

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

**Application Number:** P/2018/0470  
**Grid Ref:** E: 311802  
N: 293855  
**Community Council:** Newtown And Llanllwchaiarn Community  
**Valid Date:** 14.09.2018

**Applicant:** Mr Gareth Woosnam

**Location:** Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown, Powys SY16 3LA

**Proposal:** Major: Erection of a 32,000 Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works (Resubmission)

**Application Type:** Full Application

### The reason for Committee determination

The Local Member has requested that the application is determined by Members of the Committee due to the concerns raised by local residents.

### Consultee Responses

#### Consultee

#### Received

Community Council

6th Nov 2018

The Town Council supports the application with the following comments: 1) NLTC requests that Powys CC confirm that the maps and calculations in Manure Management Plan are accurate. 2) NLTC requests a response from Powys CC Highways department regarding the proposals 3) Regarding the separate, approved planning application for the manure shed on the same site: NLTC requests Powys CC to confirm that this approval is still appropriate for the new proposed usage.

PCC-(N) Highways

31st Oct 2018

This application should be Refused.

## Reasons for Refusal

An application such as this should include full access details such as the access gradient, radii, surfacing detail, set back of any gates and means of draining the access. None of these details have been submitted for consideration.

The highway network from which the site gains access is sub-standard in terms of width, horizontal and vertical alignment, with a lack of passing bays.

The junction of the C2011/U2621 is substandard in terms of alignment, visibility in both directions including SSD (forward and rear), junction width and radii.

A complete breakdown of the proposed vehicles movements has not been submitted for consideration.

The applicant has stated that their proposal to overcome the access issues at the junction of the C2011/U2621 is to make a contribution towards the cost of double white lines and signage along the C2011 to prevent approaching vehicles overtaking in the vicinity of the junction. Thus deleting the consideration of SSD (front and rear). However, no description of the proposed specification of the signage has been submitted for consideration.

As per Chapter 5 of the Traffic Signs Manual 2003, double white centrelines are not to be used at an access/junction as an alternative to securing the appropriate junction visibility or forward visibility through a junction.

Double white centre lines do not prohibit overtaking maneuvers as suggested on page 4 of the Highway Report - "vehicles may cross the line if necessary, provided the road is clear, to pass a stationary vehicle, or overtake a pedal cycle, horse or road maintenance vehicle, if they are travelling at 10 mph (16 km/h) or less" (The Highway Code 2018).

The swept path drawings submitted as an appendix to the Technical Note are considered to be inaccurate due to not being derived from a topographical survey. The submitted drawings whilst not accurate do show areas of concern mainly being that HGV's are unable to safely turn left out of the U2621 onto the C2011 (Drawings numbers SK21865-12 and SK21865-14).

Vehicles travelling in a northerly direction along the C2011 do not have sufficient forward visibility to see vehicles waiting to turn right into the U2621 and/or vehicles egressing from the U2621 onto the C2011. Similarly, vehicles egressing the U2621 onto the C2011 do not have sufficient visibility to see approaching vehicles from a southerly direction.

As above, the proposed 'Vehicular Access Strategy' fails to address the substandard visibility in both directions including SSD for vehicles ingressing and egressing the junction of the U2621/C2011.

The location of passing bay 1 is adjacent to the proposed access to the development, and is likely to be of little benefit given its proximity to the access. Passing bay 2 is of an irregular design, a standard passing bay should measure 12 metres across the back with 30o tapers into the existing road and an overall width including the carriageway of 5.5 metres.

*Additional Correspondence received 28th March 2019*

This application should be refused.

#### Reasons for Refusal

The application site is located off the unclassified highway U2621 and has two potential means of access. The submitted details and routing plan identifies that access will be from the C2011 onto the U2621.

The junction of the C2011/U2621 has poor alignment; junction bellmouth width; visibility to the south west and Stopping Sight Distance [SSD] (forward) to the north.

The U2621 has poor vertical and horizontal alignment along its length with few formal/informal passing bays.

Speed data submitted in support of the application reports 85th percentile speeds of 31.5mph in a northerly direction and 29.5mph in a south westerly direction along the C2011 in the vicinity of the U2621 junction.

The recorded speeds indicate that the use of Manual for Streets(MFS) is appropriate. The survey was carried out during a period of rainfall for much of the survey and therefore no wet weather adjustment is required.

Using the sliding scale in accordance with Manual for Streets 2(MFS2), the recommended visibility splays are 42 metres to the south west and 54 metres to the north due to the gradient. During winter months when the hedges at the junction are cut back, the available visibility to the south west is significantly less than that required being only 26 metres. By comparison, the SSD (rear) during winter months is more than adequate

being 60 metres. The visibility to the north is in excess of the 54 metres required, however, the SSD (forward) during winter months is severely substandard at only 27 metres. It should be noted that the above quoted visibility splays were measured in the absence of any growth on the adjacent hedges, and therefore during spring/summer months when the hedges cannot be cut back (1st of March - 31st of July in accordance with the Wildlife & Countryside Act 1981) the available visibility and SSD could be negatively impacted. The visibility to the north has been adjusted in accordance of the gradient on the downhill, in accordance with MFS2 and is therefore greater than the requirement to the south west.

The proposed double white line on the Class III highway has been withdrawn as the proposal does not accord with the relevant Welsh Government guidance.

The applicant submitted drawing number 70571/18/02 to the Highway Authority following a site meeting which discussed the need for a visibility and SSD improvement at the junction of the C2011/U2621. The drawing showed an improvement at the junction which provided forward visibility cords to the north and south of the junction. It is noted that this drawing has not been submitted in support of this application as the land is not in control of the applicant and it has been stated that no agreement can be reached with the landowner.

Access to the site can also be gained via the U2620 however, the junction of the C2011/U2620 is severely substandard in terms of visibility in both directions and the applicant does not control any frontage that would allow for improvement. Perceived speeds in this area are in excess of 45mph. The available visibility at the junction is limited to 28 metres in a southerly direction and 18 metres in a northerly direction. Furthermore: the width of the bellmouth is just 3.5 metres; the right-hand bend is too tight to allow an articulated HGV to safely manoeuvre and the junction of the U2620/U2621 is severely substandard in terms of visibility and width. The width of the U2620 & U2621 at this junction along with the lack of highway verge means that large vehicles cannot turn left towards the site or right heading away from the site. It is understood that the applicant does not control sufficient frontage at the junction of the U2620/U2621 to make any improvements.

The Highway Authority has considered the relevant guidance and policies in relation to this application, and whilst the movements associated with the proposed development are relatively low, the risk of injury to road users at the three junctions is considered to be high, as is the severity of any such injury. This is due to actual and perceived road speeds being relatively high for the rural location, and that any HGV leaving the site will cross the centreline of the C2011, at one or both junctions with severely substandard visibility/SSD in both directions.

The applicant has indicated a reduction of vehicle movements since dairy operations ceased. The nature of vehicles used in relation to this operation would likely have been smaller than those for the proposed development. After discussion with the planning authority it has been concluded that consideration cannot be given to this reduction.

The submitted swept path drawings have not been based on a topographical survey, and therefore cannot be relied upon as being accurate. Furthermore, no swept path drawing has been submitted for HGV's entering and egressing the junction of the U2621/C2011 to/from the direction of Llanfair Caereinion. Whilst the application includes a routing plan, the Highway Authority do not consider that this can be relied upon, nor can it be enforced.

The application is not in accordance with LDP Policies DM13 Part 10, T1 Part 2, and TAN18 Section 3.14 - the Highway Authority has consistently highlighted that the junctions of the U2621/C2011, U2620/C2011 & U2620/U2621 are not suitable for any increase of HGV movements. However, the application does not seek to address any of these concerns by means of an improvement to the visibility and SSD at the junction of the U2621/C2011.

Both routes have an insufficient number of formal/informal passing bays, but the Highway Authority acknowledges that the applicant has offered a limited number of additional bays to mitigate this

Wales & West Utilities - Plant Protection  
Team

15th Oct 2018

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.

PCC-Environmental Health

22nd Oct 2018

Noise

## Mechanical plant

The noise data provided for the mechanical fans indicates that the cumulative effect of 16 fans at a distance of 130m (the nearest neighbouring property) will be less than 36dB(A). This is below the WHO guidelines for community and night noise. Given that noise attenuation of 10-15dB is achieved through a partially open window, it is unlikely that fan noise will have a detrimental impact on amenity either inside or outside the nearest dwelling.

## Collections/deliveries

In the Design and Access Statement document the applicant has suggested limiting all vehicle movements to and from the site in order to minimise the potential for noise impact. Therefore, I would recommend that this is included as a planning condition, as follows:

"Deliveries shall not be taken or dispatched from the site outside the hours of:

0700 to 2100 hrs Monday to Friday

0700 to 1800 hrs on Saturday, Sunday and Bank Holidays."

## Odour

An odour impact assessment has been submitted. The odour dispersion modelling has been carried out in accordance with the Environment Agency/Natural Resources Wales H4 Odour Management Guidance and utilises the concept of the European standard odour unit. The report demonstrates that it is unlikely there will be an adverse impact on amenity due to odour.

## Manure management plan - Private water supplies

Our records indicate that private water supply abstraction points are located within 50m of the manure spreading area. The details of the water supplies are as follows:

- Blaenycwm, Cefn Mawr
- Derwen, Cefn Mawr
- Llys Gwyn, Cefn Mawr
- The Goron, Cefn Mawr

Please can the agent/applicant confirm that a 50m buffer zone will be established

between these supplies and the manure spreading area?

## Dust

This development is smaller than the recommended threshold for a dust impact assessment to be necessary. However, the nearest neighbouring dwelling is quite close to the development at 130m, and it is recognised that dust emissions can arise from poultry units. Therefore, I would recommend that a planning condition be included to require the submission of a dust management plan, to be approved by the local planning authority, prior to the completion of development.

PCC-Ecologist

16th Jan 2019

Thank you for consulting me with regards to planning application P/2018/0470 which concerns an application for the erection of a 32,000 Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works at Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr Newtown, 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 37 records of protected and priority species within 500m of the proposed development, no records were for the site itself. The records identified within 500m were for great crested newts, badger, bat species - unidentified bat, protected and priority moth species and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

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

An Extended Phase One Habitat Survey Report produced by Arbor Vitae Environment has been submitted with 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 in line with current best practice guidelines.

Field surveys were undertaken on the 20th June and 13th July 2017, an assessment of the habitats present was undertaken and used to identify the potential for the site to support protected species. The report identifies that the site of the proposed development including the site for the new building, the ranging area and the access road will occupy

land which includes parts of two fields, both of which were identified as improved grassland with a very limited species range - it was also identified that one of the two fields had recently been reseeded. The site including the ranging area is bounded by and intersected by hedgerows, most of which were identified to be mixed, native species hedgerows in good structural condition. The report identifies that it will be necessary to remove several sections of hedgerow to accommodate the proposed development and associated access.

An assessment was carried out to determine the potential presence of protected or priority species including badgers, bats, breeding birds, dormice, great crested newts, hedgehogs and reptiles. No evidence of badgers, hedgehogs, or dormice was found during the surveys. The surveys concluded that no habitat of potential value to dormice, hedgehogs or reptiles would be lost.

The removal of the section of 63 metres of hedgerow was identified as having potential to impact breeding birds, mitigation for this has been identified through the re-planting and protection of 250m of hedgerow as well as in-fill planting and fencing of retained hedgerows surrounding the proposed development. The replacement hedgerow planting and improvement of retained hedgerows as well as protection by fencing to prevent damage from grazing pressure from chickens using the range area are welcomed as in addition to compensating for the loss of hedgerow as a result of the proposed development the increased hedgerow planting also has potential to provide additional benefits for biodiversity 'biodiversity enhancements' as required by Part 1 Section 6 of the Environment (Wales) Act 2016. It has also been identified that hedgerow removal should be undertaken outside of the nesting season.

Two mature oak trees present in the hedgerow adjacent to the proposed development were identified as having good potential as bat roost sites and the adjacent hedgerows were identified as having potential to be used by local bat populations for foraging and commuting purposes, the report concludes that the trees and retained boundary hedgerows will not be directly affected by the proposed development, subject to there being appropriate restrictions to exterior lighting proposed.

A Biodiversity Action Plan Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 has been submitted with the application this provides details of the creation of new habitats including the proposed replacement hedgerow planting and native species tree clusters, details provided include species proposed, planting specifications and management as well as a commitment to erect 20 bird boxes across the farm site. The details identified and measures proposed are considered to be acceptable and it is recommended that adherence to the biodiversity action plan is secured through an appropriately worded planning condition to ensure compliance with the requirements of



LDP policies DM2 and DM4.

The report identifies that the nearest suitable breeding site for great crested newts was found to be over 600m from the proposed development site, which is considered to be outside of the normal ranging area for this species. In addition the improved grassland habitats affected by the proposed new building and ranging area were as assessed as being of sub optimal habitat for great crested newt foraging. The report concludes that no further survey work would be required with regards to great crested newts. Whilst it is agreed that the site provides limited potential to support great crested newts it must be acknowledged that this species will occasionally range further - some studies suggest up to 1.2km from breeding ponds - and the species will also cross improved grassland (despite its limited foraging and refugia opportunities) to reach more optimal habitat, as such there is some potential for great crested newts to occur at the site. A Great Crested Newt Method Statement V2 produced by Roger Parry & Partners LLP dated 5th November 2018 has been submitted to support the application, the method statement includes Reasonable Avoidance Measures for both the construction and operation phase of the proposed development including awareness training for operatives, habitat manipulation, site management etc. The Method Statement has been revised following comments received by NRW on 23/10/2018 regarding measures proposed during the operation phase of the proposed development, I have reviewed the additional measures proposed including management of grass sward height in the range area during the great crested newt active season, fencing of hedgerows throughout the range area to provide grassy herbaceous margin along the hedge base at least 2 metres wide which will act as refuge areas and migration routes for great crested newts in which they will be protected from predation, working areas around the sheds to which chickens have access will be kept free of rubble or other objects which could provide hibernation sites for great crested newts - in light of these amendments I consider that the method statement provides appropriate measures to protect great crested newts during both construction and operation of the proposed development, subject to NRW confirming that they are also satisfied with the amendments I recommend inclusion of an appropriately worded planning condition to secure adherence to the Method Statement.

It is noted that 3rd party individuals have raised concerns with regards to the application of manure to land in proximity to a spring as well as in relation to land in proximity to recorded presence of great crested newts. Having reviewed the Manure Management plan submitted with the application the site of the spring identified by the 3rd party individuals is clearly marked as a 'No-spread Area', I have reviewed the no-spread area surrounding the identified location of the spring and it does appear that the identified 'no-spread' zone may fall below the required 50m buffer for springs/wells - however it should be noted that the quality of the map provided is poor and it is difficult to accurately take measurements from, whilst the plan may not seem to indicate the required buffer for a

spring/well the manure management plan does state that adherence to CoGAP guidelines with regards to 'no-spread' areas will be implemented with regards to application of manure from the proposed poultry unit. I therefore recommend that either adherence to CoGAP is secured through an appropriately worded planning condition or that clarification is sought from the applicant with regards to the exact location of the spring and the Manure Management plan is amended to clearly demonstrate an appropriate 50m 'no-spread' buffer zone.

With regards to potential for negative impacts to great crested newts present in the area, given the nature of the fields onto which the application of manure is proposed they generally provide limited potential to provide favourable terrestrial habitat for this species due to the lack of diverse habitat structure which would provide refugia opportunities for this species, whilst refugia opportunities are limited it is acknowledged that the fields have potential to be used by great crested newts for movement between more favourable foraging and refugia habitats as well as breeding sites. The main concern with regards to application of manure on these fields would therefore be in relation to potential to contaminate waterbodies used as breeding sites for GCN, given the identification of adherence to CoGAP guidelines it is considered that appropriate precautions would be in place to prevent negative impacts to waterbodies used by breeding GCN. In addition it should be noted that the fields identified as Lower Risk with Caution sites i.e. application of fertiliser on these fields is possible but care must be taken prior to application of manure, that no flood warnings have been raised or that excessive rainfall is forecast within 48 hours of the proposed application. It should also be noted that use of manure as fertiliser would be preferable over the use of artificial fertiliser in this location as artificial fertiliser has potential to cause significant harm to GCN and other amphibians if they come into contact with artificial fertiliser grains, the fertiliser grain sticks to their moist skin and the salts dissolve and are absorbed through the skin and have potential to kill amphibians. Therefore I am satisfied that subject to manure application being undertaken in accordance with CoGAP there would be no negative impact to the favourable conservation of great crested newts in this location as a result of the proposed manure management plan.

NRW have reviewed the information provided within the Ammonia and Nitrogen Deposition Results V1 produced by Roger Parry & Partners LLP dated 24th April 2018 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 applied to determine potential impacts to protected sites with regards to Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland, an Ammonia & Nitrogen Deposition Results Ancient Woodland Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 has been submitted to inform the LPA with regards to the potential for the proposed development to negatively impact ancient woodland. The data search identified 71 parcels of Ancient woodland within 2km of the proposed development, the closest parcel being approximately 370m from the proposed development. The submitted report includes the result of preliminary modelling carried out for the closest 3 ancient woodland sites. The report concludes that this modelling indicates 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) in relation to a Critical Level of 3.0  $\mu\text{g}/\text{m}^3$ , however it should be noted that as no surveys have been carried out of the ancient woodland parcels the precautionary Critical Level of 1.0  $\mu\text{g}/\text{m}^3$  should have been applied due to the potential for ancient woodland habitats to support lichens and bryophytes which are more susceptible to impacts from increased ammonia deposition at the AW sites. Whilst the results provided within the report are incorrect due to the use of the incorrect Critical Level, when the results are amended to take into account the stricter precautionary Critical Level of 1.0  $\mu\text{g}/\text{m}^3$  which should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0  $\mu\text{g-NH}_3/\text{m}^3$ . It is therefore considered that the potential impacts of the proposed development to Ancient Woodland is within the levels considered to be acceptable by recognised current guidelines.

Details have also been provided with the Ammonia & Nitrogen Deposition Results Wenallt 'Potential Local Wildlife Site' Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 Report with regards to preliminary modelling of predicted ammonia and nitrogen deposition in relation to Wenallt Potential Local Wildlife site, as no details have provided with regards to the habitat types present within this site it may be assumed that the results provided within the report are incorrect as the precautionary Critical Level has not been applied, when the results are amended to take into account the stricter precautionary Critical Level of 1.0  $\mu\text{g}/\text{m}^3$  which potentially should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of 1.0  $\mu\text{g-NH}_3/\text{m}^3$ . It is therefore considered that the potential impacts of the proposed development to Wenallt pLWS is within the levels considered to be acceptable by recognised current guidelines.

A Method Statement Pollution Prevention V1 document produced by Roger Parry & Partners LLP dated 24th April 2018 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.

Details of the proposed Range Area have been provided on drawing Range 01 Version 2 produced by Roger Parry & Partners LLP dated 18th August 2018, the range provides details of measures that will be implemented to protect the watercourse along the southern boundary of the range including a 10m fenced out buffer zone and use of land drains to prevent sediment entering the watercourse. The measures proposed are considered to be acceptable and NRW have confirmed they are satisfied with the identified Pollution Prevention Measures. I therefore recommend that adherence to the identified measures is secured through a suitable worded planning condition.

A Manure Management Plan produced by Roger Parry & Partners LLP dated April 2017 has been submitted to support the application, the plan identifies that there is sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha. Manure produced by the poultry unit will be removed every 4 days before being transported by sheeted trailer to a covered manure store - it identified that planning consent has been granted for 1 covered manure store on the farm and the applicants will also seek planning permission of a second manure store on the farm. The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations - as identified above there seems to be some ambiguity regarding the buffer zone of a spring however subject to this being clarified the 'no-spread' zones are considered to be in line with current guidelines. The plan includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions and in the event that the existing covered manure store is full the applicant would sell manure to the local Anaerobic Digestion Plant. Contaminated wash water will be stored in the dirty water tank upon the farm. Subject to the site being operated in accordance with this manure management plan, it is considered unlikely that the proposal 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 Drainage Plan UP/Drainage Version 2 produced by Roger Parry & Partners LLP dated 18th August 2017 these identify that dirty and clean water will be kept separate, dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010), which will be tinkered out and spread on applicant's land in accordance with the farm manure management plan. Clean water from roof and clean surfaces will be drained to open and stone filled trenches and a piped system each side of the building, which will discharge into a soakaway. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank. NRW have identified that subject to the site being operated in accordance with this drainage 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 drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.

The Detailed Management Plan produced by Roger Parry & Partners LLP dated 25th April 2018 submitted with the application identifies that the development shall not use perimeter lighting, as birds shall be trained to find their own way back to the building prior to darkness. The building will then be in complete darkness. A small light will be used outside the egg collection unit for use in the winter months when staff enter the building to collect eggs in the morning and evening, this is for health and safety reasons. It is considered that the lighting measures proposed are acceptable and in line with the requirements identified in the Extended Phase One Habitat Survey Report 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.

Therefore subject to confirmation from NRW that they are satisfied with the amendments made to the Great Crested Newt Method Statement and clarification regarding the 'no-spread' zone with regards to the spring in field parcels SO11931663/SO11933559, should you be minded to approve the application I recommend inclusion of the following conditions:

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

- i. Method Statement Pollution Prevention V1 document produced by Roger Parry & Partners LLP dated 24th April 2018
- ii. Manure Management Plan produced by Roger Parry & Partners LLP dated April

2017

iii. Drainage Plan UP/Drainage Version 2 produced by Roger Parry & Partners LLP dated 18th August 2017

iv. Range 01 Version 2 produced by Roger Parry & Partners LLP dated 18th August 2018

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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Installation of external lighting features at the site will be carried out in accordance with specifications identified in the Detailed Management Plan produced by Roger Parry & Partners LLP dated 25th April 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 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, compensation and enhancement measures identified in the 'Biodiversity Action Plan Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018', the 'Great Crested Newt Method Statement V2 produced by Roger Parry & Partners LLP dated 5th November 2018' and Section 6 of the 'Extended Phase One Habitat Survey Report produced by Arbor Vitae Environment'. The identified measures shall be adhered to and implemented in full and maintained thereafter.

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 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:

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

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

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

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

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.

### 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

Natural Resources Wales (North) DPAS

23rd Oct 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 03/10/2018.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Requirement 1: The submission of revised detailed GCN reasonable avoidance measures (RAM) and amended plans to demonstrate the proposal is not detrimental to the maintenance of the population of the species of GCN concerned at a favourable conservation status in its natural range.

Requirement 2: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

### European Protected Species

The application is supported by the ecological submission, Prestwood, W. (2017). Extended Phase One Habitat Survey: Land at Upper Gwestydd, Newtown, Powys. Arbor Vitae. It has considered potential impact on Great Crested Newts (GCN), Dormouse and Bats.

Great Crested Newts, Dormouse and Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017.



## - GCN

Requirement 1: The submission of revised detailed GCN reasonable avoidance measures (RAM) and amended plans to demonstrate the proposal is not detrimental to the maintenance of the population of the species of GCN concerned at a favourable conservation status in its natural range.

Although an ecological appraisal has been submitted, the assessment of impacts only considers the construction phase of the proposal. We concur with this component conclusion. However, no assessments have been made in respect of the impacts during the operational phase of the proposals. We consider this phase has the potential to affect great crested newts. It is important to use a precautionary approach and make sure the impact of foraging chickens on GCN is minimised by limiting access to the grassy areas and excluding hedgerows / woodland from the foraging ground. This can be achieved by installing chicken proof fences at a meter distance from the base of the hedgerow / tree line, to create a poultry risk free buffer for GCN.

The submitted Amphibian Conservation Scheme (Construction and Operation) dated 24/4/2018 by Roger Parry & Partners LLP sets out appropriate RAMs for the construction phase, however, it does not appropriately assess the operational risks to GCN. RAM for the operational phase are limited to kerb design. Whilst it is important to make sure any GCN that may access the site are not getting trapped in areas where they would be at risk of harm, the main emphasis should be in preventing GCN from accessing the poultry unit and the foraging area. This aspect has not been included in the Scheme and therefore the report should be amended to demonstrate the proposal will not have a detrimental effect on the favourable conservation status of GCN.

- Hazel Dormouse Limited information has been provided in respect of evidencing surveys for hazel dormouse.

The submitted survey and assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

## - Bats

Limited information has been provided in respect of surveys for bats. However, given the nature and location of the proposals, the submitted assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of bat

## Foul Drainage

Requirement 2: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

We understand that the development is not served by the public foul sewer and that the application form indicates that the method of foul drainage is unknown. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities. In this instance, no information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

Clarification should be sought by the LPA to the method of foul drainage or if there is indeed an intention to operate a non-mains drainage system.

On receipt of the above information we will review our position and advise your Authority accordingly.

Protected Sites and Aerial Emissions Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). We have assessed the proposal using the thresholds introduced in April 2017. NRW assesses the air quality impact a unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

We have reviewed the SCAIL report (Ammonia & Nitrogen Deposition Results 24/04/2018) submitted in support of this proposal.

The process contributions of ammonia and nitrogen from the proposed unit for Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI is below the thresholds (above 1% of the critical level and critical load), which we apply in our assessment of potential impacts on protected sites.

## Manure Management

We have reviewed the Manure Management Plan ('Manure Management Plan', by Roger. There is sufficient land to spread the manures produced by the proposed development at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen/ha.

Contingency is described in Section 9 as an existing covered manure store on the farm

and a second manure store is proposed. There is also a possibility that manure could be delivered to an anaerobic digester plant.

The manure spreading map demonstrated suitable 'no-spread' buffers along watercourses and sensitive receptors.

If manures produced are not able to either be spread or stored in field heaps, then the applicant must ensure that the hard-standing areas used comply with the SSAFO regulations.

All wash water and manures arising from poultry units must be collected and stored in accordance with The Water Resources (Code of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 and spread according to the Welsh Government's Code of Good Agricultural Practice

#### Ranging Plan

NRW note the submission of the Range Area Plan (Range 01 Version 2 18th August 2017). We are generally satisfied with the pollution prevention measures proposed.

#### Drainage Plan

The drainage plan (UP/Drainage version 2 amended 18th August 2017) which shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards, and the surface water will be piped to an underground tank with the surplus being discharged to watercourses.

Provided the drainage system is built in accordance with this plan, it is unlikely the proposal will cause pollution to the wider environment.

#### 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 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-consultation-topicsaugust-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:

### Environmental Permitting Regulations

The current advice relates to a proposed unit for 32,000 poultry rearing unit. Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained prior to any works commencing on site.

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

### Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment'.

### Abstractions

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

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

### Discharges

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<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surfacewater->

and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/? lang=en

The Applicant should be aware that to operate a non-mains drainage system, they will need to apply for an environmental permit or register an exemption with us. 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 is 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.

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.

All fuel, oil and chemicals used on site should be stored away in a locked store which is banded to 110% capacity of the total volume stored.

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.

*Additional Correspondence received 25th Feb 2019*

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was

received on 12/02/2019.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirement, to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

Requirement 1: Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

#### Foul Drainage

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We understand that the development is not served by the public foul sewer and that the application form indicates that the method of foul drainage is unknown. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities. In this instance, no information has been submitted.

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Great Crested Newts, Dormouse and Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

- GCN

We note the submission of the revised Amphibian Conservation Scheme (Construction and Operation) dated 05/11/2018 by Roger Parry & Partners LLP and sets out

appropriate RAMs for the construction phase, and following our previous comments, the inclusion of appropriate measures for the operational phase of the proposed development. These include management of the grass sward height in the range area during the great crested newt active season, all hedgerows throughout the range will be fenced (using chicken-proof mesh), working areas around the sheds to which chickens have access will be kept free of rubble or other objects which could provide hibernation sites for great crested newt. We confirm that these measures are acceptable.

#### - Hazel Dormouse

Limited information has been provided in respect of evidencing surveys for hazel dormouse.

The submitted survey and assessment is satisfactory in this case for the purposes of informing the planning decision making process. We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

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<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

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All fuel, oil and chemicals used on site should be stored away in a locked store which is banded to 110% capacity of the total volume stored.

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.

C P A T

9th Oct 2018

Thank you for the consultation on this application.

There are no recorded archaeological sites within, or immediately adjacent to, the red boundary area of the application including the site of the poultry shed and the proposed access.

The nearest designated site is located over 740 metres to the south east and will be screened by intervening vegetation and topography as would further listed buildings 760 metres to the north west.

We would therefore have no objections to the proposed development.

Cadw

11th Oct 2018

Thank you for your consultation on the planning consultation ref P/2018/0470. Our records show there are no scheduled monuments or registered parks and gardens that would be affected by the proposal. We therefore have no comments to make.

## **Representations**

97 Public Representations have been received in total. 68 objections and 29 in support. The comments can be summarised as follows:

- Support
  - o Economic Development
  - o Farm Diversification
  - o Supporting a Local farming family
  - o Bring local person back to work within the rural community
  
- Objection
  - o Biodiversity
  - o Great crested Newt impacts
  - o Impact to water sources
  - o Highway safety concerns
  - o Impacts to neighbouring residential properties
  - o Landscape and Visual Impact
  - o Impact to Wildlife areas
  - o Drainage concerns
  - o Errors with Manure Management Plan/ planning application
  - o Animal welfare

## Planning History

App Ref	Description	Decision	Date
P/2016/0881	Erection of poultry unit	Refused	24/11/2017

## 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
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
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
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	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
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
1199	Environmental Impact Assessment	National Policy
SPG	Landscape	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**

## 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.

### Site Location and Description

The application site is located within the Community Council area for Newtown and Llanllwchaiarn and is located approximately 1.3 km to the north-east of the settlement boundary of Newtown.

The application site is located within the open countryside and is located within the agricultural holding for Upper Gwestydd. Consent is sought for the erection of a Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works.

The proposed poultry unit will be located to the south-east of the existing farmhouse and associated buildings and will measure approximately 140 metres in length by 20 metres in width. The unit will reach a height of 5.9 metres to the ridge. The proposed feed bins will then reach of a height of approximately 8.2 metres.

### Principle of Development

Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside.

TAN 6 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 a new free-range poultry unit as an expansion to an 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

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.

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

### Landscape and Visual Impact

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 within an area identified as the Tregynon Rolling Hills. LANDMAP evaluates the area as high visual and sensory value with *“An extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited / insignificant to far distant ridgelines of upland areas. Sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common i.e hedge laying and few intensive farming practices employed”*.

Upper Gwestydd sits on higher land above the settlement of Newtown which is approximately 1.3km to the south-west of the application site, however given existing topography and mature landscaping between both areas it is unlikely that the building would be seen as a prominent visual structure within the landscape from within the settlement. The nearest County Highway to the application site is Upper Gwestydd Lane which is an unclassified County Highway (U2621) and runs to the western boundary for the holding and joins onto the C2011 which is located to the south-west. The building is proposed to be located adjoining to the existing farmyard and buildings for Upper Gwestydd. Whilst the building will be visual from some sections of the unclassified highway, views will be intermittent given the topography of the land and existing mature screening along the highway network. It is further considered given the proximity of the building to existing agricultural sheds it will look to form a grouping with these existing buildings.

Officers therefore consider that the visual and landscape impact associated with the proposed poultry development can therefore be appropriately managed safeguarding the Powys landscape in accordance with policies SP7, DM2, DM4, DM7, DM13 and E6 of the Powys Local Development Plan.

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

Poultry 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 a number of documents to assess the development.

It is noted that the nearest non-associated residential property is located approximately a distance of 130 metres from the application site.

## Noise

### *Mechanical Noise*

A noise assessment was submitted for the cumulative effect of 16 mechanical fans proposed for the application site. The nearest neighbouring residential property at approximately 130 metres was assessed and determined that the noise would be less than 36dB(A) at this location. The Environmental Health Officer confirmed and noted that the data provided confirmed that the noise impact would be below the WHO guidelines for community and night noise.

### *Collections/Deliveries*

The applicant has proposed to minimise the potential for noise impact from vehicles by limiting all vehicle movements associated with proposed poultry unit. The Environmental Health Officer has therefore recommended a condition to limit vehicles movements to as follows:

- 0700 to 2100 hrs Monday to Friday
- 0700 to 1800 hrs on Saturday, Sunday and Bank Holidays

## *Odour*

The application is supported by an Odour Assessment and a Dispersion Modelling Study of the Impact of Odour from the Proposed Free Range Egg Laying Chicken Houses at Upper Gwestydd by AS Modelling & Data Ltd. The Environmental Health Officer has considered the information and concludes that the report demonstrates that it is unlikely there will be an adverse impact on amenity due to odour.

### *Manure Management Plan- Private Water Supplies*

Records indicate that private water supply abstraction points are located within 50m of the manure spreading area. The details of the water supplies are as follows:

- Blaenycwm, Cefn Mawr
- Derwen, Cefn Mawr



- Llys Gwyn, Cefn Mawr
- The Goron, Cefn Mawr

A Manure Management Plan has been submitted but it has been noted that whilst no spread areas have been indicated the quality of the information is questioned by Officers. However, it is considered that an appropriately worded condition could be attached to any grant of consent ensuring that no spreading is completed within 50 metres of the private water supplies to ensure development is completed to a satisfactory standard.

### *Dust*

The Environmental Health Officer has confirmed that the proposed development is smaller than the recommended threshold for a dust impact assessment to be necessary. However, the officer notes the proximity to the nearest residential development at 130 metres and recommended given the dust emissions recognised from poultry units that a dust management plan is provided by an appropriately worded condition prior to the commencement of development.

### *Conclusion*

It is considered given the comments received from the Environmental Health department that the poultry development would not unacceptably worsen the amenities of local residents or visitors to the area subject to appropriately worded conditions in accordance with policy DM13 of the Local Development Plan.

### Highway Safety

Policy DM13, criterion 13 and T1 of the LDP seeks to ensure that proposed developments have been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Technical Advice Note 18 (Transport) paragraph 3.14 (Farm diversification) states that:

*Local authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport (PPW paragraph 7.3.3). This type of small scale economic development is attached to existing farm businesses that are often situated in relative rural isolation. It is important that a realistic assessment of the transport impacts is made, with a view to reconciling traffic issues with the benefits of encouraging diversification. In the majority of cases, it is expected that any transport problems should be capable of being resolved by appropriate minor junction or other highway modifications. Exceptionally, there may be cases where the anticipated increase in traffic cannot be reasonably accommodated. Such developments are more appropriately located on allocated*

*industrial/ commercial sites, if available in the locality, or in or adjoining local service centres where the highway network is more robust.*

It is noted that the application site has two potential means of access however the submitted details with the application and associated routing plan identifies that access will be from the C2011 onto the U2621 which is located to the south-west of the application site.

The Highway Officer has been consulted and has confirmed that the junction of the C2011/U2621 has poor alignment; junction bellmouth width; visibility to the south and Stopping Sight Distance (SSD) (forward) to the north.

Using the sliding scale in accordance with Manual for Streets 2 (MFS2), the recommended visibility splays are 42 metres to the south-west and 54 metres to the north due to the gradient. During winter months when the hedges at the junction are cut back, the available visibility to the south-west is significantly less than that required being only 26 metres. It should be noted that the above quoted visibility splays were measured in the absence of any growth on the adjacent hedges, and therefore during spring/summer months when the hedges cannot be cut back (1st of March - 31st of July in accordance with the Wildlife & Countryside Act 1981) the available visibility and SSD could be negatively impacted.

Swept Path drawings have been submitted in support of the application, whilst a swept path has been provided it does not include a drawing for HGV's entering and egressing the junction from/to the direction of Llanfair Caereinion. It is duly considered and noted that any HGV leaving the access will cross the centreline of the C2011 with severely substandard visibility/SSD in both directions as indicated above. Additionally, it is noted that this plan has not been based on any topographical survey and therefore the Highway Officer would also question their accuracy and weight which could be afforded to them.

Whilst the Officer noted that there are other alternative routes to the site (although not indicated by the proposed routing plan) these are also noted of being severely substandard in terms of width and access. Given the concerns raised, discussions were therefore held with the agent/applicant and whilst amendments were discussed the land in question to complete the works to the junction are outside of the control of the applicant and therefore have not been put forward for consideration. As an alternative evidence was submitted to argue that the proposed unit would result in a 'trade-off' of vehicular movements.

Evidence was provided which indicated that the farm holding used to have a dairy operation of 35 dairy cows in 1937, which then ceased a number of years ago, approximately in 1977 when the applicant took over operating the farming unit from his father. Given the time-frames and scale of the dairy unit which operated from Upper Gwestydd, including consideration of the lorry size that would have collected the milk churns as indicated within the additional information it is considered that this dairy unit

would not accurately reflect a “trade-off” of vehicular movements as associated with a modern day poultry unit. Indeed, it could be argued that modern day farm practices including the scale of modern day agricultural vehicles could already exceed those movements as was then associated with the existing farm holding back in the 1970’s and therefore would not provide any “trade-off” of vehicles.

In light of the above and taking into consideration the information provided it is considered that the proposed development would result in the increased use of a substandard access to the detriment of highway safety and therefore the risk of injury to road users is considered to be high. Therefore whilst the economic benefit and farm diversification is noted and supported in this instance the anticipated increase in traffic cannot be reasonably accommodated.

The proposed development is therefore considered to be contrary to 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. This is further emphasised within Technical Advice Note (TAN) 5.

The data search identified 37 records of protected and priority species within 500m of the proposed development, no records were for the site itself. The records identified within 500m were for great crested newts, badger, bat species- unidentified bat, protected and priority moth species and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

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

An extended Phase One Habitat Survey Report produced by Arbor Vitae Environment has been submitted with the application.

### *Hedgerow Removal*

Where a hedgerow is required to be removed to accommodate the proposed development appropriate compensation in line with the requirements of LDP Policy DM2 will be required.

It is noted that the removal of the section of 63 metres of hedgerow was identified as having the potential impact to breeding birds. Mitigation has been identified through the planting and protection of 250 metres of hedgerow as well as in-fill planting and fencing of retained hedgerows surrounding the proposed development.

There were also two mature oak trees identified as being present in the hedgerow adjacent to the proposed development and having good potential as bat roost sites. This also included the adjacent hedgerows which were also identified as having potential to be used by local bat populations for foraging and commuting purposes, the report concludes that the trees and retained boundary hedgerows will not be directly affected by the proposed development, subject to there being appropriate restrictions to exterior lighting proposed.

A Biodiversity Action Plan Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 provides details of the creation of new habitats including the proposed replacement hedgerow planting and native species tree clusters, details provided include species proposed, planting specifications and management as well as a commitment to erect 20 bird boxes across the farm site.

The details identified and measures proposed are considered to be acceptable and it is recommended that adherence to the biodiversity action plan is secured through an appropriately worded planning condition to ensure compliance with the requirements of LDP policies DM2 and DM4.

#### *Great Crested Newts*

A Great Crested Newt Method Statement V2 produced by Roger Parry & Partners LLP dated 5th November 2018 has been submitted to support the application. The method statement includes Reasonable Avoidance Measures for both the construction and operational phase of the proposed development including awareness training for operatives, habitat manipulation, site management etc.

The Method Statement has been revised following comments received by NRW regarding the measures proposed during the operation phase of the proposed development. Following re-consultation of the amended information NRW and the Powys Ecologist have confirmed that they consider that the method statement provides appropriate measures to protect great crested newts during both construction and operation of the proposed development.

#### *Hazel Dormouse*

The Phase One Habitat Survey has appropriately considered Hazel Dormouse. Whilst NRW acknowledge that little information has been submitted they have concluded that the survey and assessment is satisfactory in this case for the purposes of informing the planning decision making process.

NRW have therefore concluded that they do not consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status to any local populations of dormouse.

## *Ammonia and Nitrogen*

Assessments have been made on the air quality impact a proposed unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

A SCAIL report (Ammonia and Nitrogen Deposition Results 24/04/2018) has been submitted in support of the proposal.

NRW have confirmed that the process contribution of ammonia and nitrogen from the proposed unit for Hollybush Pastures SSSI and Montgomery Canal SAC/SSSI is below the thresholds (above 1% of the critical level and critical load), which it applies in the assessment of potential impacts on protected species. The development is therefore considered to be acceptable.

Details have also been provided within the 'Potential Local Wildlife Site' Report V1 produced by Roger Parry & Partners LLP Report (dated 25th April 2018) with regards to preliminary modelling of predicted ammonia and nitrogen deposition in relation to Wenallt Potential Local Wildlife site.

The Powys Ecologist notes that the results provided within the report are incorrect as the precautionary Critical Level has not been applied. The Ecologist however noted that when the results are amended to take into account the stricter precautionary Critical Level of  $1.0 \mu\text{g}/\text{m}^3$  which potentially should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of  $1.0 \mu\text{g-NH}_3/\text{m}^3$ .

It is therefore considered that the potential impacts of the proposed development to Wenallt pLWS is within the levels considered to be acceptable by recognised current guidelines.

## *Ancient Woodland*

With regards to Ancient woodland, an Ammonia & Nitrogen Deposition Results Ancient Woodland Report V1 produced by Roger Parry & Partners LLP dated 25th April 2018 has been submitted to inform the LPA with regards to the potential for the proposed development to negatively impact ancient woodland.

The data search identified 71 parcels of Ancient woodland within 2km of the proposed development, the closest parcel being approximately 370m from the proposed development. The submitted report includes the results of preliminary modelling carried out for the closest 3 ancient woodland sites. The report concludes that this modelling indicates that the process contribution to ammonia concentrations and nitrogen deposition rates would not exceed the NRW's lower threshold (100% for non-statutory sites) in relation to a Critical Level of  $3.0 \mu\text{g}/\text{m}^3$ . However, it should be noted that as no

surveys have been carried out of the ancient woodland parcels the precautionary Critical Level of  $1.0 \mu\text{g}/\text{m}^3$  should have been applied due to the potential for ancient woodland habitats to support lichens and bryophytes which are more susceptible to impacts from increased ammonia deposition at the AW sites. Whilst the results provided within the report are incorrect due to the use of the incorrect Critical Level, when the results are amended to take into account the stricter precautionary Critical Level of  $1.0 \mu\text{g}/\text{m}^3$  which should have been applied, the preliminary modelling predicts that the process contribution to the annual ammonia concentration rate would be below the recognised lower threshold percentage (100% for a non-statutory wildlife site) of the precautionary Critical Level of  $1.0 \mu\text{g-NH}_3/\text{m}^3$ . It is therefore considered that the potential impacts of the proposed development to Ancient Woodland is within the levels considered to be acceptable by recognised current guidelines.

It is therefore considered that the potential impacts of the proposed development to Ancient Woodland is within the levels considered to be acceptable by recognised current guidelines.

#### *Pollution Prevention Plan*

A Method Statement Pollution Prevention V1 document produced by Roger Parry & Partners LLP has been submitted with the application. The Powys Ecologist and NRW have reviewed the submitted information and considered that the measures identified are appropriate and in line with current guidelines.

In addition, NRW have reviewed the information and have stated that they consider that if the construction works and site operations are 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.

#### *Proposed Ranging Area*

Details of the proposed Range Area have been provided on drawing Range 01 Version 2 produced by Roger Parry & Partners LLP dated 18th August 2018. This provides details of measures that will be implemented to protect the watercourse along the southern boundary of the range are including a 10m fenced out buffer zone and use of land drains to prevent sediment entering the watercourse.

The measures proposed are considered to be acceptable and NRW and the Powys Ecologist have confirmed they are satisfied with the identified Pollution Prevention Measures.

#### *Lighting*

The Detailed Management Plan produced by Roger Parry & Partners LLP dated 25th April 2018 submitted with the application identifies that the development shall not use perimeter lighting. A small light will be used outside the egg collection unit for use in the winter months when staff enter the building to collect eggs in the morning and evening; this is for health and safety reasons.

The Powys Ecologist has therefore considered that the lighting measures proposed are acceptable and in line with the requirements identified in the Extended Phase One Habitat Survey Report and would ensure minimal disturbance to nocturnal wildlife around the site.

### Manure Management Plan

A Manure Management Plan produced by Roger Parry & Partners LLP dated April 2017 has been submitted to support the application, the plan identifies that there is sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit in accordance with DEFRA's CoGAP recommended upper limit of 250kg N/ha.

The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations.

It is noted that third party individuals have raised concerns with regards to the application of manure to land in proximity to a spring as well as in relation to land in proximity to recorded presence of great crested newts. Having reviewed the Manure Management plan submitted with the application, the site of the spring is marked as a 'No-spread Area', however it is noted that the quality of the map provided is poor and it is difficult to accurately take measurements from, whilst the plan may not seem to indicate the required buffer for a spring/well the manure management plan does ensure adherence to CoGAP guidelines with regards to 'no spread' areas will be implemented with regards to the application of manure from the proposed poultry unit.

The Powys Ecologist has therefore recommended that adherence to CoGAP is secured through an appropriately worded planning condition, which is also in line with comments received from NRW.

### Foul Drainage

A Drainage Plan has been submitted in support of the application by UP/Drainage Version 2 produced by Roger Parry & Partners LLP dated 18th August 2017. The Plan identifies that dirty and clean water will be kept separate, dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010), which will be tinkered out and spread on applicant's land in accordance with the farm manure management plan. Clean water from roof and clean surfaces will be drained to open and stone filled trenches and a piped system each side of the building, which will discharge into a soakaway. At the wash down stage the clean water

system around the yard will be diverted to the underground dirty water tank. NRW have identified that subject to the site being operated in accordance with this drainage plan, they consider it is unlikely the proposal will cause pollution to the wider environment.

NRW have however noted that the development proposes a human toilet facility within the poultry unit for staff although no details have been provided in relation to the proposed foul disposal system for this unit. Concerns have therefore been raised given that the site is not served by the public foul sewer. It is therefore considered that insufficient information has been provided to adequately ensure that the quality of surface and ground waters will not be adversely affected by the proposed development (in line with Water Framework Directive objectives).

## **RECOMMENDATION**

In light of the above it is therefore considered that the proposed development and anticipated increase in traffic cannot be reasonably accommodated and would therefore be to the detriment of highway safety, furthermore insufficient information has been provided for foul drainage. The recommendation is therefore one of refusal.

1. The proposed development would have an unacceptable adverse impact upon Highway Safety. The development is therefore contrary to Policy T1 and DM13 of the Local Development Plan (March 2019) and Technical Advice Note 18: Transport (2007) and Planning Policy Wales (Edition 10).
2. Insufficient information has been provided to adequately ensure that the quality of surface and ground waters will not be adversely affected by the proposed development (Foul Drainage). The proposed development is therefore considered to be contrary to Local Development Plan DM13 2018 and Planning Policy Wales (Edition 10).