

Concerns raised about the proposed size of buildings

PCC-Building Control

No response received at the time of writing this report.

Wales & West Utilities - Plant Protection
Team

12th Dec 2018

Wales & West Utilities acknowledge receipt of your notice received on 07.12.2018, advising us of the proposals for:

Ynys y Bont, Aberbran, Brecon, Powys, LD3 9NL

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

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

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

Ward Councillor

7th Dec 2018

I'd like to request that this application be heard at the next available Planning, Taxi Licencing & Rights of Way Committee meeting please.

PCC-(S) Highways

9th Jan 2019

The Access, Parking and Servicing (vehicular movements) detail contained within the

Design & Access Statement (Section 6) and the Planning Statement (Section 3) are duly noted. The projected commercial vehicular movements associated with this phase of the scheme, are consistent with those identified under the previously consented phase and as such, are considered acceptable to the Highway Authority. Any approval shall be subject to the provision of a vehicular passing bay along the U0300 county highway to help facilitate the increased traffic movements associated with the increased levels of staff. It is noted that sufficient land is available within the highway limits to provide such a bay.

Accordingly, the Highway Authority recommends that the following condition be attached to any consent granted.

Prior to any first beneficial use of the new buildings, the applicant shall construct a vehicular passing bay along the U0300 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed to an adoptable standard prior to first beneficial use of the new buildings hereby approved.

Welsh Water

10th Dec 2018

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

Sewerage

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

Water Supply

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

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

PCC-Environmental Health

14th Dec 2018

18/1035/FUL - Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works - Ynys-Y-Bont, Aberbran by Council Houses Via Ynys-Y-Bont to Jct R Aberbran Brecon LD3 9NL

The Environmental Protection Section would have no objection to the above proposal providing the work is carried out in accordance with the construction method statement, pollution prevention plan and waste management method statement.

If the discharge from the new package treatment plant will be going to a watercourse then provided consent is obtained from NRW there would be no objection from Environmental Protection.

However, If the discharge is to ground then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the package plant, its soakaway and the ground conditions are suitable and sufficient for the foul drainage. The percolation test should be carried out in accordance with document H2 of the Building Regulations and calculations to be submitted for approval by completing and returning the attached Percolation Test Calculation Form.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out, so that a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

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

PCC-Ecologist

11th Feb 2019

Thank you for consulting me with regards to planning application 18/1035/FUL which concerns an application for the Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works at Ynys-Y-Bont, Aberbran, Brecon, 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 65 records of protected and priority species within 500m of the proposed development, no records were for the site of the proposed development itself. Protected and priority species records identified within 500m include otter, hare, bat species - common pipistrelle and brown long-eared bat, bluebell, brown-banded carder-bee, small heath butterfly and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

The following statutory designated sites were identified within 500m of the proposed development:

- o River Usk Special Area of Conservation (SAC) - approximately 140m east of the proposed development
- o River Usk (Tributaries) Site of Special Scientific Interest (SSSI) - approximately 140m east of the proposed development

Given the proposed development is located within 140m of the River Usk SAC consideration has been given to the need for a Habitats Regulations Assessment to be undertaken. Having reviewed the proposed development, it was determined that there was potential for the proposed development to impact the SAC and/or its associated features. I have undertaken a HRA Screening of the proposed development for the River Usk SAC and its associated features. The Screening found that the proposed development would not result in Likely Significant Effects to the SAC and/or its associated features in light of the identified features and nature and scale of the proposed development. I have attached a copy of the Screening Assessment for the River Usk SAC for your records.

No non-statutory designated sites were identified within 500m of the proposed development.

An Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology dated 7th November 2018 has been submitted to inform the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact features of biodiversity importance. I have reviewed the report and consider that the survey effort employed was appropriate and in line with current best practice guidelines.

A walkover survey was undertaken on the 15th March 2018, the surveys undertaken included a Phase 1 Habitat survey and search for evidence of or potential for protected of

priority species to be present within and in the vicinity of the proposed development. The report identifies that the majority of grassland in both fields affected by the proposed development was found to be poor semi improved grassland with common and widespread species identified as present in the sward. A small area of the northern field was identified as being marshy grassland. Well managed hedgerows were identified as present along the boundaries of each field, the hedgerows were considered to be species poor native hedgerows. A small stream runs through the site of the proposed development, this stream is culverted under the farm complex and the adjacent highway. The stream discharges into the Nant Bran part of the River Usk SAC/ River Usk (tributaries) SSSI. No invasive or non-native species were noted at the site during the walkover survey.

Consideration was given to the potential for the proposed development site to support protected and priority species including great crested newts, dormice, bats, otters, badger, birds and reptiles.

The site was assessed as having negligible potential to support great crested newts. No records of great crested newts were identified in proximity to the site and there are no waterbodies on site considered suitable for use by breeding great crested newts. The habitats within the majority of the site boundary were considered to be unfavourable to support this species and the report concludes that it is considered highly unlikely that great crested newt are present on site and no further surveys for this species were considered necessary.

No records of dormice were identified within 1km of the proposed development site, whilst hedgerows on site were identified as having some potential to support dormice it was identified that hedgerows within the proposed development boundary generally lack species diversity and lack connectivity to woodland or more optimal habitat. The site was determined to have low potential to support dormice and no further surveys were considered necessary.

Surveys undertaken at the site to support previous planning applications have identified that buildings at the site (not affected by the current application) support roosting bats including common pipistrelle, brown long-eared and lesser-horseshoe bats. Whilst the identified bat roost will not be affected by the current application the site boundaries and hedgerows were identified as being utilised by bats for commuting and foraging purposes. No hedgerows will be removed as part of the current application and a Bat and Nesting Bird Mitigation Strategy Version 3.0 produced by Dusk to Dawn Ecology dated November 2018 recommendations have been made with regards to low levels of lighting to enable bats to continue to use this area for commuting and foraging purposes - sensitive use of artificial lighting at the site is particularly important given the identification of roosting lesser horseshoe bats which are particularly sensitive to increases in lighting and will

actively avoid areas due to presence of inappropriate lighting. It is therefore recommended that submission and approval of a detailed lighting scheme for the proposed development taking into account the recommendations outlined in the Bat and Nesting Bird Mitigation Strategy Version 3.0 and recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded planning condition. It is also noted that mitigation features for bats including the provision of bat boxes and a dedicated bat roosting area have been identified and detailed on submitted plans, it is recommended that adherence to these measures is secured through an appropriately worded planning condition.

Otter have been recorded within 1km of the proposed development, the stream running through the site was assessed as having low potential to be used by otter due to the fact that it is culverted under the road and farm hard standing areas. No suitable breeding or resting sites or evidence of otter activity were found during the survey and no further surveys were considered necessary.

No evidence of the presence of badger was noted during the site survey and the habitats present and affected on the site were considered to only offer limited commuting and foraging opportunities for this species. No further survey work for badgers was considered necessary.

No birds nests were noted during the walkover survey and the fields affected by the proposed development were considered unsuitable to support ground nesting birds due to lack of suitable cover from predators. Existing hedgerows at the site will be retained through the proposed development and the Bat and Nesting Bird Mitigation Strategy Version 3.0 includes provision of mitigation for nesting birds in the form of erection of nest boxes at the site, it is recommended that adherence to these measures is secured through an appropriately worded planning condition.

The site was assessed as having low potential to support reptiles due to lack of favourable habitat, however the root systems of hedgerows were identified as offering some potential for use by reptiles for foraging commuting and hibernation. The report recommends that small numbers of common reptiles should be assumed as present and the development should be undertaken in accordance with an appropriate method statement. In this instance this approach is considered to be acceptable and it is therefore recommended that submission and adherence to a Reptile Reasonable Avoidance Method Statement is secured through an appropriately worded planning condition.

The report also makes reference to the need to implement Root Protection Zones around retained hedgerows, an Arboricultural Report produced by ArbTS dated 10th July 2018

has been submitted with the application this report includes details of tree survey data, arboricultural impact assessment and tree constraints plan. The measures identified within the tree constraints plan are in line with the recommendations set out in BS5837:2012 and are considered to be appropriate to ensure protection of the hedgerows and trees at the site. I recommend that adherence to the Tree Constraints Plan is secured through an appropriately worded planning condition.

An amended Pollution Prevention Plan produced by Asbri dated February 2019 has been submitted with the application, the measures identified in the pollution prevention demonstrate that the proposed development will be undertaken in accordance with current best practice guidelines. It is recommended that adherence to the Pollution Prevention Plan is secured through an appropriately worded planning condition. The PPP also identifies that the proposed crossing of the watercourse will be achieved through the use of a single span structure as opposed to a culvert which could become blocked. It is considered that the bridge will either be precast concrete or, more likely, a galvanised steel construction. Both solutions would be supported on concrete foundations set back far enough from the watercourse so as not to disturb the banks or pollute the watercourse and subsequently the River Usk. The applicant should be mindful that the watercourse crossing may also require Ordinary Watercourse Consent from the LLFA (Powys County Council) further details and advice regarding OWC can be found at <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Appling-for-consent-for-works>

An amended Planting Plan drawing no. 343.01 Rev A produced by Catherine Etchell Associates dated October 2018 has been submitted to support the application, I have reviewed the planting plan - please note that my comments make reference to the environmental aspects of the information submitted and do not consider the landscape and visual amenity aspects - and consider that the species proposed, planting specification and establishment measures are appropriate, in addition to provision of landscape planting is welcomed as it is likely to provide additional benefits for biodiversity 'biodiversity enhancements' as required by Part 1 Section 6 of the Environment (Wales) Act 2016. Subject to the landscape scheme being considered appropriate with regards to landscape and visual amenity aspects I recommend that adherence to the identified landscaping plan and associated planting specification and establishments measures is secured through an appropriately worded planning condition.

Subject to inclusion of the recommended conditions it is considered that the proposed development would not result in the loss of negative impacts to biodiversity. Therefore, should you be minded to approve the application I recommend inclusion of the following planning conditions:

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 specific measures to avoid impacts on foraging and commuting bats and other 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 in relation to The Natural Environment and DM7 in relation to - Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the mitigation measures identified in Section 3 of the Bat and Nesting Bird Mitigation Strategy Version 3.0 produced by Dusk to Dawn Ecology dated November 2018 and shown on drawings 'Plant Building drawing no. AL(0)11 Rev. B produced by James Partnership dated 23rd October 2018' and 'Proposed Site Plan drawing no. AL(0)01 Rev.D produced by James Partnership dated 23rd October 2018'. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of the development a detailed Reptile Reasonable Avoidance Method Statement shall be submitted for approval to the Local Planning Authority and implemented as approved.

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

The development shall be carried out strictly in accordance with the measures identified in the Pollution Prevention Plan produced by Asbri dated February 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the

Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified in the Pollution Prevention Plan produced by Asbri dated February 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the planting specification, management and aftercare measures identified on the T Planting Plan drawing no. 343.01 Rev A produced by Catherine Etchell Associates dated October 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and DM4 in relation to the ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the Tree Constraints Plan identified in the Root Arboricultural Report produced by ArbTS dated 10th July 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

- o Intentionally kill or injure these species of reptiles,

- o Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

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

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

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Otters - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Otters are known to be present on the majority of watercourses in Powys. The otter is

fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017

It is therefore an offence to:

- o Deliberately capture, injure or kill an otter;
- o Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- o Damage or destroy an otter holt;
- o Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- o Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- o No night working or lighting of the works area;
- o Ensuring that no barriers to movement of otters along the river are created;
- o Keep unnecessary noise to a minimum during the works; and
- o Do not light any fires close to areas of vegetation.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and

Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or structures where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Protected Species

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

PCC- (S) Land Drainage

No response received at the time of writing this report.

Natural Resources Wales (North) DPAS

11th Jan 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 07/12/2018.

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

Requirement 1: Protected Sites: The Local Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Condition 1: Landscape: Implementation of the planting plan and long-term landscape and ecological management proposals to the satisfaction of the LPA.

Condition 2: Landscape: Details of the materials and colours to be used in the buildings to be submitted to the satisfaction of the LPA.

Condition 3: Bats: Submission and implementation of a lighting plan for bats to the satisfaction of the LPA.

Designated sites

Nant Bran, a tributary of the River Usk runs approximately 130m east of the site beyond the unclassified road and additional grazing land. We have concerns that a significant effect from the proposed development on the The Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) cannot be ruled out.

Requirement 1: Protected Sites: The Local Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application NRW have identified potential impact pathways to features of this site:

1. Pollution

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Landscape

We note that a Landscape and Visual Appraisal has been submitted.

The site lies on the lower slopes of the Nant Bran valley adjacent the existing farm complex. The two fields where the 3 units are proposed slope upwards towards the north west and south east respectively. The local landscape is undulating pastoral farmland with mature hedges and trees to the field boundaries, with some hedges low and closely maintained, others tall with mature trees.

The site lies within the LANDMAP Visual & Sensory Aspect Area Nant Bran Valley 351, evaluated as High. The valley is noted as quite enclosed, with woodland on the floor, steep slopes, tranquil and unspoilt, with small settlements, vernacular buildings and hedgerow field boundaries. Some agricultural buildings are noted as slightly obtrusive. Aims are to conserve tranquillity, enclosure, deciduous woodlands and hedgerows.

The site lies approx. 500m north of the National Park boundary and visible from Twyny-Gaer hillfort, Mynydd Illtud. The hillfort and surrounding area lie within Landscape Character Area 6 Middle Usk Valleys, as defined in the Brecon Beacons National Park

landscape assessment. The undulating, pastoral landscape is noted as transitional with characteristics extending north from the National Park boundary to the site. It includes

historic features such as hillforts and views to the north are a key characteristic. New, large scale farm buildings occur and are considered a detrimental

feature. The loss of traditional hill farming and poor management of hedgerows are special qualities sensitive to change.

Condition 1: Landscape: Implementation of the planting plan and long-term landscape and ecological management proposals to the satisfaction of the LPA.

Recommendations are to minimise the visual impacts of new development, ensuring they are well designed and site and extending and linking semi-natural habitats.

Two key viewpoints have been selected in the Landscape & Visual Appraisal. Twyny-gaer, to the south in the National Park and open access land at Mynydd Aberyscir to the north east. It is noted that there are many views from the bridleway leading from Mynydd Aberyscir down the eastern slopes of the Nant Bran valley.

The site is visible as a small but noticeable feature in the panoramic view northwards from Twyn-y-gaer. The photographs have not been reproduced as single frames at A3 and do not show the level of detail seen in the field. The proposal is likely to appear larger and more noticeable than shown in the photographs.

Condition 2: Landscape: Details of the materials and colours to be used in the buildings to be submitted to the satisfaction of the LPA.

The large agricultural-style barns would be roofed in fibre cement sheeting and cut into the topography so that they sit below the level of the surrounding fields to the north west and south west. The Appraisal includes recommendations to mitigate the landscape and visual impacts and inform the submitted planting plan.

Recommendations include muted dark grey colours, particularly to roofs to help the buildings to recede and appear less visible. The reflective white materials on the existing unit should be avoided. Slopes resulting from the excavations should be sympathetically profiled to natural contours and hedges should be allowed to grow up, selected trees allowed to mature and new tree planting carried out. The Appraisal concludes that provided the recommendations are carried out, the three additional units can be accommodated without undue negative impact on landscape character.

We have reviewed the Appraisal and concur with its conclusions. We consider that provided the mitigation recommendations are followed and the planting plan implemented, the proposal would be acceptable and would not have an adverse impact on the National Park.

Protected Species

We note that the bat reports submitted in support of the above application (Extended Phase 1 Survey report and Bat and Nesting Bird Mitigation Strategy report dated November 2018 by Dusk to Dawn Ecology Ltd) has identified that multiple species of bats are present within the farm complex. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

NRW has previously commented on P/2015/0941 with reference to bats. Two of the original outbuilding on site are recorded bat roosts for Common pipistrelle, Brown long eared and Lesser Horseshoe bats.

An NRW license was obtained to carry out conversion of the outbuildings, as part of the license conditions monitoring was required. The latest monitoring report available to NRW is dated 29/08/2016, the report confirms that bats still use the buildings at Ynys y Bont.

In this case, the ecological reports conclude that the proposal is not likely to harm or disturb the bats or their breeding sites and resting places at this site but there is potential for disturbance and disruption of bat behaviour along foraging routes.

The presence of a Lesser Horse-shoe bat roost nearby is a significant concern as this species is particularly sensitive to light disturbance. We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW welcomes the retention of linear features (hedgerows and trees) and the additional planting of trees on site, however, no activity survey has been carried to establish existing bat flight lines.

Condition 3: Bats: Submission and implementation of a lighting plan for bats to the satisfaction of the LPA.

The lighting scheme will have to demonstrate retention of dark corridors along all of the existing hedgerows, as recommended in the ecological submissions.

Consideration will need to be given to all sources of proposed lighting, both external

(security) and internal (light spillages onto the outside).

We note that enhancement measures, have been suggested within the bat report and they have been acknowledged within the plans. NRW welcomes the proposal to create addition of roosting opportunities for bats.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Foul Drainage

We note from the Waste Management Method Statement: Ynys y Bont, Aberbran Phase 2 (October 2018) and Drainage Strategy that "it is proposed that foul from IB1 will discharge into the existing foul network associated with Phase 1. The Strategy notes that flows from IB1 are nominal and comprise an occasional wash down of rooms and food prep areas, therefore, the existing dispersal trench and Biodisc (PTP) should have adequate capacity to accommodate.

In regard to the foul flows from buildings BB2 and BB3 as well as 2 no. ancillary buildings will discharge into a new Biodisc PTP located west of the watercourse which separates the two field parcels, before being pumped as treated effluent to the eastern end of the site. The treated flows will join the new surface water drainage flows from building BB1 to a new dispersal trench parallel to the existing trench."

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with NRW. The Applicant must obtain any necessary permit or exemption prior to Commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering

and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

Pollution Prevention Plan

We have reviewed the pollution prevention plan (Pollution Prevention Plan. Ynys y Bont, Aberbran. (July 2018) submitted in support of the proposal.

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

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

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultationtopics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice to Developer/Applicant:

- Environmental Permitting Regulations: intensive farming

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from NRW.

The granting of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before operations commence on site.

Applicants are encouraged to enter pre-application discussions with NRW prior to applying for a permit to help ensure all aspects are fully considered. Where possible permit and planning applications should be made at the same time to avoid delays.

- Environmental Permitting Regulations: abstractions

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

More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/water-abstraction-andimpoundment/>

[apply-for-a-water-abstraction-or-impoundment-licence/?lang=en](https://naturalresources.wales/permits-and-permissions/water-abstraction-andimpoundment-licence/?lang=en)

- Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a.

A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

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

19th Dec 2018

Thank you for your letter of 7 December 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 have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and garden listed in our assessment of the application 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.

Assessment

Scheduled Ancient Monuments

BR001 The Gaer, Brecon

BR021 Aberyscir Castle Mound

BR043 Twyn-y-Gaer

BR044 Twyn-y-Gaer

BR138 Battle Standing Stone

BR139 Aberyscir Round Cairn

Registered historic parks and gardens:

PGW (Po) 21(POW) Penpont (grade II*)

In response to a statutory pre-planning application consultation it was determined that the proposed development would only have an impact on the settings of scheduled monuments BR139, BR043 and BR044.

Scheduled monument BR043 Twyn-y-Gaer comprises the remains of an Iron Age hillfort, located on a local summit overlooking the River Usk valley in both directions, some c 2.1 km south-east-south of the proposed development. The development will be visible from this scheduled monument but will be viewed with the other existing buildings at Ynys y Bont. Therefore given the distance from the hillfort the proposed development will have a very slight and not significant impact on the setting of the scheduled monument is likely.

Scheduled monument BR044 Twyn-y-Gaer also comprises the remains of an Iron Age hillfort located on a local summit commanding views in all directions some 930m west-north-west of the proposed development. The proposed sheds will be partially concealed by the ground rising to west of them but they will still be visible from the scheduled monument. The extent of territory relevant to the hillfort is unknown and similarly the significance of views in the direction of the proposal is conjectural though as a short route to the valley of the Nant Bran this direction may have had held some purpose. Nevertheless, when balanced against the existing farm buildings the proposal will represent a proportionately large modern intrusion into the neighbouring landscape and for this reason the proposal is considered to have a slight though not significant effect on the scheduled monument's setting.

Scheduled monument BR139 Aberyscir Round Cairn comprises the remains of a Bronze Age burial cairn, located towards the south end of a ridge some 1km east-north-east of the proposed development. When constructed it would have been a prominent landscape marker and views toward it are likely to have been significant as well as views from it.

However, the proposed development will not block any views towards the scheduled monument and whilst it will be visible from it, it will be seen along with the other existing buildings at Ynys y Bont. Consequently, any damage to the setting of the scheduled monument is considered to be very slight and not significant.

In conclusion the proposed development will have a slight impact on the setting of scheduled monument BR044 and very slight impacts on the settings of scheduled monuments BR044 and BR139, however, none of these impacts are significant.

C P A T

11th Dec 2018

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the proposed development at this location.

Brecon Beacons National Park

25th Feb 2019

I write further to your consultation on the above planning application which is located to the north of the Brecon

Beacons National Park boundary. The Brecon Beacons National Park Authority (BBNPA) has therefore considered this proposal as a fringe application for employment development.

The proposed development is for the construction of two falcon breeding buildings, an imprint building, an ancillary building, a plant room and associated works. The application site extends to 1.51 hectares and is located around 0.5 km from the boundary of the Brecon Beacons National Park. The site is within a valley bordered by hedgerows and open agricultural land. Additional information assessing the landscape and visual impact of development and detailing additional landscaping has been provided.

Legal and Policy Context

Section 63 of the Environment Act 1995 sets out the statutory purposes of the National Park as follows:-

- o To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and

- o To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Policy Context

Planning Policy Wales

Planning Policy Wales (10th Edition 2018) (PPW) acknowledges that statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. PPW also recognises that natural heritage issues are not confined by administrative boundaries and that the duty to have regard to national Park Purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area.

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- o Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal;

- o Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally

produced foods;

- o Sense of place and cultural identity - "Welshness";

- o Sense of discovery;

- o Sweeping grandeur and outstanding natural beauty;

- o Contrasting patterns, colours, and textures;

- o Diversity of wildlife and richness of semi-natural habitats;

- o Rugged, remote and challenging landscapes;

- o Enjoyable and accessible countryside;

- o Intimate sense of community.

Development Plan

Within the National Park the adopted development plan is the Brecon Beacons National Park Local Development Plan 2007-2022 (LDP). Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designations there are instances where strict application of the boundary in making decisions is not appropriate.

Cross Boundary planning applications for development being a clear point example of this. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LPAs to have regard to the National Park purposes in making planning decisions which may impact on the National Park.

Consideration

The comments of the BBNPA have primarily focussed on the consideration given to the impact on the National

Park within the accompanying supporting Landscape and Visual Appraisal (LVA). The BBNPA have provided comments in the context that this proposal does not represent EIA development. The LVA has been undertaken by an appropriately qualified landscape architect and states that it has been undertaken in accordance with appropriate standards within the Guidelines for Landscape and Visual Impact Assessments (GLVIA).

The boundary of the Brecon Beacons National Park is a relatively short distance at around 500m to the south. The boundary extends from east to west to the south of the site and follows a minor road and disused railway line. The LVA assesses the impact of the development on the Brecon Beacons National Park and it is noted that this reflects a request by Natural Resources Wales that particular consideration is given to assess the impact on the National Park and provide mitigation proposals.

The LVA takes a reasonable approach to assessing the impact over a sufficient area. A viewpoint from Mynydd Illtyd, which is a significant view point in the National Park has been selected and a viewpoint has also been selected outside but viewing into the National Park. It is considered that these viewpoints give an adequate representation of the impact of the development. However further viewpoints would be welcomed for example the site is visible from the A40(T) and a viewpoint from this road such as a layby or public right of way would have helped to illustrate the impact of development at a position closer to the site within the National Park. The Authority welcomes the LVA taking into account the landscape character assessment for the National Park, which forms supplementary planning guidance to our LDP. We agree with the statement in the LVA 8.2 that:

"The scale of these barns however is not necessarily an attractive feature in the

landscape, although it is one which becoming more typical as traditional hill farming techniques decline. It is a feature which the BBNPA Landscape Character Assessment highlights as detrimental to landscape character." The LVA goes on to provide a discussion of the materials to be used in the construction of the building and how the use of appropriate finishes are used to mitigate the impact of the development. Other points are also accepted such as the position towards the valley floor being less prominent than the farm units positioned higher up on the valley slopes.

The following is proposed as mitigation:

- Replicating the character of traditional agricultural units through appropriate siting;
- Appropriate works to engineer the cutting in of the buildings into the landform. The view that the resulting landform should not appear to be uniformly engineered is agreed with and supported;
- A detailed landscaping scheme has been provided which includes substantial new planting to mitigate the impact of the development;
- Retention of the existing field patterns and hedgerow enclosure and to alter their management;
- Use of materials with appropriate colour / tone and reflectiveness.

The suggested mitigation is welcomed and it is considered that the siting and layout is similar to a larger more intensive agricultural units. The detail of the slopes to be created during the cutting into the landform is provided within the sectional and levels drawings. The slopes created do not appear to be following the LVA recommendation and appear to be uniform. A condition to require details of a more varied slope of a more natural appearance that is appropriate to its setting should it be considered be imposed on any application. Requirements to submit details of the materials to be used within the development should be imposed through planning conditions. The landscaping plan should also be fully implemented through the use of planning conditions. Lighting should also be minimised and controlled through the use of planning conditions.

The LVA also suggests that the additional units could be a limit on the development of this site, before its scale would be inappropriate in landscape and visual impact terms. The Brecon Beacons National Park Authority agree that further development, beyond this application would likely lead to a facility that was out of character with the landscape of this area.

The Brecon Beacons National Park Authority notes that substantial engineering works will be required to implement this scheme. During construction these works may have the potential to impact on features within the National Park such as The River Usk which is a

Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI). Appropriate consultees such as NRW should be consulted to ensure that these features are not impacted by development. It will also likely generate traffic to the site from the major road network (A40(T)) this will pass through areas of the National Park and it is considered that the local highways authority should be consulted and the timing of construction works and deliveries controlled to mitigate the impact of development on residents.

Conclusion

The BBNPA do NOT OBJECT to this proposal and we consider that the information submitted supports conclusion that there will not be a substantial long term detrimental impact on the National Park's special qualities. However, we only consider that there would not be an unacceptable impact if the mitigation suggested by the LVA is fully implemented in a timely way following the commencement of development.

We offer the above comments as the opinion of BBNPA on the basis of the information currently available in relation to your proposals. If the proposal is amended or significant changes made to the application supporting information we would wish to be re-consulted.

The BBNPA reports fringe developments to its Planning Access and Rights of Way Committee to allow our Members to provide comments. This proposal will be reported to our meeting on the 9 April 2019, we appreciate that this maybe after the point the application is determined; but will advise if further comments are made on this proposal.

Representations

28 letters of public representations objecting to the proposed development have been received. The letters can be summarised as follows:

- Scale of the development is not in keeping with the local area
- No economic benefit to community
- Visual impact of the buildings
- Impacts to the SAC
- Impact on native bird population
- Highway impact
- Impact to Brecon Beacons National Park
- Bio disease/Hazard
- Increased effluent
- Land drainage
- Animal welfare
- Strain on local infrastructures (water supply, electricity, telecommunications)

Planning History

App Ref	Description	Decision	Date
P/2015/0941	Full: Conversion of existing buildings and construction of new buildings, to include associated works and installation of package treatment plant, to create falcon breeding facility	Consent	10th Feb 2016
DIS/2016/004 2	Discharge of conditions 3, 10 & 14 of planning permission P/2015/0941	Approve	13th Jul 2016
DIS/2016/015 5	Discharge of conditions 4 and 5 of planning approval P/2015/0941 relating to landscaping schemes	Consent	14th Oct 2016
NMA/2016/00 66	Non material amendment to planning permission P/2015/0941 in respect of insertion of a water tank.		12th Oct 2016
NMA/2016/00 86	Application for non-material amendments to planning permission P/2015/0941 in respect of lengthening the road system and internal and external alterations		8th Dec 2016
DIS/2017/003 1	Discharge of Condition 13 of planning approval P/2015/0941	Consent	22nd Feb 2017

Principal Planning Constraints

None

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy

TAN6	Planning for Sustainable Rural Community	National Policy
TAN8	Renewable Energy	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
SP2	Employment Growth	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
NERC	Natural Environment & Rural Communities	Local Development Plan 2011-2026

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

Site Location and Description

Ynys y Bont is located within the Community Council area for Trallong. The application site is located adjacent to existing dwelling and associated buildings at Ynys y Bont. To the south, east and west is agricultural land whilst to the north runs the U0300 unclassified county highway.

Consent is sought for the erection of 2 falcon breeding buildings, 1 imprint building, 1 ancillary building and 1 plant building. The buildings as proposed will measure approximately:

- Falcon Breeding Building x2 (BB2 & BB3)

Will measure approximately 63 metres in length by 20 metres in width reaching a height to the ridge and eaves of 7.6 metres and 6.2 metres respectively.

- Proposed Imprint Building (IB1)

Will measure approximately 63.5 metres in length by 20.5 metres in width reaching a height to the ridge and eaves of 6.2 metres and 4.8 metres respectively.

- Proposed Ancillary Building

Will measure approximately 15.7 metres in length by 6 metres in width reaching a height to the ridge and eaves of 3.8 metres and 2.4 metres respectively.

- Proposed Plant Building

Will measure approximately 10.3 metres in length by 3.8 metres in width reaching a height to the ridge and eaves of 3.3 metres 2.6 metres.

Principle of Development

Policy E2 of the Local Development Plan supports appropriate expansion or modernisation of existing businesses in-situ is supported to reduce the inconvenience and disruption of moving, whilst retaining the source of employment within the local community. The provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal.

It is noted that the proposal is to provide expansion to the existing falconry breeding unit at Ynys-y-Bont. The original planning permission granted consent for the conversion of existing barns and provision of additional buildings. This proposal now seeks to expand that business with the creation of further buildings to expand the falcon breeding unit. In light of this it is therefore considered that the principle of the proposed development for the appropriate expansion of a business fundamentally complies with relevant planning policy subject to the following consideration:

Design and External Appearance

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. In line with policy DM13 development proposals should therefore be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The application site already benefits from existing buildings in association with the falconry breeding unit. The proposal seeks consent for the erection of 3 new falcon associated buildings with 2 ancillary buildings proposed alongside them. It is noted that the buildings have been designed typical to traditional agricultural buildings which are a common feature within this rural landscape. It is therefore considered that the design of the proposed buildings has been designed in keeping with the existing buildings already present on the site and also those within the rural locality.

Brecon Beacons National Park have been consulted and have requested that details of materials to be used within the development is imposed through an appropriately worded conditions. This will be to ensure that the development is appropriately designed to use muted tones to complement the surrounding area and therefore aid in reducing any visual impact.

Subject to the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Landscape and Visual Impact

Planning policy seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and

qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity.

The application site is located just outside of the Brecon Beacons National Park (BBNP) which is located approximately 600 metres to the south of the application site. A Landscape and Visual Appraisal has been submitted in support of the application to assess the impact on views from the BBNP and also on the local landscape.

It is noted that the application site is located towards the valley floor and that the proposed 3 buildings will be cut into the existing topography resulting in the tops of the rooves to be below the level of the surrounding fields. Making the buildings less prominent than any other farm units which are positioned higher up on valley slopes.

Considering each individual building it is noted:

IB1 is proposed to be adjacent to the existing building currently present on the Land (BB1 as indicated on the proposed plans). Whilst following a site visit it is noted that the building will be built on ground level higher than the existing building (BB1), the height of the proposed building is lower than the existing and additionally will also be cut into the hillside.

BB2 & BB3 are proposed in the field to the north west of the existing farmhouse, whilst the ground level is at a slightly higher level here than the existing farmyard, the field is still considered to be within the valley base and predominately flat in topography which gently rises to the west the further you move away from the existing farmhouse and associated buildings. It is also noted that the ground level will be cut to create a flat platform for the proposed development and in a bid to reduce the overall scale of the proposed buildings.

The proposed plant building and ancillary building are considered to be small in scale compared to the existing buildings present on the land and therefore their visual impact is considered to complement and be grouped with these existing and proposed structures.

The application site is located within the Nant Bran Valley, LANDMAP evaluates the area as a high visual and sensory location as *an enclosed upland pastoral valley running from around 400mAOD to 180mAOD to the south. Slopes are moderately steep with a very narrow floodplain in the valley bottom which is generally V shaped. Fields are small to medium sized and are enclosed by hedgerows which are a combination of outgrown, cut and laid. Some pasture is poorly drained and bracken and scrub are encroaching but the majority of the valley appears well maintained. Deciduous woodland on the valley sides, steep slopes and riparian corridors is a major feature further enclosing and adding interest and texture to the valley. The valley is a dead end valley with minor roads although there is a link to the Cilieni Valley to the west. It is therefore very tranquil and unspoilt. Small settlements are vernacular and in character*

although some agricultural buildings are slightly obtrusive. Attractive views are possible down the valley particularly close to the valley floor.

It is noted that the proposed development represents modern farming development which now results in larger scale farm buildings. It is therefore considered that the provision of these additional building would not be seen as being out of keeping with the character of the existing landscape which already contains several scattered farm complexes dominated by large barns.

Brecon Beacons National Parks were consulted on the proposed development and confirmed that they did not object to the proposal as they considered that the information submitted supports their conclusion that there will not be a substantial long term detrimental impact on the National Park's special qualities. NRW have also confirmed that they have reviewed the appraisal and concur with its conclusions and subject to conditions the proposal would be acceptable and would not have an adverse impact on the National Park.

On the basis of the above, considering the scale, location and character of the surrounding area it is considered that the proposed buildings would not be seen as being out of keeping with the rural landscape and therefore subject to appropriate landscaping and materials (colour/tone/reflectiveness) the proposed development would fundamentally comply with relevant planning policy.

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10), LDP: T1 and Technical Advice Note 18.

Concerns have been raised over the proposed development and the potential impacts the development may have on users of the public highway.

The vehicle movements associated with the proposed development are limited given that the only feed required is for the quail. The movements are therefore noted as being:

- Quail food deliveries and general supplies- 1 non-articulated lorry per month
- Falcon dispatch- Once per year and comprising of van deliveries (2-3 trips) over the course of a single week
- 4 no. additional members of staff will be required (on top of 3 currently employed)

The Highway Authority have been consulted and have noted the proposed vehicular movements. The Officer confirmed that the projected commercial vehicular movements associated with this phase of the scheme are considered to be acceptable subject to the provision of a further vehicular passing bay along the U0300 county highway to facilitate the traffic movements associated with the levels of staff.

The Officer therefore confirms that subject to an appropriately worded condition securing that the passing bay is provided prior to the first beneficial use of the buildings the proposed development fundamentally complies with relevant planning policy.

Biodiversity

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. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

It is noted that there are a number of protected and priority species records identified within 500 metre of the proposed development site. In addition to the above the following statutory designated site are also identified within 500 metre of the proposed development:

- River Usk Special Area of Conservation (SAC)- approximately 140 metres east
- River Usk (Tributaries) Site of Special Scientific Interest (SSSI)- approximately 140 metres east

Given the proposed developments proximity to the River Usk SAC consideration has been given to requirements for a Habitats Regulations Assessment (HRA) to be undertaken. The completed HRA confirmed that the proposed development would not result in *Likely Significant Effects* to the SAC and/or its associated features.

An Extended Phase 1 Survey Report was submitted in support of the application produced by Dusk to Dawn Ecology. It is noted that the grassland in both application fields for the proposed development are poor semi improved grassland apart from a small area of the northern field were identified as being marshy grassland.

The report, NRW and The Powys Ecologist confirmed that they do not consider that the proposed development is likely to have a detrimental impact to the maintenance of any protected or priority species and therefore subject to appropriately worded conditions to secure appropriate landscaping, lighting and Reptile Reasonable Avoidance Method statements the proposed development is therefore considered would not result in the loss of negative impacts to biodiversity in accordance with relevant planning policy.

Environmental Health

Technical Advice Note 15 provides advice with regards to drainage and its role in managing flood risk as well as sustainable drainage systems.

The Environmental Health Officer was consulted on the proposed development, whilst in principle the Officer had no objection to the proposed development they requested that works were completed in full accordance with the details and method statements as

provided. A condition will therefore be included to ensure compliance with the appropriate construction method statements.

In addition to the above, the Officer also queried the discharge from the new treatment package plant. It is noted that the soakaway system will not be directed to the ground (and therefore not resulting in the need for percolation tests) but will be piped through the site to a new treated effluent dispersal trench to replace the existing trench as approved under the previous planning application.

In line with the Welsh Office Circular a condition will therefore be attached to any grant of consent requiring for further details/implementation of the drainage prior to the first use of the buildings. Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Scheduled Ancient Monuments

The Local Development Plan seeks to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Cadw and CPAT have been consulted on the proposed development and have noted that the following Scheduled Ancient Monuments are in close proximity to the application site:

BR001 The Gaer, Brecon (2km south-east)
BR021 Aberyscir Castle Mound (2km south-east)
BR043 Twyn-y-Gaer (approx. 2.1km to south-east)
BR044 Twyn-y-Gaer (approx. 930m to west-north)
BR138 Battle Standing Stone (2.6km to the north-east)
BR139 Aberyscir Round Cairn (1km north-east)

Registered historic parks and gardens:
PGW (Po) 21(POW) Penpont (grade II*)

Cadw noted that in response to a statutory pre-planning application consultation it was determined that the proposed development would only have an impact on the settings of scheduled monuments BR139, BR043 and BR044. Following an assessment, it was thereafter considered that the proposed development will have a slight impact on the setting of scheduled monument BR044 and very slight impacts on the settings of scheduled monuments BR044 and BR139, however it was identified that none of these impacts are significant.

Therefore it is considered that the impact is only slight and would not have an unacceptable adverse impact on the scheduled ancient monument and the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION

It is considered that the proposed development has been carefully designed to take into consideration the potential impact on the character and appearance of the surrounding area and BBNP. The recommendation is one of conditional consent.

Conditions

1 The development shall begin no later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents AL(O)01D, AL(S)02, AL(O)02C, AL(S)01, AL(O)03C, AL(O)04B, AL(O)06B, AL(O)05B, AL(O)00, AL(O)07B, AL(O)08B, AL(O)09B, AL(O)10A, AL(O)11B, 18044-102B, 18044-103B, 18044-100A, 18044-101A, 343.01 Rev A, Construction Method statement and Waste Management Method statement.

3 Prior to the construction of the buildings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4 Prior to any first beneficial use of the new buildings, the applicant shall construct a vehicular passing bay along the U0300 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed to an adoptable standard prior to first beneficial use of the new buildings hereby approved.

5 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 specific measures to avoid impacts on foraging and commuting bats and other nocturnal wildlife. The development shall be carried out in accordance with the approved details.

6 The development shall be carried out strictly in accordance with the mitigation measures identified in Section 3 of the Bat and Nesting Bird Mitigation Strategy Version 3.0 produced by Dusk to Dawn Ecology dated November 2018 and shown on drawings 'Plant Building drawing no. AL(0)11 Rev. B produced by James Partnership dated 23rd October 2018' and 'Proposed Site Plan drawing no. AL(0)01 Rev.D produced by James Partnership dated 23rd October 2018'. The measures identified shall be adhered to and implemented in full and maintained thereafter

7 Prior to commencement of the development a detailed Reptile Reasonable Avoidance Method Statement shall be submitted for approval to the Local Planning Authority. Development thereafter shall be implemented in full accordance with the details as approved.

8 The development shall be carried out strictly in accordance with the measures identified in the Pollution Prevention Plan produced by Asbri dated February 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

9 The development shall be carried out strictly in accordance with the planting specification, management and aftercare measures identified on the Planting Plan drawing no. 343.01 Rev A produced by Catherine Etchell Associates dated October 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

10 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.

11 The development shall be carried out strictly in accordance with the Tree Constraints Plan identified in the Root Arboricultural Report produced by ArbTS dated 10th July 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

12 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development and retained in perpetuity.

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 ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

4 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

5 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to - Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6 To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

9 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 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.

10 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 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.

11 To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12 To ensure a satisfactory drainage system is provided in accordance with Technical Advice Note 15 and Planning Policy Wales (Edition 10, 2018)

Informative Notes

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

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

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site

before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

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

3 Advice to Developer/Applicant from NRW:

- Environmental Permitting Regulations: intensive farming

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from NRW.

The granting of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before operations commence on site.

Applicants are encouraged to enter pre-application discussions with NRW prior to applying for a permit to help ensure all aspects are fully considered. Where possible permit and planning applications should be made at the same time to avoid delays.

- Environmental Permitting Regulations: abstractions

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

More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/water-abstraction-andimpoundment/apply-for-a-water-abstraction-or-impoundment-licence/?lang=en>

- Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a. A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

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.

Case Officer: Gemma Bufton, Principal Planning Officer
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