level of natural diversity at Gilfach is nationally significant. Further construction of chicken sheds and the accumulative ammonia and nitrae pollution in the Marteg Valley pose a significant threat.

### Protected sites and fauna

The proposed sheds will be located in proximity to the Cwm Caws, a tributary of the Cwmbras which flows into the river Marteg. The Marteg flows through the Gilfach Nature Reserve

and SSSI and Elenydd SPA 3.3km, and into the River Wye SAC 4km, downstream of the Cwm-bras/Marteg confluence.

The proposed sheds will be 1.9km from the Cae Coed-Gleision SSSI. There are a total of seven statutory sites within 5km of the proposed site;

- Cae Coed-Gleision SSSI 1.9km;
- Marcheini Upland, Gilfach Farm and Gamallt SSSI 2.3 km;
- Caeau Wern SSSI 2.5km;
- Upper Nantserth Pasture SSSI 2.5km;
- Elenydd SPA 3.3km;
- Cors Cae'r Neuadd SSSI 3.7km;
- River Wye SAC 4km.

These sites cover a significant area of the Marteg Valley, additional air pollution from intensive farm units has high potential to impact these sites.

Salmon, a feature of the River Wye SAC, are recorded annually swimming up the Marteg as part of their migration to spawning grounds further upstream. The Marteg is used extensively by otter and bird species.

Water vole have been recorded over the last 5 years on the Marteg and its tributaries, otter have been seen on the Cwm Caws.

#### Application documents

The ecological report does not represent the quality of habitat surrounding the proposed site or the species it supports. The Marteg Valley and land in the vicinity of the site is relatively unimproved, dominated by wet, marshy grassland with purple moor-grass tussocks. This habitat supports snipe and curlew, both LBAP species, as well as common lizard which are widespread locally.

The Cwm Caws is at the head of the valley with little human activity and no agricultural infrastructure nearby. Light pollution would be significant in this current dark location. The pollution referred to by the ecological report is likely to be caused by localised agricultural activity by the landowner. Further, intensive, activity could result in long-term problems regarding the water quality of the Cwm Caws.

There are already poultry shed at Shettingau, St Harmon and Glan Marteg, Pant y Dwr which exert pollution pressures on the Marteg Valley. There is real fear that the cumulative impact from issues such as ammonia are detrimental to the wider environment, which have not been addressed by this application.

There appears to be no acknowledgement of the EU Water Framework Directive in view of the Marteg's fish population and features of the River Wye SAC downstream.

I hope the Council considers refusing this application. If the application is to be passed I strongly recommend planting of native hedging, in addition to standard pollution prevention measures, to address any potential pollution risks to the local watercourses.

CPRW



The Brecon & Radnorshire branch of the Campaign for the Protection of Rural Wales (CPRW) wishes to comment on the Environmental Statement uploaded on 22 February 2017 (however it is undated) in relation to planning application P/2014/0009.

#### Visibility and impact on landscape

We understand that it is very likely that a stack would be necessary to overcome cold drainage flow at this location, although this does not appear to have been written in appendix 5, statement of evidence. We expect that a feature or structure with the potential of detrimental impact on the local landscape such as a tall chimney stack would weigh against the development of intensive poultry units at this site.

The drawing does not demonstrate that the development will not blight the view from the elevated local stretches of the Monk's Trod footpath, which is promoted as a tourist destination.

#### Traffic

Within the ES, no attention has been paid to the HGVs passing the settlements of Tynant, Tynddole and Pencwm. The noise would likely exceed World Health Organisation recommendations, especially in the early hours of the morning. The detriment to the recreational value of the quiet access road has not been addressed.

The possibility of alternatively locating the development at Beili Ddol or Glan yr Afon where HGVs already have access has not been properly considered.

There is plenty of alternative land available that in addition would not disturb any archaeological features.

#### Odour

In our opinion, the high odour levels that will occur when litter is cleared at the end of each crop cycle has not been properly addressed within the ES description of maximum odour exposure on p 16.

#### Biosecurity

Biosecurity is a particular concern and we cannot see that this has been addressed within the ES. Nor can we see any comment on or reference to poultry dust or ammonia levels, exposure to both of which could be detrimental to the health of local ecosystems and residents.

We trust that our comments will be considered and we look forward to hearing from you.

Please confirm receipt of this correspondence.

The Campaign for the Protection of Rural Wales (CPRW) established in 1928 is Wales' foremost countryside Charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well-being of those living in the rural areas of Wales.

#### **Planning History**

No relevant planning history

## **Principal Planning Constraints**

- Cae Coed-Gleision SSSI approximately 1937m from the proposed development
- Marcheni Uplands, Gilfach Farm & Gamallt SSSI approximately 2351m from the proposed development
- Caeau Wern SSSI approximately 2573m from the proposed development
- Upper Nantserth Pasture SSSI approximately 3328m from the proposed development
- Cors Cae'r Neuadd SSSI approximately 3780m from the proposed development
- River Wye SAC approximately 4031m from the proposed development
- Elenydd-Mallaen SPA approximately 3391m from the proposed development

## **Principal Planning Policies**

### National Policies

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 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 - The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

### Local Policies

Powys County Council Local Development Plan (2018)

SP7 - Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment

DM4 – Landscape

DM6 – Flood Prevention and Land Drainage

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

DM14 – Air Quality Management

E6 – Farm Diversification

T1 – Travel, Traffic and Transport Infrastructure

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

## **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

## Officer Appraisal

### Introduction

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

### Environmental Impact Assessment Regulations 2017

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

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

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

The Welsh Ministers then received a Screening Direction from a third party and issued a Screening Direction on the 22<sup>nd</sup> September 2016;

“I conclude the proposed development is likely to generate adverse environmental impacts resulting from odour nuisance. Taking into account the available information, there remains some uncertainty about the scale of these impacts, however, NRW consider odour impact is likely and has the potential to be significant. Recognising the need to take a precautionary approach for the purposes of the EIA Regulations, I conclude the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location due to the likely impacts of odour emissions on a sensitive receptor. The proposal is therefore “EIA development”.

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.”

As such an Environmental Statement was requested and submitted.

### Principle of Development

Policy E6 of the Powys Local Development Plan accepts the principle of appropriate farm diversification developments within the open countryside where the schemes are of an appropriate intensity, does not have a detrimental impact upon the vitality and viability of adjacent land uses, has adequate parking facilities and is located within or immediately adjacent to the existing farm complex. In light of the above, and having considered all statutory consultee responses, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

### Farm Diversification

The applicants operate a family owned farming business and are seeking consent to further diversify in order to secure the long-term viability of the farming enterprise. The applicants operate a mixed livestock enterprise comprising beef, sheep and free range poultry from Beili Ddol Farm, Rhayader and Glan yr Afon Farm, St Harmon.

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 policy DM4 of the Powys Local 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. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

For the purposes of LANDMAP's Visual and Sensory, the proposed site of development is located within the 'Upland/Exposed Upland/Plateau/Upland Moorland' aspect area which is characterised as three extensive areas, adjacent to more forested hills. There are no distinct hills. Areas of large fields are interspersed with open land. Wild, open, exposed upland plateau and ridges with a smooth & rounded profile and semi-natural rough moorland land cover, plus areas of fields. Whilst the 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.

The application site comprises of agricultural land located approximately 340 metres to the south of the C1229 highway. The site is located in a natural dip in the landscape with the surrounding topography screening the development from the east, west and south. The development will be viewed from a short section of highway to the north of the site and for a short section between the non-associated dwelling, Pencwm, and the entrance to the site.

The proposed building would be accessed via the existing access off the County Class III Highway, C1229 and a hardstanding area is proposed directly west of the proposed building.

The site itself is bound by the highway to the north, and existing agricultural land to the east, south and west. The topography of the surrounding agricultural land means that the proposed building would be screened in the wider landscape with sections of the development being viewed on short sections of the adjoining highway.

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed topography of the area along with the proposed planting of native trees, 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 policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

### Transport Impacts

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

Access to the application site will be provided via an existing access, to be improved, off the county class III highway (C1229) located to the north of the proposed unit. The supporting planning statement indicates that the main vehicular movements associated with the proposed poultry development are as follows;

“During the general operation of the site, the proposed development will create an average of 1 vehicle per day (2movements). There are 3 peaks to traffic movements with each flock

cycle. These peaks are at day 31 of the flock with 3 collections, day 35 with 10 collections and day 37 with 4 vehicles for manure removal from the site.”

Following initial consultation, Members are advised that the Highway Authority offered no objection to the proposed development subject to conditions being attached to any grant of consent. They acknowledged that concerns had been raised from third parties regarding the development and its implications on highway safety however state in their response that for 90% of the year the development will only create 2 additional vehicle movements. It is acknowledged that a further response was received from Highways querying the time that had elapsed since their first comment and asking that additional information be submitted. This primarily related to the conditions as previously requested by the Highways Authority and passing bays. Officers consider that the queries raised by the Highway Authority in their second response can be addressed through suitably worded conditions.

Officers consider that subject to the conditions suggested, the proposed development is in accordance with planning policy, particularly policy T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

### Biodiversity and Ecology

#### *SSSI's and SAC*

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

The proposed site of development is located within approximately 5km of the following Nationally Designated sites;

- Cae Coed-Gleision SSSI approximately 1937m from the proposed development
- Marcheini Uplands, Gilfach Farm & Gamallt SSSI approximately 2351m from the proposed development
- Caeau Wern SSSI approximately 2573m from the proposed development
- Upper Nantserth Pasture SSSI approximately 3328m from the proposed development
- Cors Cae'r Neuadd SSSI approximately 3780m from the proposed development
- River Wye SAC approximately 4031m from the proposed development
- Elenydd-Mallaen SPA approximately 3391m from the proposed development

NRW have reviewed the proposed development with regards to potential for significant negative impacts to SACs, SSSIs and Local Wildlife Sites, the result of this screening concluded that the predicted process contributions would not exceed the threshold of significance. NRW also undertook their own assessment to determine the likely significance of a cumulative impact from the proposed development and other consented applications in the area. Their assessment concluded that the proposals potential contributions to ammonia levels are not considered to be significant individually or when considered in combination with emissions from existing livestock units.

The proposed development is within 5km of two Special Areas of Conservation and as such following consultation with the Powys Ecologist a Habitats Regulation Assessment of the proposed development in relation to these sites have been undertaken. The HRA Screening concluded that there would be no likely significant effect to these sites or their associated features either alone or in combination with other plans or projects. The Powys Ecologist also advise that in their HRA Screening of the River Wye SAC the requirements of the Water Framework Directive.

The site is approximately 3.4km from the Elenydd-Mallaen SPA. The Powys Ecologist advise that they have not undertaken a HRA Screening on this site as it was determined based on the distance from the proposed development, nature of the designation and associated features that there would be no likely direct or indirect impact to this site, as such a HRA Screening would not be required.

### *Protected Species*

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

A baseline ecological survey was carried out by Betts Ecology covering the site to assess the habitats present and to identify any features of importance with regards to biodiversity. Following consultation with the Powys Ecologist they state that the assessment of the site identified that the land within the site boundary is of low to moderate ecological value comprising areas of grassland and rush pasture. The land has been agriculturally improved and is dominated by common species, no notable plants, vegetation or habitats were identified during the survey. The access track was found to be most bare ground. To the west between the access track and the site a drainage channel was identified and approximately 20m to the north east the Cwm Caws stream is present. No ponds were found to be present on the site.

The assessment also concluded the following assessment for protected species;

The assessment of the site for its potential to support protected species concluded the following:

- Badger – No evidence of activity of badger setts were found on the site
- Otter – no watercourses were present within the development footprint, the Cwm Caws stream was assessed as having negligible potential as a commuting route for otters.
- Bats – no buildings or trees present on the site, therefore no potential opportunities for roosting bats. Lack of suitable features e.g. hedgerows on the site to provide foraging and commuting routes for bats
- Dormice – No suitable habitat on site
- Deer – no field signs observed but potentially suitable habitat present
- Hedgehog – No suitable habitat on site
- Birds – snipe were observed on site and red kite were observed flying overhead, no nesting activity was observed as the survey was undertaken out of season. The assessment

concluded that the site has little ecological value to birds generally but may be utilised by ground nesting birds and habitat should therefore be retained for them

- Reptiles – no reptiles were observed on site during the survey, the site was generally assessed as having negligible potential to support adder, grass snake and slow-worm due to lack of suitable habitat, however it was identified that the site has low potential to support common lizard and it is recommended that pre-search-clearance is undertaken as precautionary measure
- Amphibians – no suitable habitat was found on site, no ponds were identified within 500m of the site. Boggy/marshy areas were identified as having some pools but these were found to be polluted and contain very few macrophytes. Common species of amphibians were considered to potentially present in low numbers during in the terrestrial phase.
- Fish – No watercourses are present on the site, the nearby Cwm Caws stream was considered unsuitable to support migratory fish species and pollution presence in the stream was considered to reduce the potential for species e.g. trout and bullhead to be present.
- Invertebrates – the site was found to lack suitable habitats to support any notable assemblages or protected or priority invertebrate species.
- Non-Native Invasive species - None were found to be present on the site during the survey.

Following earlier correspondence from Powys Ecology raising concerns regarding breeding birds a further Breeding Bird Survey was undertaken which mainly looked at Curlews.

The survey results were as follows:

- Meadow pipit (Amber List) confirmed breeding on site
- Skylark (Red-Listed) no breeding on site confirmed, site was used for foraging
- Wheatear (Amber-Listed) possibly breeding on site, used site for foraging
- Linnet (Red-Listed) no breeding on site confirmed, commuting over site
- Red Kite (Amber-Listed) no breeding on site, possible territory identified as bird observed soaring over and beyond site
- Pied Wagtail, Jay and Raven were also recorded during the survey.

The report identified that the ornithological diversity of the site was considered to be low, with only one of the five species recorded within the site boundary confirmed as breeding on site (meadow pipit). Curlews were not recorded on site during any of the surveys, however were heard nearby during each survey and observed off site in low numbers. Based on these observations it was concluded that curlew were potentially nesting within a field adjacent to the site, approximately 350 metres to the north west.

In order to minimise impacts to nesting birds mitigation measures have been identified these include pre-clearance search of all areas, site clearance undertaken outside of the bird nesting season or appropriate checks made by suitably qualified and experienced ecologists to confirm no nesting activity present and installation of 10 bird boxes in suitable locations at or near the site.



The Powys Ecologist and NRW were consulted on the application and no objection was received subject to the imposition of conditions requiring the work to be carried out in accordance with the measures identified within the Breeding Bird Survey.

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

### Residential Amenity

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*

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by 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 Pencwm and Pant y Brwyn (approximately 500 metres from the proposed building), a number of properties then lie to the further to the east, Cwmbraes and Tynddol approximately 821 and 886 metres respectively.

Following consultation with Environmental Health initial concerns were raised with regards to noise and potential noise arising from vehicle movements during the evening and night time. Following the submission of Noise Assessment from Matrix Acoustics, Environmental Health confirmed that they were satisfied that fans can be controlled through sound attenuation so that they will not give rise to excessive noise at the nearest noise sensitive properties. With regards to the issue concerning deliveries, a condition has been requested restricting deliveries to the daytime which Environmental Health state is acceptable.

On the basis of the submitted information and comments received, officers consider that sufficient information has been submitted in support of the application to demonstrate that the proposed poultry development will not have an unacceptable adverse impact on the amenities enjoyed by the occupants of the neighbouring properties by reasons of noise. As such, the proposed development is considered to fundamentally comply with LDP policies DM13, Technical Advice Note 11 and Planning Policy Wales.

#### *Odour*

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

The application is supported by 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 98<sup>th</sup> percentile hourly mean odour concentration at nearby residences would be below the Environment Agency’s benchmark for moderately offensive odours, a 98<sup>th</sup> percentile hourly mean of 3.0 over a one year period. In all cases the predicted levels are below 1.0 ouE/m<sup>3</sup>, which indicated that odour from the proposed poultry unit would rarely be detectable.”

On the basis of the information submitted, it was 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.

Following the direction from Welsh Government regarding the requirement for an Environmental Statement due to issues concerning odour further information was submitted as part of the ES. A “Statement of Evidence Relating to Cold Air Drainage Flow” prepared by AS Modelling & Data was submitted in support of the application.

Cold Air Drainage Flow (Katabatic Winds) is a phenomenon which occurs under certain atmospheric conditions when cooled air flows downhill, it can concentrate odour in low lying places.

In reviewing the information submitted regarding Cold Air Drainage Flow NRW were consulted and ran further modelling to better understand the effects of cold air drainage flow at the site. NRW’s results demonstrated that the possible hourly average depth of cold air drainage flow up to 7.2 metres at the poultry units with a northerly direction. Under other wind directions the flow depth would be under 6 metres. NRW noted that the proposed fan heights of 6.5 metres.

NRW conclude stating that the modelling demonstrates that cold air drainage flow at the site would not have a significant odour impact on the sensitive receptor at Pencwm.

In light of the above, it is considered that the proposed development will not have an unacceptable adverse impact on the amenities enjoyed by occupants of nearby properties by reasons of odour. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policy DM13 and DM14.

#### Drainage

A Surface Water Drainage Plan and Flood Consequence Assessment prepared by ADAS were submitted in support of the application which concluded that there was adequate surface water provision at the site.

The submitted information demonstrated that foul water generated by the development (including welfare facilities and wash down water) will be captured and handled entirely separately from the surface water system. Dirty water will be taken to a dirty water storage tank where it will be stored before being emptied by a vacuum tanker for disposal.

Following consultation with Powys Land Drainage initial concerns were raised regarding the level of information provided with the application. Following this the applicant submitted an FCA to address the concerns raised. A further consultation was undertaken with Land Drainage with no objections being raised subject to the imposition of conditions regarding detailed engineering drawings being submitted prior to commencement of development.

Powys Ecology were also consulted on the drainage plans and offered no objection to the proposed drainage

In light of the above, it is considered that the proposed surface and dirty water drainage systems proposed fundamentally comply with policy DM6 of the Powys Local Development Plan.

#### Manure Management

The Design and Access statement details the process with regards to manure and also details the operation of the unit as follows;

The proposed unit will operate on an all in all out basis, with 80,000 birds per crop on a 42 day cycle including 7 days for cleanout at the end of each cycle. Thinning is undertaken with each crop at day 31 with 20% of the birds removed, with the remainder removed at day 35 of the crop cycle.

The DAS states that at the end of each flock cycle the buildings are cleaned out and the manure removed directly in waiting vehicles, which are sheeted and the manure removed from the site. No manure will remain at the site and the manure will be removed for disposal through anaerobic digester.

Following consultation with Environmental Health, NRW and Ecology no objections have been received.

#### Rights of Way and Tourism

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

Several representations have been received raising concerns that the proposed development will be of detriment to local tourism.

Whilst objectors make reference to potential impact of odour emissions on the nearby tourism accommodation considerations should also be given to the technical professional reports

submitted with the application and the comments submitted by the Environmental Health Officer who offers no objection to the proposed development.

## **Conclusion**

Having considered all statutory consultee responses and third party representations, due consideration has been given to the proposed development and its potential impact upon the amenity and character of the area in this locality.

Having visited the site, Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the decision is one of conditional consent in line with the conditions as set out below.

The Environmental Information submitted has been considered in full in the determination of this application.

## **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: IP/CT/01, IP/CT/02B and IP/DC/13 and documents; Environmental Statement, Design, Access and Planning Statement, Surface Water Management Plan dated 9<sup>th</sup> April 2014, Noise Impact Assessment dated 5<sup>th</sup> September 2014 and Surface Water Management Plan dated August 2017).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
5. Any entrance gates shall be set back at least 15.0 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway and 90 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.

7. 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 binder course material for a distance of 15.0 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.
8. Prior to the occupation of the broiler units the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway.
9. The centreline of any new or relocated hedge should be positioned not less than 1.0 metres to the rear of the visibility splay.
10. No storm water drainage from the site shall be allowed to discharge onto the county highway.
11. Prior to any works being commenced on the development site the applicant shall construct 5 passing bays, in locations to be agreed in writing by the Local Planning Authority. The passing bays shall be constructed up to adoptable standard before any other works commence on site.
12. The mitigation measures identified in the Baseline Ecological Site Audit Report produced by Betts Ecology dated December 2013 shall be adhered to and implemented in full and maintained thereafter.
13. The Mitigation and enhancement measures identified in Breeding Bird Survey Report produced by Betts Ecology dated June 2014 shall be adhered to and implemented in full and maintained thereafter.
14. The Native tree Landscaping Planting Specification referred to in the Design and Access Statement produced by Ian Pick dated June 2014 and shown on the Site Layout Plan shall be adhered to and implemented in full and maintained thereafter.
15. Prior to first beneficial use of the development a detailed Planting Specification and Aftercare Scheme for the detention basin shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
16. 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.
17. 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.

18. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 07.30 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.
19. 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.
20. 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.
21. All vehicles used for the movement of manure off site shall be sheeted and/or fully covered.
22. All stored manure that needs to be covered shall be covered by the end of the day. The covering shall be tightly with polythene in such a manner as to leave no gaps and the edges of the polythene 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.
23. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:130 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.
24. Prior to commencement onsite, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site to be limited to 6 l/s maximum discharge, include a management and maintenance plan for the lifetime of the development or other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The development shall only take place in accordance with these agreed details and be fully completed before the site becomes operational.
25. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. 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 comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and

Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
12. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.
16. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation

and Planning, Planning Policy Wales (Edition 9, November 2016), and Part 1 Section 6 of the Environment (Wales) Act 2016.

17. To protect the local amenities of the local residents by reason of noise in accordance with DM13 of the Powys Local Development Plan 2018.
18. To protect the local amenities of the local residents by reason of noise in accordance with DM13 of the Powys Local Development Plan 2018.
19. To protect the local amenities of the local residents from the excess of mal-odorous emissions in accordance with DM13 of the Powys Local Development Plan 2018.
20. To avoid runoff and prevent deterioration of the local amenities in accordance with DM13 of the Powys Local Development Plan 2018.
21. To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects in accordance with DM13 of the Powys Local Development Plan 2018.
22. 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 accordance with DM13 of the Powys Local Development Plan 2018.
23. To protect the amenity of local residents from excessive noise, vibration and dust in accordance with DM13 of the Powys Local Development Plan 2018.
24. To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.
25. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).

## **Informative Notes**

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the



case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

#### Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

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

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