

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/0779/FUL

Grid Ref: E: 329203
N: 267049

Community Council: Presteigne Community

Valid Date: 17.10.2018

Applicant: Mr Wilding

Location: Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

Proposal: Erection of a poultry unit and associated works

Application Type: Full Application

The reason for Committee determination

Members are advised that the Local Member requested that this planning application be determined by the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee	Received
Community Council	22nd Nov 2018

The Town Council considered this application at its meeting held on 21st November. It has no objections to the application but would like to make the following comments -

-Access: Residents have raised concern about the width of the access along Mynd Road given that many park on the side of the road, particularly at evenings and weekends.

-Private Water Supply to Norton Manor Park: The applicant appears to have addressed the concerns raised by both the Town Council and residents about contamination of the water supply. Nevertheless the Town Council wishes to stress the need for this supply to be protected and the revised manure management plan adhered to.

Wales & West Utilities - Plant Protection
Team

9th Nov 2018

With regards to your below request, LD8 is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Email: plantprotection@cadentgas.com

Telephone: 0800 688588

If you have any further questions please don't hesitate to contact me.

Ward Councillor

Please accept this written request for Planning Application 2018/0779 to be determined by the planning committee as opposed to being delegated to an officer within the department.

The reason for my calling in the application are the significant local concerns. I have been contacted by numerous local residents stating a number of concerns these include noise, highways, increase in vehicle movements and a nearby water course that provides drinking water.

I trust my request will be actioned. Please advise.

Highway Authority

5th Nov 2018

The details, submitted with the application, indicate that only 28 HGV will be generated by the development over the course of the year. Accordingly, the Highway Authority consider that the existing network can easily accommodate the traffic that will be generated by the development and we have no further comments to make.

Welsh Water

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.

CATCHMENT

The purpose of DCWW reviewing and commenting on this application is to make the applicant aware that their development is within a drinking water catchment under Article 7 of the Water Framework Directive, and that Article 7.3 requires the avoidance of deterioration in water quality where this may lead to additional purification treatment being required. We ask the developer to be mindful of this, and to refer to best practice when operating such facility to ensure water quality is not compromised

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.

County Ecologist

19th Apr 2019

Thank you for consulting me with regards to planning application 18/0779/FUL which concerns an application for the erection of a poultry unit and associated works at Old Impton Farm, Mynd Road, Norton, Presteigne.

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 22 records of protected and priority species within 500m of the proposed development, no records were for the site itself. Records identified within 500m of the proposed development included amphibians - great crested newt and palmate newt; mammals - hedgehog, badger, weasel, polecat and pipistrelle bat species and bluebell. A record of the lichen *Xanthoria polycarpa* (Environment (Wales) Act 2016 Section 7 species and Red Data Book species) was identified within 500m of the proposed development, this species of lichen is a nitrophile and therefore would not be negatively impacted by the proposed development.

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

The site of the proposed development appears to be an area of improved grassland a habitat considered to be relatively low ecological value due to its lack of species and structural diversity and limited potential to support protected or priority species. Given the identification of the presence of great crested newts within 500m of the consideration has been given to the potential for the proposed development to result in negative impacts to this species and whether an EPS licence would be likely to be required. There are no ponds present on the site of the proposed development and the nearest ponds are over 300m from the proposed development. Habitats directly impacted by the development comprise improved grassland a habitat generally unfavourable to support this species. Given the nature of the development and low favourability of the habitats directly affected it is considered that potential for impacts to great crested newts would be limited to the construction phase and that as per NRW's recommendations implementation of an appropriate Reasonable Avoidance Method Statement would ensure that there were no negative impacts. I therefore recommend that

should you be minded to approve the application an appropriately worded planning condition to secure submission of a detailed Construction Phase Great Crested Newt Reasonable Avoidance Method Statement prior to commencement of any development is included.

Having reviewed the nature of the habitats present and affected by the proposed development, records of protected and priority species in the wider environment and subject to inclusion of an appropriate condition to secure submission and adherence to an appropriate great crested newt RAMS it is considered that the proposed development would not result in the loss of or negative impacts to biodiversity at the site.

NRW have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing House at Old Impton Farm, near Norton in Powys produced by AS Modelling & Data Ltd dated 4th of May 2018 submitted to inform the application with regards to statutory designated sites. NRW have confirmed that the predicted process contributions are below the thresholds applied to determine potential impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.

With regards to Ancient woodland the detailed modelling provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing House at Old Impton Farm, near Norton in Powys produced by AS Modelling & Data Ltd dated 4th of May 2018 indicates that that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of $1.0 \mu\text{g}/\text{m}^3$ and the Critical Load of 10.0 kg/ha.

A Manure Management Plan produced by Roger Parry & Partners and associated maps have been submitted to inform the application. The MMP identifies that there are sufficient land holdings available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) 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 i.e. buffers of 10m have been provided to all watercourses, 50m buffer from wells and boreholes and no spreading will take place in these buffers, 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; in these instances, manure, slurry and dirty water will be stored in the existing manure store on the farm. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards and will either be spread on the land or taken off site by an approved waste contractor. During and after a potential disease outbreak, the wash water from the unit will be collected by a specified waste services company, which would take the 'hazardous waste' off the farm for appropriate disposal. Subject to the site

being operated in accordance with this manure management plan, it is considered unlikely that the proposed development would cause pollution to the wider environment, NRW have also confirmed that they are satisfied with the identified MMP and associated contingency measures. 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 arrangements for the site have been provided on Location Plan drawing no. GD-MZ254-01 produced by Roger Parry & Partners LLP dated 02/05/2018, these identify that dirty and clean water will be kept separate. Dirty water e.g. from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being tankered out as necessary and applied to the land in accordance with the MMP. Clean water from roof and clean surfaces will be drained to stone infiltration trenches either side of the building which is discharged to a soakaway. Having reviewed the clean and dirty water drainage proposals it is considered that the principles identified are acceptable to ensure that management of dirty and clean water at the site would prevent adverse impacts to the surrounding environment. NRW have also identified that they consider the proposed drainage plans to be acceptable. 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.

A Method Statement Pollution Prevention Plan for Land at Old Impton Farm, Norton document produced by Roger Parry & Partners LLP has been submitted with the application. I have reviewed the submitted information and consider 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 https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017 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.

The Design and Access statement section 3.42 states that 'The poultry unit will not include any external or perimeter lighting'. Whilst it is recognised that at this time there may be no intention to install exterior lighting, in the future it may be deemed necessary to install external lighting e.g. for safety reasons. In order to ensure that any proposed external lighting at the site would not have a negative impact on local wildlife, I recommend that if planning permission is granted a planning condition is included requiring that any external lighting

identified as required at the site is approved by the LPA prior to installation to ensure the development complies with the requirements of LDP policies DM2 and DM7 - should external lighting be proposed it will need to be demonstrated that the plan complies with the recommendations identified in the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. It is therefore recommended that an appropriately worded condition is included to secure submission of a lighting design scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM7.

I note that a Landscaping Site Plan drawing no. RPP/GD-JOB64-03 produced by Roger Parry & Partners LLP dated March 2019 has been submitted to support the application. It is understood that the landscaping measures have been proposed primarily to provide screening of the proposed poultry unit. I have reviewed the proposed landscaping proposals with regards to their ecological suitability and consider the species and planting specifications to be appropriate, it should also be noted that in addition to providing screening of the proposed development the new tree and hedgerow planting and proposed management of existing hedgerows would be likely to provide additional benefits to biodiversity - biodiversity enhancements - in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is therefore recommended that an appropriately worded condition is included to secure adherence to the Landscaping Scheme to ensure compliance with the requirements of Powys LDP policies DM2 and DM4.

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

Prior to commencement of development a detailed Construction Phase Great Crested Newt Reasonable Avoidance Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The RAMS shall be 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 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 details and measures identified in the following documents:

- i. Method Statement Pollution Prevention Plan for Land at Old Impton Farm, Norton document produced by Roger Parry & Partners LLP;
- ii. Manure Management Plan Erection of a pullet rearing unit at land at Old Impton Farm, Norton, Presteigne produced by Roger Parry & Partners LLP;

iii. Drainage Plan shown on Location Plan drawing no. GD-MZ254-01 produced by Roger Parry & Partners LLP dated 02/05/2018

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.

No external lighting shall be installed unless an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the recommendations of Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series corridors and shall be implemented as approved.

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 details and measures identified in the Landscaping Site Plan drawing no. RPP/GD-JOB64-03 produced by Roger Parry & Partners LLP dated March 2019. The measures identified 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 a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- 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

Environmental Health

I trust that this email finds you well.

I have been made aware of concerns with regards to the Private Water Supplies in the area of the site, I have taken advice from our specialist team concerning these concerns and below I submit their response, I feel that the issues stated below should be addressed prior to moving on.

I hope that this is self-explanatory

Kind Regards

Kevin

"I've had a look at this application; mainly the intended manure spreading areas in relation to private water supplies that we are aware of and have the following comments.

The attached map shows the PWSs that we are aware of or have been made aware of in the maps (amended) of Manure Management Plan associated with this application. Please also refer to the 4 manure management maps amended that form part of the application.

- 1. What do the boreholes at Nos. 2 and 4 serve? Whose are they? Are they owned by the applicant? If not, further comment on the proximity of the intended manure application area to them may be appropriate, depending on the topology of the land.*
- 2. According to records Old Impton Farm is served by a spring (No. 3). Is this still used and if so, where is the exact location of the spring collection chamber?*
- 3. According to records, Norton Manor Cottage is served by a spring supply (No. 8). The applicant should determine the exact location of the spring collection chamber so we can compare it's proximity to the intended manure application areas.*
- 4. Nos. 6 and 7 are boreholes that serve Norton Manor and The Stables, respectively.*

5. *The applicant has marked a well on the first manure management map (No. 9); what does this well serve and whose is it?*
6. *No. 1 on the attached map is the location of the spring catch pit for the PWS that serves Norton Manor Park; No. 5 is a storage tank and treatment facility for this supply. I am aware that the field immediately to the north of the spring source is excluded from intended manure application; however, field SO2867 8409 is included (Map 4 in maps of Amended Manure Management Plan). The nearest boundary of this field appears to be ~200m from the Norton Manor Park spring source. However, you should check the topology of the land here; does it slope steeply so that run-off from it is directed towards the catchment area for the Norton Manor spring source? If so, could the boundary for spreading be moved so that it is further away from the spring source or and/or field SO2867 8409 be excluded from intended manure application? “*

Natural Resources Wales

14th Nov 2018

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 25/10/2018.

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

Condition 1 - Great Crested Newt Reasonable Avoidance Measures scheme

Condition 2 - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i) Pollution Prevention Plan ('Method Statement Pollution Prevention' by Roger Parry & Partners)
- ii) Drainage Plan ('Location Plan', Drawing No. GD-MZ254-01 dated 02/05/2018 by Roger Parry & Partners)
- iii) Manure Management Plan ('Manure Management Plan', prepared for R Wilding by Roger Parry & Partners).

Protected Species

Great Crested Newts (GCN) and their breeding and resting places are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and

Species Regulations 2017 (SI 2017 No.1012), and they are a material consideration for planning.

Our database suggests GCN are present within 500m of the proposal location. There are also several ponds nearby. The nearest pond is some 280m to the development site, and there is suitable terrestrial habitat between the site and the ponds. The proposed building is to be located close to an existing hedgerow and forestry block.

In our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of GCN that may be present at the application site, provided Reasonable Avoidance Measures are implemented before and during construction works, and the existing hedgerow to the south of the proposal location and forestry plantation to the north west remain unaffected by the works.

Condition 1 - Great Crested Newt Reasonable Avoidance Measures scheme

NRW would have no objection to the proposal on the grounds of GCN subject to the imposition of a condition regarding the submission and implementation of an amphibian Reasonable Avoidance Measures (RAM) scheme with any permission that the LPA is minded to grant. RAMs will address all potential issues of the development including associated works and following their implementation the proposal will not be detrimental to the maintenance of the favourable conservation status of any GCN populations present within 250m of the application site.

Manure Management Plan

We have reviewed the Manure Management Plan ('Manure Management Plan', prepared for R Wilding by Roger Parry & Partners) submitted in support of this proposal. The plan calculates the quantity manure and Nitrogen in Kg produced using the Welsh Government guidance and concludes there is sufficient land on the farm for the manure to be spread.

The plan includes a contingency plan for the storage of manure when spreading to land is not possible, and states contaminated wash water will be stored in containers separate from other manures and will be disposed of by a specialist contractor licensed to deal with such wastes.

A map has been provided titled 'Manure Management Plan' which shows the land available for spreading manure and includes buffers to sensitive receptors.

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.

Drainage Plan

We have reviewed the drainage plan submitted in support of this proposal ('Location Plan', Drawing No. GD-MZ254-01 dated 02/05/2018 by Roger Parry & Partners).

The drainage plan shows the surface water being drained to an underground tank, and any surplus water being drained to existing soakaways on the farm. The dirty water shall be drained separately to an underground tank built to SSAFO standards.

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' by Roger Parry & Partners) submitted in support of the proposal.

Provided the construction works and site operations take place in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

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.

Detailed aerial emissions modelling has been submitted ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pullet Rearing House at Old Impton Farm, near Norton in Powys' by AS Modelling & Data Ltd. dated 4th of May 2018).

The report states there are 2 SSSIs within 5km of the proposal, which are:

- o River Lugg SSSI
- o Gwernaffel Dingle SSSI

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.58 $\mu\text{gNH}_3/\text{m}^3$. The background nitrogen deposition rate to woodland is 31.08kgN/ha/yr and to short vegetation is 19.32kgN/ha/yr.

The ammonia critical levels and nitrogen critical loads used for the sites are considered correct. The report has assessed both protected sites using the 1_5lg threshold.

The report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites.

Advice for the Developer

Environmental Permitting Regulations

The current advice relates to a proposed unit for a 37,000 pullet 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' available on our website: <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

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-and-impoundment-licences/?lang=en>

Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be

required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<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>

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

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-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.

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.

Clwyd Powys Archaeological Trust

31st Oct 2018

Thank you for the consultation on this application.

There are no recorded archaeological sites on the Historic Environment record that are within, or immediately adjacent to, this development area.

The Grade II and II* listed building at Old Impton Farm lie further down the slope to the south east of the proposed development and the primary views of these buildings and their setting would be unaffected due to intervening slope topography, existing agricultural buildings and tree screening. Offa's Dyke is located approximately 600 metres to the north west and would be screened by woodland and intervening slope topography.

The addition of a tree screen and/or soil bund planted with a hedge to the south of the poultry unit would further blend the structure into the hillside and reduce distant views of the building and the already limited views from the nearby listed buildings. The addition of these screening options to a revised plan should be considered.

Cadw

7th Nov 2018

Thank you for your consultation. Having considered the information provided our records show there are no scheduled monuments or registered parks and gardens that would be affected by the proposed development. We therefore have no comments to make.

Rights Of Way

30th Oct 2018

Thank you for the opportunity to comment on this planning application.

Bridleway NR1112 runs through the development area and will be directly affected by the proposed development. The applicant has acknowledged that the bridleway will need to be diverted in order to accommodate the development. The applicant needs to understand that a public path diversion is a separate legal process to planning permission, and this will have to be processed and confirmed before any development on the definitive line can take place.

On the proposed new route of the bridleway the applicant needs to ensure that all gates meet BS5709:2018 and that there are no cattle grids on the route. As such PCC Countryside Services recommends that the applicant contact PCC Countryside Service to carry out a site visit.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public bridleway be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the bridleway can be legally stopped-up for a defined period.

We would therefore advise that advice is sought from Countryside Services before any development begins.

Built Heritage Officer

Correspondence received 29th November 2019

Recommendation - Object to current location

The development as proposed in this location would adversely affect the setting of the designated heritage assets Cadw ID 8941 Old Impton Farmhouse grade II* included on statutory list on 24/10/51 by virtue of its location on land to the north of Old Impton and on higher ground than Old Impton which in addition to the other farm buildings on the site would encompass this very significant listed building by new agricultural buildings on ground higher than Old Impton. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Development Plan Policies SP7 and Local Development Plan Objective 13.

Background to Recommendation

Designation

Cadw ID 8941 Old Impton Farmhouse grade II* included on statutory list on 24/10/51

Cadw Id 8942 Long Barn and attached Byre Range at Old Impton Farm grade II (26/03/1985)

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Managing Conservation Areas in Wales – Annexe to TAN 24

Setting of Historic Assets in Wales – Annexe to TAN24

Registered Historic Parks and Gardens – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

Section 6.1.4 of Planning Policy Wales 9th edition requires that “Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.” Section 1.26 of TAN 24 advises that “It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings” I note the reference in paragraph 2.8 of the Design and Access Statement however would not consider that this adequately assess the impact of such a large development on such a significant building.

The proposal relates to the erection of a poultry unit on land to the north of Old Impton Farmhouse on higher land than Old Impton. The proposed building will be 96m long by 21m wide, 3m to eaves, 5.8 m to the ridge excluding the higher 13 vents and grain silos which will be higher than the ridge.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 where, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact. Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 with advice on how to assess the setting of historic assets . Section 1 of the guidance on Setting of Historic Assets identifies that setting often extends beyond the property boundary of an historic asset and in to the surrounding landscape or townscape. The setting of a historic asset can include physical elements of its surroundings, for instance the setting of a listed farmhouse might be its physical agricultural surroundings, both built and landscape features such as buildings, boundaries or fields.

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

Old Impton is listed as grade II* and is described in the listing as late medieval with early C17 porch, parlour wing added to rear over looking Presteigne believed to have been undertaken by Richard Flower about 1625 when he was High Sheriff. 2 storey timber framed porch to centre and 1 storey plus attic returned range on right with massive C16 stone stack in centre roof, later casement windows. The building is particularly known for its splendid jettied porch with close studding to sides, oriel treatment to 1st floor casement windows with moulded cill beam and diagonally studded apron. Carved bressemeres supported by timber piers with 4 centred arch enriched by Gothic tracery patterns, carved angle braces with roses and carpenters' tools, moulded intersecting ceiling ribs with feathered stop chamfers, boarded inner door. 2 storey parlour range with S front partly overlaps the earlier gable end to right (purlin of the older roof supports the later gable).

There are 3927 listed buildings within Powys outside the Brecon Beacons National Park, of which only 241 are listed grade II* (6%) . Of that 241 only 125 are domestic properties, (3%). The domestic properties that are II* range from medieval houses to Victorian properties of different size, scale and architecture. There are only 24 half timbered domestic properties listed grade II* within Powys that is just 0.5% of the listed building stock .

The quality and historic interest of the architecture at Old Impton is well known and documented appearing in many publications including 3 books by the Royal Commission of Ancient and Historic Monuments in Wales; Houses and History in the March of Wales Radnorshire 1400-1800, Houses in the Welsh Countryside and Hidden Histories.

<https://books.google.co.uk/books?id=SaNs0bByeXYC&pg=PA139&lpg=PA139&dq=old+impton+norton+history&source=bl&ots=YYN3fPik7f&sig=4wfXr-wZYHs8WZ-eqzUIIAsOpuQ&hl=en&sa=X&ved=2ahUKEwjpit25yffeAhWk34UKHShRAj8Q6AEwDXoECAQQAQ#v=onepage&q=old%20impton%20norton%20history&f=false>

<https://radnorshiresociety.org/field-section-reports/old-impton/>

The proposed poultry unit will be sited on land to the north of the house and on higher land. Whilst the presence of trees in the landscape are noted it is not considered that they would screen the building. Old Impton is unusual in that it does not have farm buildings adjacent, possibly reflecting its original high status. There are older farm buildings which are listed and sited some distance away again on higher land. The listed barns at Old Impton are attributed to the C18th and are more recent than the house and are not readily visible from the house. There are modern farm buildings adjacent to the listed barns which are visible, however it is not considered that they impact on the setting of Old Impton to a significant degree, and in any event they have been in place some several years.

However the proposed poultry unit would be a large building sited in the field to the north and whilst noting the existing tree cover, I would still have grave concerns in respect of such a large building being erected on land above Old Impton.

When viewed from the access to Old Impton which is a footpath, the listed property would be in the foreground, the existing farm buildings to the south west and the proposed building to the north west, thereby surrounding the listed building with large buildings on higher ground. Whilst acknowledging the trees in the area, many are deciduous and as such will offer no screening in winter.

Whilst acknowledging the fact that the site has been chosen away from Old Impton and that there were closer sites that have not been chosen that would have had a significantly greater impact on the setting of Old Impton, I would still raise concern in respect of the proposed site and would request that an alternative location be considered. One possible solution would be by reorientating the building by 90 degrees and siting the building to the west of the belt of trees currently to the north west of the proposed site, which would still be accessed the same way be considered as an alternative. This may also have the advantage in that it will not be over the definitive footpath as the current proposed building.

I would refer to the recent document from Cadw document "Conservation Principles" and Paragraph 39 which advises that changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a..the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and

d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering

- its comparative significance;
- the impact on that significance; and
- the benefits to the asset itself and/or the wider community or society as a whole.

It is not considered that the proposal would satisfy this criteria in that it is not clear that the benefits would outweigh the harm to the values, to the contrary the cumulative encroachment of the listed buildings could be considered to have adverse and significant harm to the setting of this very important listed building.

I would therefore object to the current application and would request consideration be given to its re siting.

Correspondence received 1st February 2019

Recommendation - Object to current location

The development as proposed in this location would adversely affect the setting of the designated heritage assets Cadw ID 8941 Old Impton Farmhouse grade II* included on statutory list on 24/10/51 by virtue of its location on land to the north of Old Impton and on higher ground than Old Impton which in addition to the other farm buildings on the site would encompass this very significant listed building by new agricultural buildings on ground higher than Old Impton. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annexe Setting of Historic Assets in Wales and Local Development Plan Policies SP7 and Local Development Plan Objective 13.

Background to Recommendation

Designation

Cadw ID 8941 Old Impton Farmhouse grade II* included on statutory list on 24/10/51

Cadw Id 8942 Long Barn and attached Byre Range at Old Impton Farm grade II (26/03/1985)

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10^h edition 2018

Conservation Principles published by Cadw

TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

Further to my comments dated 27 November 2018, and following the e-mail from the agent dated 06/12/2018 I would wish to make the following observations. I would request that my comments of 27 November are attached as an appendix to these comments.

Firstly I would wish to update the reference to Planning Policy Wales, as a new edition was issued in December 2018 – Planning Policy Wales edition 10 . The new references to historic assets in Planning Policy Wales edition 10 reflect and add to the guidance in Planning Policy Wales 9th edition 2016.

Paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “ *For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.*”

Section 6.1.9 of PPW 10 advises that “ *Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place*”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “ *it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way*”

To clarify the role of Cadw in terms of their consultation in respect of heritage impact. I would refer to TAN24 and section 1.24 which advises that Local Planning Authorities are to consult the Welsh Ministers through Cadw on certain development proposals which affect scheduled ancient monuments, registered historic parks, gardens and landscapes, World Heritage Site's and their settings. It is for the local planning authority to consider the effects of a proposed development within the settings of listed buildings, conservation areas, unscheduled monuments and other undesignated assets. I note the Cadw consultation response to the application that confirms that there are no scheduled ancient monuments or registered parks and gardens that would be affected by the proposed development and therefore they have no comments to make. However the impact on the setting of listed buildings is for the local planning authority to consider.

I would therefore maintain my previous objections to the proposal both in terms of the information submitted in terms of the assessment of the setting of historic assets in the submitted application and the impact of the proposed building on the setting of this significant grade II* listed building for the reasons detailed in my response of 27 November 2018.

I would disagree with the statement that the building would not be seen from the lower confines of the yard or footpath and therefore could not be seen as a backdrop to the listed building from any vantage point. It is considered that it will be visible from the public footpath FP 153/1112/1 that crosses adjacent to the site, and I note the consultation response from Powys Ramblers in respect of that footpath. However the site is visible from the access drive and public footpath that leads to Norton Manor with Old Impton clearly visible on the higher land above Norton Manor land. This access drive is long and relatively straight and does afford views of Old Impton and the proposed site. However I acknowledge that the existing range of barns at Old Impton both listed and unlisted are not visible from this viewpoint.

I would therefore repeat my concerns to the proposed siting of the building but not to the principle of a building on the site and would again request that an alternative less damaging

site be chosen. I also acknowledge that there were closer sites that have not been chosen that would have had a significantly greater impact on the setting of Old Impton,

I acknowledge that a different site would have different constraints and that the site suggested it understood to be the only site that NRW would accept. However I would not consider that this is sufficient ground for approval of a development that would affect the setting of such a significant building, in that all constraints need to be considered and addressed.

Nevertheless I would remind you of section 6.1.10 of Planning Policy Wales 10th edition 2018 which advises that For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Whilst mindful of the other constraints on the site – which also have to be addressed, I would consider that given the grade II* status of the listed building, the advice in section 6.1.10 of Planning Policy Wales 10th edition 2018 that significant weight should be given to the setting of the listed building, however it would appear that the submission has not afforded the setting of the listed building even equal weight to the other constraints.

I would therefore wish to maintain my objections to the siting of the proposed building in this location, however would be happy to discuss alternative sites where the setting of the listed building would not be affected if that would be useful.

Correspondence received 4th April 2019 -

Comments attached - withdrawing previous objection - subject to conditions

Recommendation - No objection – subject to colour of building and appropriate and robust landscaping conditions.

Background to Recommendation

Designation

Cadw ID 8941 Old Impton Farmhouse grade II* included on statutory list on 24/10/51

Cadw Id 8942 Long Barn and attached Byre Range at Old Impton Farm grade II (26/03/1985)

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Policy Wales 10th edition 2018
Conservation Principles published by Cadw
TAN24
Managing Change to Listed Buildings in Wales – Annexe to TAN24
Setting of Historic Assets in Wales – Annexe to TAN24
Heritage Impact Assessments – Annexe to TAN24
Historic Environment Records

Local Development Plan

Strategic Policy SP7
TD1 – Tourism Development
DM13 Design and Resources Local Development Plan Themes and Objectives;
Theme 4 – Guardianship of natural, built and historic assets
LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “ *For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.*”

Section 6.1.9 of PPW 10 advises that “ *Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place*”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “ *it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way*”

Thank you for consulting me on the amended plans drawing number RPP/GD-JOB64-03 dated Mar 2019.

I note the constraints of the site in respect of the surrounding woodland, which in addition to being a significant landscape feature is also of ecological importance. I also note the topography of the site and acknowledge that there are limited alternative locations, and also other locations that would be more damaging to the historic environment.

I objected to the application previously on the grounds that the proposed building will be visible from the access road to Norton Manor and on land elevated above Old Impton. I would still consider that this is an important vantage point to view Old Impton, which was built with the principal windows looking over what is now Norton Manor Park towards Presteigne, and no doubt to also be viewed from those vantage points.

Luckily the topography is such that Old Impton is sited in effectively a “funnel” with a narrow viewpoint out and in, and there are areas around Old Impton such as their current farm buildings that are not readily viewed from outside the site. Ideally it would have been preferable for the new building to be sited in one of those locations, however I acknowledge the reasons why it is not possible to do so. The significance in the landscape of the native species woodlands around the site is also acknowledged, as are the more modern conifer belts that have previously been planted for shelter, which are somewhat incongruous in this historic landscape.

I acknowledge the lengths the applicant has gone to find an appropriate site and the constraints of the holding, and that this is the only practical site on the holding given; the listed buildings on site, ecology, topography and neighbouring residential units. As such mitigation has been put forward to screen the development.

Cadw document “Conservation Principles” advises that “Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets” and in this instance we are fortunate that there are limited views of Old Impton in the landscape and as such mitigation can be considered as a way forward. The site is elevated above Old Impton, which is nestled beneath hills predominantly covered by mature native woodland, however there is a modern conifer belt that draws the eye and is it unfortunate that the proposed building is to the east of this tree belt so rather than screen the development it draws attention to it.

Section 4.4 of Cadw guidance Setting of Historic Assets in Wales addresses trees whereby a screen of trees could be an alien form in an otherwise treeless landscape. Whilst the landscape here is far from treeless, nonetheless the conifers are an alien form. Section 6 of the guidance suggest enhancement measures could include the removal of trees to open up an intended view.

I note that the mitigation landscaping plans have sought to address the issue of screening and mitigation from the most important viewpoint that is from Norton Manor Road, and to consider the landscape improvements on a wider scale. As such I note that it is proposed

to remove the conifers and replace them with indigenous species similar to the native woodland adjacent and to plant additional tree planting to the south west of the building to screen the building.

The removal of the conifers and the addition of new indigenous planting, in addition to letting the hedgerow grow to a height of 3m will screen the building in to a significant degree, in addition the loss of the conifer belt will enable the site to be more readily absorbed visually when viewed from Norton Manor Road into the surrounding landscape and woodland which would again assist greatly with mitigation in this regard.

However in addition to the landscaping shown on drawing number RPP/GD-JOB64-03 I would have preferred to see a “clump” of trees at the vulnerable eastern end of the building in addition to the line of trees to provide additional screening at the most crucial viewpoint and also a more natural landscaping scheme in this sensitive site.

I would therefore suggest that some additional planting be provided at the eastern end of the building, wither by an amended plan or by condition whichever is the more appropriate.

I would also suggest that the colour of the roof and possibly the walls of the building be dark blue grey (BS 18B29) as this colour regresses into the landscape particularly when screened by trees, and replicates the large slate grey roof of Old Impton.

With those 2 caveats above, and subject to robust conditions in respect of landscaping I would wish to withdraw my previous objection to the proposal.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, 32 third party representations have been received by Development Management comprising of 26 letters of objection and 6 of support. The comments expressed therein can be summarised as follows;

Objections;

- Land and Visual Impact;
- Odour impact;
- Noise impact;
- Dust;
- Increased traffic movements and impact on highway safety;
- Pollution of private water supplies;
- Impact on the environment and ecology;
- Impact on a listed buildings;
- Incorrect screening opinion;
- Adverse impact on local area and amenity;
- Insufficient information to assess the proposal.

Support;

- Need to encourage and support farm diversification;
- Brexit constraints;
- Sustainability – reduction of movements of reared birds to egg laying units.

Principal Planning Constraints

- Grade II* and Grade II listed building and within close proximity of the application site;
- SSSI's within 5km of the application site.

Principal Planning Policies

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
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

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
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Area) Act 1990

Officer Appraisal

Introduction

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

Site Location and Description

Old Impton Farm is located within the open countryside, approximately 0.94km to the west of Norton. The proposed site of development is bound by agricultural land to north, east, south and west. The existing agricultural complex and associated farmhouse is located a distance of approximately 125 metres to the south of the proposed poultry unit. Access to the proposed building will be facilitated via an existing track which currently serves Old Impton.

Consent is sought in full for the erection of a poultry unit measuring approximately 96 metres by 21 metres. The ridge (including vents) and eaves height measure approximately 6.7 metres and 3 metres respectively. The proposed building will be clad in box profile sheeting. Two feed bins are also proposed which reach a height of 6.6 metres above ground level. An area of hardstanding is to be provided around the perimeter of the building to facilitate the parking and turning of associated vehicles.

The proposed pullet rearing unit will accommodate a maximum of 37,000 birds which will remain within the building for 14-16 weeks, after which time the birds will be removed and the building cleaned internally prior to the introduction of a new flock.

Environmental Impact Assessment Regulations 2017

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

Schedule 1 of the Regulations states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”.

As the proposed number of birds (37,000) does not exceed the applicable thresholds, the proposed poultry development does not constitute Schedule 1 development. The relevant extract from Schedule 2 is ‘agriculture’ specifically ‘intensive livestock installations’, the applicable threshold being 500 square metres of new floor space. On the basis of the information provided, it is understood that the new floor space will amount to approximately 2016 square metres and therefore the proposed development constitutes Schedule 2 development.

Taking into account the proposed siting of the unit and characteristics of the potential impact, it was considered by Officers that the proposed poultry development as outlined would unlikely have a significant effect upon the surrounding environment within the meaning of the regulations. As such, the Local Planning Authority concluded that the development does not constitute EIA development.

Principle of Development

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. Technical Advice Notes 6 and 23 also accept the principle of appropriate agricultural development within the open countryside.

The submitted Design and Access statement indicates that the applicants are hoping to expand their existing beef and sheep enterprise and develop a pullet rearing unit in an effort to introduce a new income stream, supporting the existing farm financially.

On the basis of the above and in considering LDP policy E2, Officers are satisfied that the principle of the proposed development at this location is generally supported by planning policy.

Landscape and Visual Impact

The character and quality of Powys' landscape is one of its most important assets being a combination of its natural history and geology and the influence of human activity on these natural assets. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It is important for the tourism industry and also provides an attractive setting and sense of place in which local people can live and work.

LDP policy DM4 confirms that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

1. Be 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; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

Further guidance with the Landscape SPG indicates that outside of the settlements, agricultural development proposals where the floor space exceeds 1000 square metres have potential to result in landscape impacts. In such instances, the expectation of Officers is that the agent provides a baseline assessment indicating how the proposal has been sited and designed to integrate into the landscape as required by policy DM4. An assessment of the likely impacts together with mitigation measures are considered within

the Design and Assessment Statement accompanying the application whilst a statement regarding alternative locations considered has also been received.

For the purposes of LANDMAP the application site is located within the 'Rolling Hills, east' aspect area which is characterised as two extensive areas, either side of Lugg Valley, across to Teme Valley in the east of county. The aspect area is recognised as being more hilly and steep compared to areas to south and west. Rolling hills & valleys with strong pastoral field patterns define the area with wooded watercourses, scattered trees, small woodlands and scattered farms being common features within the landscape. Whilst LANDMAP acknowledges the attractive, settled and sheltered sensory qualities, the overall Visual and Sensory value of the aspect area is moderate.

The proposed building is to be located on agricultural land to the north of the existing farmyard. Large areas of woodland are located to the north, east, south and west whilst the immediate site boundaries comprise of established vegetation. A landscaping scheme accompanies the application which indicates the implementation of new coppice tree planting to the west and south of the proposed building whilst it is understood that existing vegetation is to be retained and re-stocked where required.

Whilst acknowledging the scale of the proposed poultry unit in terms of floor area, the building is considered to have a relatively low profile reaching a maximum height of the approximately 6.7 metres. Given the location of the building to the north of the existing complex (125 metres approximately), undulating character of the surrounding landscape together with existing and proposed landscaping, it is not considered that the siting of the proposed building and associated infrastructure will adversely affect the character and appearance of the landscape. LANDMAP acknowledges that farmsteads are a common feature of the aspect area and whilst Officers accept that a large scale agricultural development is proposed, it is considered that its siting within the landscape given the agricultural grouping will not detract from the noted landscape qualities.

Notwithstanding the above, in order to manage the associated landscape impacts, Members are advised that conditions will be attached to any grant of consent securing the implementation and maintenance of the existing and proposed landscaping whilst details of site levels will also be secured. Subject to the above, it is not considered that the proposed development will have an unacceptable adverse impact on the Powys landscape, compliant with policies SP7 and DM4 of the Powys LDP.

Cultural Heritage

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, requires Local Planning Authorities considering applications for planning permission for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the

contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

Setting is defined in Managing Change to Historic Assets as including the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. The setting can include physical elements of its surroundings. These may be boundary fields, adjacent fields or functional and physical relationships with other historic assets or natural features. There are many factors that contribute towards the setting of a historic asset including views to, from and across the historic asset or place and the prominence of the historic asset in views throughout the surrounding area.

The application site is located within immediate proximity of the following listed buildings;

- Old Impton Farmhouse - Grade II*
- Long Barn and attached Byre Range at Old Impton Farm - Grade II listed

Following an initial review of the proposed development, the Built Heritage Officer confirmed that the proposal would adversely affect the setting of Old Impton given its elevated position to the north of the identified asset. In effect, the proposed building together with the existing farm buildings would encompass Old Impton resulting in significant and demonstrable adverse impacts contrary to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In response to the above, a site meeting was arranged. Alternative locations were discussed however due to the topography of the land, existing landscape features and potential ecological implications, it was accepted that alternative siting options were limited and indeed were potentially more damaging to the historic environment. Following the on site discussion, a detailed landscaping plan was submitted which sought to address the issue of screening from a key viewpoint (Norton Manor Road) and also consider landscape improvements on a wider scale. The submitted scheme proposes to remove an area of conifers and replace them with indigenous species similar to the native woodland adjacent together with the implementation of additional tree planting to the south west of the building.

In responding to the amended plans, the Built Heritage Officer confirms that subject to the implementation of the proposed landscaping together with additional planting at the eastern end of the building, it is not considered that the proposed development would harm the setting of Old Impton. In addition to the above, the Built Heritage Officer has recommended that a suitable condition is attached requiring details of the proposed external finish (colour) to be provided. In order to replicate and enhance the large slate roof of Old Impton, it has been suggested that a dark grey/blue would be preferable.

Notwithstanding the initial objection, following a further site visit and receipt of additional information, it is not considered that the proposed development will unacceptably adversely affect or harm the setting of the identified heritage assets. As such, it is

considered that the proposed development is in accordance with policy SP7, Technical Advice Note 24 and Planning Policy Wales.

Highway Safety and Movement

Policy DM13 confirms that applications must demonstrate that the development has 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.

In accordance with policy DM13, development proposals are expected to meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Vehicular access to the proposed poultry unit will be via the existing farm access whilst a concrete apron will be implemented around the perimeter of the building providing parking and turning provision for delivery vehicles. Movements associated with the proposed pullet rearing unit include the initial bird delivery, 2 feed deliveries a month and removal of the birds at the end of the cycle (14-16 weeks).

In commenting on the proposed development, Members are advised that the Highway Authority has indicated that the existing network can accommodate the traffic generated by the proposed development. As such, no conditions have been recommended. Whilst Development Management acknowledges the third party concerns expressed in relation to highway safety, in light of the consultation comments received, it is not considered that sufficient weight can be given to these concerns to justify a refusal.

On the basis of the above observations, Officers do not consider that the proposed development will have an unacceptable adverse impact on the highway network, the safety of its users or movement, compliant with policies DM13 and T1 of the Powys LDP.

Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. Officers acknowledge that intensive livestock units have potential to generate noise impact from plant/equipment (roof mounted extractor fans) and general operational activities whilst odour impact may potential arise from the spreading of manure and cleaning of the unit at the end of the bird cycle. Indeed, concerns have been expressed by interested third parties regarding the potential impact of the proposed development on residential amenity.

In order to inform the assessment of potential impact on local amenity, the planning application is accompanied by the following documents;

- Manure Management Plan;
- A Report on the Modelling of the Dispersion and Deposition of Ammonia;
- Clarification regarding private water supplies.

Noise

The proposed poultry unit incorporates the use of mechanical ventilator extractor fans which thermostatically control the building temperature. The nearest non associated residential property (Norton Manor Cottage) is located in excess of 440 metres away from the proposed poultry unit.

In commenting on potential noise impact, the Environmental Health Officer has indicated that the main noise source is from the roof-mounted fans of which there are 10. Taking a worse-case scenario of all 10 fans operating the applicant has calculated that noise at the nearest noise sensitive receptor will be 27dB(A). The Environmental Health response confirms that this level is below the World Health Organisation guideline level for sleep disturbance and therefore on this basis, it is not considered that the proposed development will have an unacceptable impact by reasons of noise.

Odour

A Manure Management Plan (MMP) accompanies the planning application and identifies that there is sufficient land available at the site to accommodate the spreading of all of the manure produced by the unit (in addition to manure for existing livestock numbers at the farm) on the applicants holding.

The MMP indicates that poultry manure will be removed from the proposed building at the end of each cycle and spread on the applicant's holding. Manure spreading will only occur on a piece of land every 12 months and therefore limiting manure spreading to between 1-3 times a year, on different fields. The MMP includes details of 'no-spread' zones in accordance with the CoGAP recommendations i.e. buffers of 10m have been provided to all watercourses whilst 50m buffer zones will be implemented around wells and boreholes. The plan also includes details of contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions; in these instances, manure, slurry and dirty water will be stored in the existing manure store on the farm.

Members are advised that the potential impacts of manure spreading both on and off the applicants' land is a material planning consideration. The fact that manure spreading for agricultural purposes does not require planning permission is also a material consideration in the planning balance but cannot be a substitute for a proper assessment of the impacts of manure spreading.

Following review of the submitted MMP, whilst acknowledging the proximity of the spreading area to both Norton Manor Park and the settlement of Norton, it is considered that the frequency of spreading is relatively low. Fields will only be spread once per annum which although odorous during this period, given the frequency, it is not considered that this will result in unacceptable impacts on the amenity enjoyed by existing residents.

In respect of private water supplies, following initial consultation, clarification was sought by Officers regarding existing supplies which was duly provided by the applicants' agent. Following review of the information submitted together with the MMP, Environmental Health has confirmed that subject to compliance with the MMP, it is not considered that the proposed development will have an adverse impact on private water supplies within the surrounding area.

Members are advised that a number of third party objections have been received by Officers which express concern regarding manure spreading, specifically the associated odour impact and potential pollution of private water supplies. Although Officers are understanding of the concerns outlined, in light of the Environmental Health comments received, it is not considered that sufficient weight can be given to sustain a reason for refusal on such grounds.

Dust

Environmental Health Officer has confirmed no objection to the proposed development in respect of dust.

Residential Amenity Conclusion

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

Biodiversity, Ecology & The Environment

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

In order to inform the assessment of potential impact on the environment, the planning application is accompanied by the following documents;

- Manure Management Plan;
- Method Statement Pollution Plan;
- Drainage Plan;

- A Report on the Modelling of the Dispersion and Deposition of Ammonia.

SSSI's and SAC

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). In their consultation response, Natural Resources Wales (NRW) confirm that an assessment of the potential air quality impact of a unit on a European site and Sites of Special Scientific Interest (SSSI's) is undertaken in accordance with 2017 thresholds within a screening distance of 5km of the proposed unit.

The application is accompanied by an ammonia dispersion and deposition modelling report which identifies two SSSI's within 5km of the proposal, namely;

- River Lugg;
- Gwernaffel Dingle

It is understood that the background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.58µgNH₃/m³. The background nitrogen deposition rate to woodland is 31.08kgN/ha/yr and to short vegetation is 19.32kgN/ha/yr.

It is acknowledged by NRW that the ammonia critical levels and nitrogen critical loads used for the sites are correct. Thereafter, their response confirms that the submitted report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds applied in their assessment of potential impacts on protected sites and therefore no objection is offered in respect of individual or cumulative impact.

On the basis of the response received and notwithstanding the third party concerns expressed, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites. The proposal is therefore considered to be compliant with policy DM2 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Protected Species

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

Great Crested Newts (GCN) and their breeding and resting places are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No.1012). In commenting on the proposed development, NRW indicate that their database suggests that GCN are present within 500 metres of the application site whilst there are also several ponds located within the

surrounding area, the nearest pond being located within approximately 280 metres. Furthermore, NRW note that there is suitable terrestrial habitat between the application site and the ponds.

Whilst highlighting the potential presence of GCN, NRW confirm that the proposal is unlikely to be detrimental to the maintenance of the favourable conservation status of the GCN population provided that Reasonable Avoidance Measures (RAMs) are secured by condition and that the existing hedgerow located to the south of the site together with the forestry plantation to the north west is unaffected by the proposed poultry development.

On this basis, Officers do not consider that the proposed development will adversely affect any habitat or protected species in compliance with the aforementioned policy.

Ancient Woodland

With regards to Ancient woodland, the detailed modelling provided indicates that the predicted process contributions to ammonia concentrations and nitrogen deposition rates as a result of the proposed development would not exceed the Environment Agency's lower threshold (100% for non-statutory sites) of the precautionary Critical Level of 1.0 µg/m³ and the Critical Load of 10.0 kg/ha.

In light of the above, it is not considered that the proposed development will have an unacceptable impact on Ancient Woodland.

Pollution Control

Officers acknowledge that the proposal has the potential to pollute the environment through the spreading of manure, surface water run off together with associated construction and operational activities unless suitable control/mitigation measures are implemented.

The application is accompanied by a Manure Management Plan which confirms both spreading practices and contingency measures.

Details of the proposed site drainage are identified on drawing no. GD-MZ254-01 and indicates that dirty and clean water will be kept separate. Dirty water e.g. from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 Standards), before being tankered out as necessary and applied to the land in accordance with the MMP. Clean water from roof and clean surfaces will be drained to stone infiltration trenches either side of the building which is discharged to a soakaway.

A Method Statement Pollution Prevention Plan accompanies the application and indicates mitigation measures that will be implemented during the construction and operation of the proposed pullet rearing unit. It is understood that the recommended measures are in accordance with the relevant guidelines.

Having carefully reviewed the information submitted, both NRW and the County Ecologist have confirmed that subject to appropriate conditions being attached securing adherence to the submitted documents, it is not considered that the proposed development would have an unacceptable adverse impact on the surrounding environment by reasons of pollution.

Biodiversity, Ecology & the Environment Conclusion

Having carefully considered the proposed development and notwithstanding the concerns raised, Development Management does not consider that the proposed development will have an unacceptable adverse impact on designated sites, protected species or the environment both in terms of individual and cumulative impact. As such, the proposal is considered to be in accordance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and Planning Policy Wales.

Public Rights of Way

In order 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. For the purposes of policy SP7, strategic assets include national trails, public rights of way network, recreational trails and the national cycle network.

The definitive map indicates that a bridleway crosses the application site. The submitted block plan indicates that the intention is to divert the existing right of way and implement an alternative route to the south of the proposed poultry unit. Members are advised that any proposal to divert the public right of way will be subject to consideration by Countryside Services under separate legislation as outlined within the Countryside Services response above.

In considering the proposed development, Officers are satisfied that an alternative route is capable of being provided and therefore the proposal will not compromise the desire to safeguard existing assets and resources. The proposal is therefore considered to be in accordance with LDP policy SP7.

RECOMMENDATION

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. As such, the recommendation is one of consent subject to the conditions detailed below;

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: GD-MZ254-01 Location Plan, GD-MZ254-01 Drainage Plan, GD-MZ254-02 and RPP/GD-JO864-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Manure Management Plan and Method Statement Pollution Prevention).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit shall be erected without the consent of the Local Planning Authority.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.

5. Notwithstanding the approved plans, prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.

6. Prior to the commencement of development, a Reasonable Avoidance Method Statement – Construction Phase in respect of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

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

8. No development shall commence until details of existing and proposed ground levels together with finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

9. Prior to first use, full details of the external finish of the proposed poultry unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

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. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2018).

4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2018).
5. To comply with Powys County Council's LDP Policies DM2, DM4 & DM13 in relation to the landscape and the Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018)
6. In order to safeguard European Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan, Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
7. To comply with Powys County Council's LDP Policies DM2 & DM13 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018).
8. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
9. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM4 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).

Informatives:

Advisory notes as recommended by the relevant consultees will be attached to any planning permission granted.