

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

<b>Application No:</b>	P/2018/0322	<b>Grid Ref:</b>	319201.71 316420.83
<b>Community Council:</b>	Meifod	<b>Valid Date:</b>	<b>Officer:</b> 21/03/2018 Tamsin Law
<b>Applicant:</b>	Mr Gittins, Ystym Colwyn Farms, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6BN		
<b>Location:</b>	Ystym Colwyn, Meifod, Powys, SY22 6XT		
<b>Proposal:</b>	FULL: Erection of an extension to existing intensive poultry unit and all associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### The reason for Committee determination

The application is required to be determined by the Committee because it is accompanied by an Environmental Statement.

### Site Location and Description

Ystym Colwyn is located within open countryside, approximately 4km to the north east of the settlement boundary of Meifod. The application site extends to approximately 1.2 hectares of agricultural land and is bounded by agricultural land to the north, east and south. Located to the west are two existing poultry units and the existing Ystym Colwyn farm complex and farmhouse.

Consent is sought for the construction of four broiler units to house an additional 200,000 birds. The development will comprise the poultry units, 12 feed bin, generator store, office, welfare facilities, hardstanding, vehicular access and landscaping. The proposed units are to measure approximately 109.73 metres by 25.38 metres. The total floor area for each unit would measure 2,784.94 square metres. Eaves and ridge height would be 2.59 metres and 5.17 metres respectively. It is still proposed that each unit house 50,000 boilers. The roof and walls of the proposed units will be finished in box profile metal sheeting to match the existing units.

The proposed units will operate a two-wave clearout with the cockerels being removed at 36 days and the pullets at 42 days. The expected turn around period between each crop is approximately 7 days. This could result in the units producing 7.6 crop cycles per year.

### Consultee Response

#### Meifod Community Council

Re: P2018/0322 - Members of Meifod Community Council have agreed to support this application.

They believe that any issues that may occur such as noise, odour etc. will be covered and dealt with by the Planning Authority.

### **PCC - Highways**

The County Council as Highway Authority for the County Class I Highway, A490

Wish the following recommendations/Observations be applied  
Recommendations/Observations

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

### **PCC - Building Control**

Building Regulations application required.

### **Severn Trent Water**

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

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

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

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

### **PCC - Environmental Health**

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

Given the number of birds on site the NRW will be the primary enforcement authority for this development, however I would recommend that an accumulative noise assessment be undertaken to consider the noise from the site, this should consider the current unit in the calculations.

I cannot find any noise specific assessment on the fan noise and the potential noise level at the nearest residential dwellings.

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

The noise and odour data is satisfactory and I have no objection.

I've have spoken with the agent's colleague on August 31<sup>st</sup> to ask for confirmation if all Private Water Supplies around the development and the manure spreading area have been considered and exclusion zones identified if required.

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

Following confirmation regarding the private water supplies I have no objection to the application.

### **PCC - Ecologist**

Thank you for consulting me with regards to planning application P/2018/0322 which concerns an application for the erection of an extension to existing intensive poultry unit and all associated works At Ystym Colwyn, Meifod, Powys.

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

The data search identified 19 records of protected and priority species within 500m of the proposed development, no records were for the site itself. Species recorded within 500m of the proposed development include bat species, badger, otter, hare and barn owl.

The site of the proposed development is not subject to or adjacent to any statutory or non-statutory designated sites. No statutory or non-statutory designated sites were identified within 500m of the proposed development. The Environmental Statement states that there are no statutory designated sites within 5km of the Ystym Colwyn site, this is incorrect and the following statutory designated sites are present within 5km:

- Tanat and Vyrnwy Bat Sites SAC
- Bryngwyn Hall Stables and Coach House SSSI
- Allt y Main Mine SSSI
- Gwern-Y-Brain Dingle SSSI

The Environmental statement section 10.6.2 makes reference to a species record search within 2km of the Lower Leighton (A) site as well as making reference to a proposed "dairy extension", I also note that the Environmental Statement makes reference to records of great crested newt within 2km radius of the site at the Gungrog Flash SSSI – as the Gungrog Flash is over 9km from the Ystym Colwyn site I assume that the information in this section of the ES has been incorrectly copied and pasted from the ES produced for the Lower Leighton dairy farm application – as such the evidence provided regarding ecology in Chapter 10 of the ES is considered to be unreliable.

The site of the proposed extension is adjacent to the existing poultry buildings at the site, the Design and Access Statement identifies that the land impacted by the proposed development is currently laid to permanent pasture, having reviewed available aerial images, streetview images and the Wales Phase 1 Habitat Map it is noted that the land affected appears to be an area of improved grassland, a habitat generally considered to be of low ecological value due to its lack of species diversity and management regime.

There are several ponds shown as present on the aerial photographs within 250m of the proposed development, as part of the previous application for the existing poultry units at the

site (issued consent under P/2015/1083) an ecological assessment was undertaken which considered any ponds within 250m of the proposed development (located adjacent to the current application site) for their potential to support great crested newts, the assessment undertaken in 2016 determined that neither pond was suitable to support great crested newts, in addition a review of biological records within 2km of the proposed development did not identify any great crested newts records – therefore it is considered that there is no potential for the proposed development to result in any negative impacts to this species.

The improved grassland that would be lost by the proposed development is considered to offer very limited potential to support protected or priority species, the 2016 ecological survey identified that the site in general was “wholly unsuitable for the majority of protected species”, NRW make reference to the presence of trees at the site and recommend that the LPA consider whether there is any potential for these trees to support roosting bats. Having reviewed the plans it appears that no trees will be lost through the proposed development and the 2016 survey identified that the large trees present within 300m of the previous application when assessed were found to lack features suitable to support roosting bats – as such it is considered that there would be no potential for roosting bats to be impacted by the proposed development.

Whilst it is considered that there is negligible potential for bat roosts to be impacted by the proposed development there is some potential that the use of external lighting at the site could have impacts to the foraging and commuting behaviour of nocturnal species including bats, a lighting design scheme has been submitted with the application that identifies that some light sources will be required to allow safe and effective activities within the site to take place and identifies that the main building’s gable ends will be lit externally with a single low-wattage fitting of low intensity lighting during normal working hours in winter months, in addition it is identified that appropriate cowls/shielding of lights will be used and the light spread would be minimised through use of directional lighting and hours of lighting would be kept to a minimum to reduce disturbance. . It is considered that the lighting measures proposed are acceptable and would ensure minimal disturbance to nocturnal wildlife around the site. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

Plans submitted indicate that the existing highways access and associated track to the existing buildings will be utilised to serve the proposed extension, as such there would be no requirements for access improvements which may result in impacts to hedgerows or trees along this route.

The proposed development concerns the erection of an extension to the exiting poultry unit at the site, it is understood that the applicant applied to NRW for a variation of the previous environmental permit for the site – which was for 100,000 broilers – the variation was to increase the number of broiler places for the site to accommodate a maximum of 340,000 broiler chickens, the variation of the environmental permit was approved by NRW in May 2018.

NRW confirmed in their letter dated 30th May 2018 that as an application for the variation of the previous environmental permit was submitted to NRW on the 28/03/2017. This permit application is currently being processed by NRW and will be determined under the thresholds that existed before the 1st of April 2017.

NRW have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Poultry Houses at Ystym Colwyn Farm, near Meifod in Powys by AS Modelling & Data Ltd dated 11th July 2017 submitted to inform the application with regards to statutory designated sites, they have confirmed that the predicted deposition of ammonia and nitrogen are below the thresholds of exceedance under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland the data search identified 55 parcels of Ancient woodland within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified ancient woodland sites, this modelling indicated that there was a potential for the deposition to exceed the identified lower threshold percentage of the Critical Level for the site. Detailed deposition modelling was then run for these sites, the results of the detailed modelling identified that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha at the unnamed AW.

A Method Statement Pollution Prevention document produced by Roger Parry & Partners has been submitted with the application. I have reviewed the submitted information and considered that the measures identified are appropriate and in line with current guidelines – it should be noted that PPG5 has now been replaced by GPP5 which can be found at <http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf> In addition NRW have reviewed the information and have stated that they considered that if the development is undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.

A Manure Management Plan produced by Roger Parry & Partners dated March 2018 has been submitted to support the application the plan identifies that all the manure produced as a result of the proposed extension will be exported off the farm to local AD plants, the plan includes details of contingency measures when the exporting of manure off site is not possible i.e. storage of manure on site it has been identified that there are a number of covered areas on the farm that would allow for this to be accommodated. Contaminated wash water will be kept separate from other manures and will be disposed of by specialist contractors licensed to take such wastes. NRW have identified that they consider subject to the site being operated in accordance with this manure management plan, they consider it is unlikely the proposal will cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of drainage for the site have been provided these identify that dirty and clean water will be kept separate, dirty water will drain to and be stored in dirty water tanks before being disposed of by a specialist contractor and clean water will be discharged to the River Vyrnwy. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.

The Design and Access statement identifies that the proposed landscaping plan for the poultry site is designed to provide biodiversity benefits to the operational site whilst creating an attractive setting, softening the appearance and obscuring the proposed buildings from view. It states that it is proposed to create an area of native woodland planting to form a woodland tree belt of local landscape value and this area of woodland planting is proposed on the site to the North East elevation and on both gable ends. This area of planting will include Elder, Field Maple, Silver Birch, Holly, Black Polar and Scots Pine.

In addition it is identified that as part of the landscaping scheme the applicant proposes to maintain the existing mature hedgerows and to grow an effective screen of the development through hedgerow management. It is stated that the particular planting mix within the new hedgerows will reflect the local vernacular, it will include hawthorn and blackthorn as a base species but will include additional species found locally in ancient hedges. Further mention is made to the creation of rough grassland areas within the site boundaries on land that can no longer be cultivated as part of usual cropping. These measures are welcomed and are considered to have potential to provide additional benefits to biodiversity i.e. biodiversity enhancements and would serve to meet the requirements of Section 6 Part 1 of the Environment (Wales) Act 2016 which requires the LPA to Seek to Maintain and Enhance biodiversity through all of its functions including the planning process. Whilst these landscape provisions are detailed in the Design and Access Statement I am unable to find any details of these provisions on any of the plans submitted, in order to ensure that the measures proposed are secured and appropriate aftercare measures are identified to increase the successful establishment of these features it is recommended that the submission of a detailed landscaping and aftercare scheme is secured through an appropriately worded planning condition to ensure compliance with the requirements of LDP policies DM2 and DM4.

As the proposed development is within 5km of the Tanat and Vyrnwy Bat Sites SAC consideration has been given to the potential for the proposed development to result in a Likely Significant Effect to the SAC and/or its associated features – the units of the SAC have been designated due to the important lesser horseshoe bat roosts which they support – the closest unit of the Tanat and Vyrnwy Bat Sites SAC is approximately 2.2km from the proposed development as such it is considered that there is negligible potential for the proposed development to directly impact the SAC itself. As lesser horseshoe bats are mobile features consideration has to be given to the potential for important foraging or commuting habitats for the bats associated with the SAC roosts to be negatively impacted – lesser horseshoe bats will regularly travel up to 10km from a roost for foraging purposes – this could be through loss of such habitat e.g. hedgerows, tree lines and grassland supporting invertebrates on which this species of bats feed or modification/disturbance of such habitats e.g. introduction of inappropriate artificial lighting or increased noise levels etc. As the proposed development will not result in the loss of any habitat suitable to provide important foraging or commuting opportunities for this species and given the details provided with regards to installation of external lighting at the site – lighting is to be kept to the minimum required for safe operation of the site and has been designed to minimise light spill - it is considered that there would be no likely significant negative impact indirectly to the SAC through the proposed development. As such it is considered that there would be no potential for a Likely Significant Effect to the Tanat and Vyrnwy Bat Sites SAC and or its associated features and the proposed development would comply with the requirements of LDP policy DM2 Part 1.

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

Installation of external lighting features at the site will be carried out in accordance with specifications identified in the Lighting Design Scheme – Ystym Colwyn produced by Roger Parry & Partners LLP dated January 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

- i. Method Statement Pollution Prevention – Prepared for Ystym Colwyn Farms produced by Roger Parry & Partners LLP
- ii. Manure Management Plan – Ystym Colwyn Farms produced by Roger Parry & Partners LLP dated March 2018
- iii. Ystym Colwyn Drainage Plan

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

Reason: To comply with Powys County Council's Policies LDP 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 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 informative:

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

## **NRW**

Thank you for your consultation regarding the Ystlym Colwyn farm extension.

Further to our previous letter referenced CAS-59660-S7H4 dated 17/04/2018, we have the following advice to provide.

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

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

- i) Method Statement Pollution Prevention Plan ('Method Statement Pollution Prevention', Roger Parry & Partners)
- ii) Drainage Plan, unreferenced
- iii) Manure Management Plan ('Manure Management Plan', Roger Parry & Partners dated March 2018)

### **Manure Management Plan**

A manure management plan ('Manure Management Plan', Roger Parry & Partners dated March 2018) has been submitted in support of the proposal.

The plan states that all the manure produced will be exported off the farm.

A contingency plan is included for the storage of manure on site when the exporting of manure off site is not possible. Contaminated wash water will be stored in containers separate from other manures and will be disposed of by specialist contractors licensed to take such wastes.

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

### **Drainage Plan**

We have reviewed the drainage plan which we received by email on 06/03/2018, unreferenced.

The plan shows dirty and clean water being drained separately. The dirty water will drain to dirty water tanks. The tanks must be built to comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)(Wales) Regulations 2010.

The plan shows clean water will be discharged to the River Vyrnwy. All pollution prevention measures outlined in the pollution prevention plan referenced below must be adhered to, to ensure the clean water is not contaminated.

### **Pollution Prevention Plan**

We have reviewed the pollution prevention plan ('Method Statement Pollution Prevention', Roger Parry & Partners) submitted in support of the proposal.

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

Should any contaminated water or material enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on our incident hotline number, 03000 65 3000.

Further advice:

Environmental Permit, Air Quality Modelling Report and in-combination/cumulative assessments

A Detailed Air Quality Modelling report has been submitted in support of the proposal. ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Poultry Houses at Ystym Colwyn Farm, near Meifod in Powys' by AS Modelling & Data Ltd. dated 11th July 2017)

An email from the Agent (Richard Corbett 26/04/2018) confirms an application for the variation of an existing environmental permit was submitted to NRW on the 28/03/2017. This permit application is currently being processed by NRW and will be determined under the thresholds that existed before the 1st of April 2017.

The background ammonia concentration in the area is 1.69 µg/m<sup>3</sup>, and the background nitrogen deposition rate to woodland is 28.42kgN/ha/yr and to short vegetation is 17.92kgN/ha/yr. The report sources these figures from the Air Pollution Information System (APIS, 2016). The report has assessed the impact of the proposal based on 340,000 broiler chickens. The proposal is for a 300,000 unit.

The report has used the precautionary approach by assessing the proposal on the 1 µg/m<sup>3</sup> ammonia critical level. These sites do not have lower plants as a protected feature, therefore the 3 µg/m<sup>3</sup> critical level can be used. We have calculated the process contributions of the proposal using the 3 µg/m<sup>3</sup> critical level. Our calculations are presented in the table below.

Site		Receptor No.	NH <sub>3</sub> (µg/m <sup>3</sup> )		
SAC	SSSI		CLe	PC	PC%
Tanat & Vyrnwy	Bryngwyn Hall Stables & Coach House	44	3	0.066	2.2
Bats Sites	Allt y Main Mine	45	3	0.088	2.9
Montgomery Canal	Montgomery Canal	35	3	0.033	1.1
Granllyn	Granllyn	34	3	0.005	0.16
	Gwern y Brain Dingle	33	3	0.042	1.4

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

## **CADW**

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

Thank you for your letter of 28 March 2018 inviting our comments on the information submitted for the above planning application.

### Advice

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

### Our role

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

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

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and guidance. PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

### Assessment

Within 3km of the application area are the following designated assets:

#### Scheduled monuments:

MG077 Bwlch-y-Cibau Dyke  
MG029 Bryngwyn Wood Camp  
MG200 Bryngwyn Wood Camp  
MG210 Bwlch-y-Cibau Enclosure

Registered historic park and garden:

PO41 Bryngwyn.

The proposed development is located c 360m to the east of MG077 Bwlch-y-Cibau Dyke and will be visible from it. A combination of intervening topography and vegetation means the other designated assets listed above are not inter-visible.

MG077 Bwlch-y-Cibau Dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date. Significant views from the dyke are south across east to west along the line of the Vyrnwy broad floodplain where the dyke presumably faced another former territorial holding.

The proposal is for the extension of an existing poultry unit to incorporate four additional buildings set parallel and to the north east of two existing buildings and associated works. The proposed development is likely to be clearly visible in the identified significant views from the scheduled monument across the valley of the River Vyrnwy and will therefore cause damage to the setting of the scheduled monument: this will be a material consideration in the determination of this application (see Planning Policy Wales 2016 section 6.5.5). In our response to statutory pre-planning consultation prior to this planning application we concluded that the pre-application had been inadequately documented and that a Heritage Impact Assessment taking into account this issue should be submitted with any planning application for the proposed development. However no such assessment has been submitted with the application and therefore we are currently not in a position to provide your authority with advice. Consequently we advise that you request information on this issue. This will require an assessment of the impact of the proposed development on the setting of the scheduled monument to be prepared in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017).

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

Thank you for your letter of 28 June 2018 inviting our comments on the additional information submitted for the above planning application.

### **Advice**

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG077 Bwlch-y-Cibau Dyke. Our assessment of the application is given below.

### **Our role**

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

## National Policy

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

PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

## Assessment

Within a 3km buffer of the application area are:

Scheduled monuments:

MG029 Bryngwyn Wood Camp

MG077 Bwlch-y-Cibau Dyke

MG200 Bryngwyn Wood Camp

MG210 Bwlch-y-Cibau Enclosure

Registered historic park and garden:

PO41 Bryngwyn.

Intervening topography means of the above designated historic assets only MG077 Bwlch-y-Cibau Dyke has any potential to be inter-visible with the proposal

MG077 Bwlch-y-Cibau Dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date. Significant views from the dyke are south across east to west along the line of the Vyrnwy broad floodplain where the dyke presumably faced another former territorial holding.

The proposal is for the extension of an existing poultry unit to incorporate four additional buildings set parallel and to the north east of two existing buildings and associated works.

The developer Historic Impact Assessment produced by Trysor considers the impacts on the setting of the MG077 Bwlch-y-Cibau Dyke and concludes that the scheduled monument would not be inter-visible with the proposed development as topography, vegetation and trees will block all views of the scheduled monument from the development site and also block views towards the development from the scheduled monument. Consequently there would be no impact on the significance of the scheduled monument and no mitigation is therefore suggested. These conclusions are accepted.

## **CPAT**

Thank you for the consultation on this application.

There are no archaeological implications for the proposed development at this location. The setting of the listed buildings to the south is not compromised due to intervening agricultural structures that were constructed before the poultry units started to be built here.

## **PCC - Built Heritage**

Thank you for consulting me on the above application.

### 1.0 Recommendation

#### 1.1 no objections

Reason: It is not considered that the proposed poultry unit would have an adverse impact on the setting of the listed complex of buildings at Ystum Colwyn and is in accordance with the policies and Guidance in PPW and Tan 24 including setting of historic assets with its annexes and the adopted Powys Local Development Plan.

### 2.0 Background to Recommendation

#### 2.1 Designations

Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19th August 2004  
Stable Building Grade II Cadw ID 15993 listed on 26th May 1995  
Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995  
Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995

In addition there is a listed milepost Grade II Cadw ID 15992 listed on 26th May 1995 on the A490.

#### 2.2 Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN 24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

## LDP Objective 13 - Landscape and the Historic Environment

### 3.0 Comments

3.1 Ystum Colwyn is an important group of dated farmbuildings associated with a gentry house with (1) brick-built stable (1721); (2) brewhouse, dairy and cheese-room (1719); cruck-framed barn modified in 1770. Source NPRN 43544.

3.2 The proposed poultry units are to be sited to the east of the farmstead adjacent to previously approved poultry units (P2015/1083) which have been constructed and are visible from the A495. The current application would extend this range of modern agricultural buildings.

3.3 However given the distance of the proposed units from the A495 and the modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, I would not consider that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units.

3.4 When the listed buildings are directly adjacent to the viewer and on the A495 or the A490 and highly visible, the proposed poultry units would be to the rear of the modern agricultural buildings. Taking into account the advice in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and section 6.5.11 of Planning Policy Wales 9th edition 2016 and as such I would not consider that the proposed poultry units would affect the setting of the listed buildings.

### **Representations**

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

### **Planning History**

P/2017/0218 - Section 73 application to vary condition 2 attached to planning permission P/2015/1083 to allow change in size of poultry unit. Conditional Consent.

P/2016/1138 – Erection of agricultural building to be used as a biomass store and all associated works (retrospective)

P/2015/1083 - Erection of intensive poultry unit (2 buildings), construction of vehicular access and all associated works. Conditional Consent

P/2012/1228 - Erection of an agricultural building and formation of hard standing. Conditional consent 26/02/2013

P/2011/1499 - Erection of an agricultural building. Conditional consent 08/02/2012

P/2011/0755 - Erection of an agricultural building. Conditional consent 13/08/2011

P/2011/0518 - Erection of an agricultural building (Retrospective). Conditional consent 09/06/2011

AGRI/2011/0020 - Erection of an agricultural building. Planning permission required 31/03/2011

M/2007/1033 - Listed building consent for conversion of barn to form dwelling. Conditional consent 04/10/2011

M/2007/1032 - Conversion of barn to dwelling, installation of a septic tank and alterations to vehicular access. Conditional consent 16/02/2010 27

M/2006/0738 - Listed building consent for conversion of barn to form a dwelling. Application withdrawn

M/2006/0737 - Conversion of barn to a dwelling, alterations to vehicular access and installation of a septic tank. Withdrawn 19/09/2006

### **Principal Planning Constraints**

- The following Listed Buildings are situated at the Ystym Colwyn complex:
  - Brewhouse Range (grade II);
  - Wheelhouse including bar (grade II);
  - Cruck framed farm building (grade II\*); and
  - Stable building (grade II).
- In addition there is a listed milepost (grade II) on the A490.
- Application site located approximately 500m south east of the nearest section of the scheduled monument known as Bwlch-y-Cibau Dyke MG077.
- Public right of way (reference 249/57/1) located to the north west of application site.
- A490 class 1 highway.
- A495 class 1 highway.

### **Principal Planning Policies**

#### National planning policy

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 13 – Tourism (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment

## Local planning 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

E2 – Employment Proposals on Non-allocated Employment Sites

E6 – Farm Diversification

T1 – Travel, Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
LDP=Powys Local 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**

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

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

### Environmental Impact Assessment Regulations 2017

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

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”. An Environmental Statement was submitted with the application.

## Environmental Permitting Regulations (EPR 2010)

The operations at the site will require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales' role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution. Planning Policy Wales states that Local Planning Authorities and Natural Resources Wales should work closely to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary however should not duplicate one another. Planning Authorities need to be satisfied that proposals are capable of effective regulations and Natural Resources Wales should assist in establishing this position. Good practice suggests that the parallel tracking of planning and environmental permitting and a planning application should be encouraged.

The permit will address relevant issues relating to air, water and land and including management and operations Inc. Noise and Odour.

Emissions of noise that are generated outside of the environmental permit such as construction noise does fall within the remit of Environmental Protection.

Confirmation has been received, as well as copies, that a permit has been issued by NRW. The permit (EPR/AB3391CD) allows the site to house a maximum of 340,000 birds and was issued on the 2<sup>nd</sup> May 2018.

## Introduction

The application seeks full planning permission for the construction of four poultry units to house a maximum 200,000 birds. Having considered the details submitted in respect of the proposed broiler meat production unit, the principal matters considered relevant to determination are as follows;

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

## Principle of Development

Policy E2 and E6 of the Powys Local Development Plan and Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

Policy E2 supports proposals for the limited expansion, extension or environmental improvement of existing employment sites and buildings within the open countryside such as this proposal. Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and

viability of any adjacent land uses. The proposed development provides an extension to an existing poultry building which serves the existing rural enterprise.

In light of the above, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

### Farm Diversification

Ystym Colwyn Farms is a large beef, sheep and poultry farm that extends to in excess of 405 hectares. The farm seeks to further diversify away from sheep flocks and cattle herds due to the increasingly volatile nature of process associated with the red meat market.

Rural enterprises play a vital role in promoting healthy economic activity within rural areas. Planning Policy Wales (2016) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

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 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.

The application site comprises of agricultural land located immediately to the north east of the existing Ystym Colwyn farm complex. It is proposed to site the poultry units on the south eastern side of the A495, below the level of the highway. The topography of the application site is generally flat and the land is scattered with broken hedgerows and trees. The proposed plans indicate the implementation of some tree planting to the north west however little information is provided with regards to further landscaping. The proposal, involves the construction of four poultry sheds, feed bins, hardstanding and access works and would clearly represent a significant change to the application site. The development would result in the loss of a larger field, and the encroachment of built development into the open countryside.

The application site is located within the River Severn Flood Plain aspect area (MNTGMVS650) as defined by Landmap and is characterised by 'a significant open valley /

vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom'. The visual and sensory landscape value is recorded as moderate.

The proposed poultry buildings, whilst being of a large scale, are grouped within the context of the existing building complex and as such, potential landscape and visual impact is considered to be minimised. Furthermore, given the height of the proposed buildings and topography of the land, their profile is reduced and thus further reduces potential landscape impact. Further landscaping which can be achieved through condition together with the use of appropriate colours and materials are considered to help the proposal integrate into the landscape. There would be a loss of the agricultural field, however, taking account of the mitigation measures, the location close to the existing farm complex and the character and sensitivity of the landscape it is considered that the development would not have a significant adverse effect on the site and the landscape character of the area.

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.

### Visual Impact

The A490 and A495 highways are busy main roads to the south west and north of the site. The A490 highway is separated from the proposal by the existing farm complex and intervening agricultural land. The proposal would be closer to the A495 highway, although the highway is situated at a higher level than the application site. The broken hedgerows within the landscape and the roadside hedgerows further restrict views into the site. Mitigation in the form of additional landscaping would also assist. It is possible that users of the highways may be aware of the presence of the poultry units and feed bins but it is not considered that there would be significant views of the proposed poultry development for users of the roads. Views would also be in the context of the existing buildings at the site. It would seem likely that most users of the identified roads would be travelling between destinations and would not be highly sensitive to the limited visual impacts identified.

The nearest residential properties not associated with the Ystym Colwyn farm complex, Y Parc and Biddfald are located more than 420 metres distant from the application site and there are other dispersed properties in the locality. The dwellings and proposed barn conversions which are involved in the enterprise or within the ownership of the enterprise are considered to have occupiers of low sensitivity to any visual impact. There may be the opportunity to see the development from other properties whose occupiers would be more

sensitive to visual impacts. In particular it is possible that the upper parts of the buildings and feed bins would be discernible. But at the distance between the proposal and nearby properties, together with the trees and hedgerows on intervening land and the close relationship to the existing farm, it is not considered that there would be a significant impact on residential receptors.

There are public rights of way in the locality, in particular a right of way two public right of way located to the north west of the application site and another located to the south east of the application site. The public rights of way to the north west travel in a south/easterly direction and climb towards Bwlch y Cibau Dyke (Scheduled Ancient Monument). Based on a site visit it is probable that users of the public rights of way may have some intermittent views of the proposed development. Users are quite likely to be using these routes recreationally and it is likely that they would be sensitive to changes in the established rural setting of these routes. However, given the distance involved, the intervening highway and farm complex and the trees on boundaries along the rights of way and the proposed measures to mitigate the visual impact (the proposed planting and the use of appropriate recessive colours), it is considered that all of these factors would serve to adequately mitigate the view from these rights of way. In respect of the public right of way to the south east, the right of way travels from the A490 highway towards the A495 highway, across agricultural land. It is possible that users of this right of way would be able to see the proposed development. However, it is considered that given the distance involved, together with the grouping with the existing farm complex and the proposed tree planting that these factors would adequate mitigate the views from this right of way. From other public rights of way in the locality which are more distant, it is considered that the effect on visual amenity would be of minor significance.

Whilst the proposed development will be visible from sensitive receptors including highways, public rights of way, residential properties in the locality, listed buildings within the farm complex and Bwlch y Cibau Dyke scheduled ancient monument given the agricultural grouping, proposed landscaping together with observed distances, it is not considered that the proposed poultry development will have an unacceptable adverse visual impact.

The buildings are in proximity to the existing farm complex and considered to be acceptable in terms of its grouping with buildings, its landscape impact and its visual impact and to comply with relevant policies SP7, E2, E6, DM4 and DM13 of the Powys Local Development Plan.

## Built Heritage

### *Listed Buildings*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to

the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

It is noted that the application site is located within proximity of a number of listed buildings within the Ystym Colwyn farm complex. Acknowledgment of the listed building together with potential impacts is considered below.

There are 5 listed buildings in close proximity of the proposed poultry unit, four grade II listed buildings listed on 26/05/1995 and one grade II\* listed building included on the statutory list on 19th August 2004:

- Cruck Framed barn Grade II\* Cadw ID 83068 listed on 19th August 2004
- Stable Building Grade II Cadw ID 15993 listed on 26th May 1995
- Brewhouse Range Grade II Cadw ID 15994 listed on 26th May 1995
- Wheelhouse including barn Grade II Cadw ID 15995 listed on 26th May 1995
- Milepost on the A490 Grade II Cadw ID 15992 listed on 26th May 1995

Ystum Colwyn is an important group of C18th farm buildings associated with a gentry house. Given the distance of the proposed units from the A495 and the modern farm buildings currently sited between the proposed poultry units and the older listed farm buildings, it is not considered that the proposed poultry units would have an impact on the listed farm buildings when viewed from the A495 to the east of the proposed poultry units. The wider setting of these buildings is of a rural agricultural landscape with dispersed farms and other individual widely dispersed buildings.

Following consultations with the Built Heritage Officer they have advised that the proposed poultry units would not affect the setting of the listed buildings.

On this basis and in regard to the comments received from the Built Heritage Officer, it is not considered that proposed development would have an unacceptable adverse impact on the identified listed buildings together with their wider setting. The proposed development is therefore considered to be in accordance with the relevant policy SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

### *Scheduled Ancient Monument*

Policy SP7 of the Powys Local Development Plan and Technical Advice Note 24: The Historic Environment states that there is a presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is located within the vicinity of the scheduled monument known as Bwlch-y-Cibau Dyke MG077. The proposed development is to be located to the south east of the above listed scheduled monument. The dyke comprises a complex and well-preserved linear earthwork comprising a single and sometimes double or treble line of bank and southern ditch utilising the natural scarps of a low ridge. This faces along the Vyrnwy valley towards the Severn and overlooks the development site. It is assumed to be a boundary marker of broadly early medieval date.

Cadw were consulted on the application and raised concerns that their request for a Historic Impact Assessment at Pre-Application Consultation stage had not been undertaken. This information was duly requested from the agent on the application and was submitted and reconsulted upon. Following submission of this information Cadw advised that the

Assessment concluded that the scheduled monument would not be inter-visible with the proposed development as topography, vegetation and trees will block all views of the scheduled monument from the development site and also block views towards the development from the scheduled monument. Cadw concluded that there would be no impact on the significance of the scheduled monument and that no mitigation is therefore suggested.

In light of the comments received from Cadw, Development Management do not consider that the proposed development would have an impact on the identified Scheduled Ancient Monument and therefore consider that the proposal accords with policies SP7 and DM13 of the Powys Local Development Plan, Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

### *Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is not considered that the proposed will have an unacceptable adverse impact on the setting of listed buildings, scheduled ancient monument or upon archaeology, subject to the use of conditions. In light of the above, Development Management considers the proposed development to be in accordance with policies SP7 and DM13 of the Powys Local Development Plan, Technical Advice Note 24: The Historic Environment and Planning Policy Wales.

### Impact on Amenity, Living Conditions and health of Local Residents

Broiler units have the potential to impact on the living conditions of residents living nearby through a number of factors in particular emissions of noise, odour and dust. The application is supported by an Environmental Statement, this contains chapters assessing the significant likely impacts on amenity and the living conditions of local residents. The statement contains a noise and vibration assessment and an assessment of the impacts upon amenity in terms of odour, dust, flies and vermin. In addition, an Odour Management Plan, Noise Impact Assessment and Noise Management Plan have been included. Other elements of the submission including the Ammonia Assessment, and chapters within the Environmental Statement consider air quality, health and climate, water resources, traffic also contain information on the proposal relevant to assessing its impact on those who will have to live nearest to the development.

The closest non-associated residential dwellings are as follows;

- The Ford – Approximately 516 metres from the proposed development
- Fferm Bungalow – Approximately 522 metres from the proposed development
- Bidffald – Approximately 568 metres from the proposed development

### *Noise*

As stated above, the submission is accompanied by a Noise Management Plan and the Environmental Statement includes information on noise and vibration. Following concerns raised by Environmental Health regarding the level of information provided with the application a Noise Impact Assessment detailing the cumulative impact of the proposed development with the existing poultry unit was submitted. The closest non-associated

dwellings to the proposed development are located between 516 and 568 metres from the proposed development.

The assessment concludes that the proposed development will not result in an adverse noise impact at the nearest dwellings. The assessment states that during the night the extract fan and transport ambient noise ingress via an open window will be no more than  $L_{Aeq}$  10dB. This extremely low level will result in a very low to negligible noise impact. The transport related maximum noise ingress levels will be significantly below WHO threshold noise limit with regards to sleep disturbance.

Given that following the submission of further information the Environmental Health department has not raised any objection to the proposal, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the amenities enjoyed by occupants of neighbouring properties by reasons of noise. Therefore, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Members are also advised that noise from the poultry units is controlled by the Environmental Permit.

#### *Odour*

The application is supported by an A Dispersion Study of the Impact of Odour. The report concludes stating that the modelling predicts that at all receptors not associated with Ystym Colwyn Farms, the 98<sup>th</sup> percentile odour concentrations would not exceed the applicable threshold for moderately offensive odours, a maximum annual 98<sup>th</sup> percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. The submission also identifies the most likely source of odour arising from manure disposal as well as other potential sources such as manufacture and selection of feed, feed storage, inadequate ventilation, litter management, carcass disposal, cleaning out and dirty water management.

Given that the Council's Environmental Health department have not objected to the proposal and that the proposal is supported by an odour management plan, Development Management considers the proposal to be in accordance with policy DM13 of the Powys Local Development Plan.

Members are also advised that odour is controlled by the Environmental Permit.

#### *Dust*

It is acknowledged that the process of rearing broiler chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s). The applicant has included an assessment of dust impacts which notes that the proposal will be sufficiently distant from sensitive residential properties to prevent significant impact. Dust baffles are proposed adjoining the ventilation fans to avoid any dust becoming airborne. Dust would form an emission from the site which would be controlled by the Environmental Permit.

#### *Conclusion*

It is considered that the comments made by Environmental Health and the environmental permitting regime provides reassurance that the poultry development should not be incompatible with a good standard of living conditions in the surrounding area. It is concluded that the proposed development would not unacceptably worsen the amenities of local residents or visitors to the area, and that it would not conflict with the objectives of Policy DM13 of the Local Development Plan.

### Transport

The proposed development will utilise an existing access from the A490 with an access track to the proposed buildings. Information submitted indicates that the proposed development would generate the following movements (these movements are based on a worst case scenario and are more likely to be lower);

- 344 movements per annum for the removal of manure
- 30.4 movements per annum for the delivery of bedding
- 56 movements per annum for the delivery of chicks
- 560 movements per annum for the delivery of feed
- 96 movements per annum associated with fallen stock
- 7.6 movements per annum for fuel delivery
- 222 movements per annum for bird collection

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to a condition requiring sufficient parking to be provided prior to the first beneficial use of the development.

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

### The Natural Environment

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

Both Natural Resources Wales and Powys Ecology have been consulted on the application.

### *SSSIs and SACs*

The application site is within 5km of the following sites;

- Tanat Valley Bat Sites SAC
- Bryngwyn Hall Stables and Coach House SSSI
- Allt y Main SSSI
- Gwern-y-Brain Dingle SSSI

The application is supported by a Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Poultry Houses at Ystym Colwyn. Both NRW and Powys Ecology have reviewed the submitted information regarding the potential for the development to impact on SSSIs and SACs.

NRW confirm in their response that, with regards to statutory designated sites, that the predicted deposition of ammonia and nitrogen are below the thresholds of exceedance under which the application has been considered and are therefore considered to be acceptable.

In their response Powys Ecology also confirm that as the development will not result in the loss of any habitat suitable to provide important foraging sites or commuting opportunities for bats, it is considered that there would be no likely significant negative impacts, directly or indirectly to the Tanat and Vyrnwy Bat Sites SAC. As such it is considered that there would be no potential for a Likely Significant Effect to the Tanat and Vyrnwy Bat Sites SAC and or its associated features and the proposed development would comply with the requirements of LDP policy DM2.

### *Ancient Woodland*

With regards to ancient woodland, 55 parcels are identified within 2km of the proposed development. Preliminary modelling was run to determine the maximum annual mean ammonia concentration rate at the identified woodland sites. This modelling indicated that there was a potential for the deposition to exceed the identified lower threshold of the Critical Level for the site. Detailed deposition modelling also then provided which identified that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the lower threshold of the precautionary Critical Level of 1.0 µg/m<sup>3</sup> or the Critical Load of 10.0 kg/ha at the ancient woodland.

Following a review of the submitted information Powys Ecology offered no objection to the proposed development.

### *Protected Species*

In their response to the application the Powys Ecologist states that the land affected appears to be an area of improved grassland, a habitat generally considered to be of low ecological value due to its lack of species diversity and management regime. They confirm that, due to previous assessments of the locality, it is considered that there is no potential for the proposed development to result in any negative impact to Great Crested Newts. The site, being improved grassland, is also considered to offer very limited potential to support any protected or priority species.

Whilst no evidence that the proposed development would impact on any bats or their roosting it is considered necessary that a condition restricting the use of external lighting is attached to any grant of consent in order to ensure that any lighting is acceptable with regards to protected species.

### *Conclusion*

In light of the comments received from the Powys Ecologist and NRW on the application it is considered that the application is in accordance with policies SP7, DM2, DM4 and DM13 of

the Powys Local Development Plan, Technical Advice Note 5: Nature Conservation and Planning and Planning Policy Wales.

### Drainage

Details of the drainage for the site has been provided and identifies that dirty and clean water will be kept separately. Dirty water will be collected and stored in a dirty water tank before being disposed of by a specialist contractor and clean water will be discharged via the River Vyrnwy.

Following consultation with NTW, Powys Ecology and Environmental Health no objections have been raised. As such it is considered that the proposed development is in accordance with policy DM13 of the Powys Local Development Plan.

### Manure Management

A Manure Management Plan (MMP) has been submitted in support of the application. The MMP states that all manure produces at Ystym Colwyn will be exported off the farm. A contingency plan has also been provided for when exporting from the site is not possible. This also details that contaminated wash water will be stored in containers separate from other manures and will be disposed of by specialist contractors licensed to take such wastes.

Following consultation with NRW, Environmental Health and Powys Ecology no objections have been received to the proposed development.

### Tourism Assets

The LDP within policies SP7 and DM13 seek to ensure that proposals which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed. The high quality landscapes of Powys, public rights of ways and scheduled ancient monuments are noted to be of interest to tourists and a wide interpretation should be given to what can legitimately be considered a tourist asset.

It is noted that there is guest accommodation located within the surrounding area, however there are no known facilities within close proximity to the site. The impact upon public rights of way and the scheduled ancient monument in the locality has been considered above. As discussed above, the visual and landscape impacts are considered acceptable subject to landscaping measures and as such it is considered that the environmental setting of established tourist attractions would not be unacceptably adversely affected by the proposal in accordance with policies SP7 and DM13 of the Powys Local Development Plan.

### **Recommendation**

Having considered all statutory consultee responses, 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: RJC-MZ-4685-01A, RJC-MZ-4685-02B, RJC-MZ-4685-03, RJC-MZ-4685-04, RJC-MZ-4685-05 and Drainage Plan and documents; Non-Technical Summary dated January 2018, Noise Impact Assessment dated August 2018, A Dispersion Modelling Study of the Impact of Odour dated March 2017, Noise Management Plan dated January 2018, Environmental Statement dated January 2018, Design and Access Statement dated January 2018, Method Statement Pollution Prevention, Manure Management Plan, Flood Consequence Assessment dated January 2017, A Report on the Modelling of the Dispersion and Deposition of Ammonia dated July 2017, Lighting Design Scheme dated January 2018 and Impact on Setting of Historic Assets dated June 2018).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.
5. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. Installation of external lighting features at the site shall be carried out in accordance with specifications identified in the Lighting Design Scheme – Ystym Colwyn produced by Roger Parry & Partners LLP dated January 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.
7. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings

or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## **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 interest of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan and Technical Advice Note 18: Transport.
6. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informative Notes**

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

