

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0524/FUL

Grid Ref: E: 309008
N: 306394

Community Council: Llanfair Caereinion
Community

Valid Date: 26.03.2019

Applicant: Gareth Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys, SY21 0DU

Proposal: Erection of a poultry unit, associated silos and associated works

Application Type: Full Application

The reason for Committee determination

The application has been submitted on behalf of Councillor Gareth Jones (applicant) and therefore in accordance with the Planning Protocol is required to be determined by the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee

Received

Community Council

24th Apr 2019

At the meeting of Llanfair Town Council on Tuesday 23rd April 2019, the members voted to support planning application 19/0524/HH, poultry shed at Rhiwhiriaeth Isaf, Llanfair.

Highway Authority

The County Council as Highway Authority for the County Class III Highway, C2130

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority have attended site and conclude that the highway improvements as conditioned under consent number P2017/1071 have been completed. These works include the junction visibility and widening of the C2130/B4385, a single passing bay and the access works.

The number of additional movements that the development will generate is negligible due to the application being an extension to the existing poultry unit.

The Highway Authority do not wish to make any further comments on this application.

Environmental Protection

17th Jun 2019

I have read the information provided and I have no objection in relation to

Noise

Odour

Fly control

Protection of Private Water Supplies

I did note that the application it states that it is a 16,000 and 32,000 bird unit. I'm unclear which is correct, however provided that the property has sufficient ground for manure spreading I have no objection to the application.

Wales & West Utilities - Plant Protection
Team

11th Apr 2019

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

Hafren Dyfrdwy

18th Apr 2019

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

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

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

Land Drainage Authority

1st May 2019

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Comment: The watercourse flowing/adjacent to this site is deemed an ordinary watercourse.

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (which would also allow for overland flows) without prior permission of the LPA.

The Authority holds no historical flooding information relating to this site.

However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a medium chance of flooding from surface water. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

Advisory: Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <https://customer.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (this will apply to any culverted sections of watercourse). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 04/04/2019.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address the significant concerns that we have identified and we would not object provided you attach it to the planning permission.

Condition 1 - 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 i) Pollution Prevention Plan (Method Statement Pollution Prevention, prepared for SM & GD Jones by Roger Parry & Partners)
- ii ii) Manure Management Plan (Manure Management Plan, Prepared for SM & GD Jones by Roger Parry & Partners)
- iii iii) Ranging Plan (plan titled 'Ranging Plan', undated, unreferenced)
- iv iv) Drainage Plan (plan titled 'Drainage Plan', drawing No. GD-MZ316-01 dated 28/09/2018 by Roger Parry & Partners)

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 Protected Sites and Sites of Special Scientific Interests (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 Existing and Proposed Free Range Egg Laying Chicken Houses at Rhiwhiraethr Isaf, near Llanfair Caereinion in Powys' by AS Modelling & Data Ltd. dated 10th September 2018).

The report states there are seven Sites of Special Scientific Interest (SSSIs) within 5km of the site, which are:

1. Gweunydd Ger Fronhaul SSSI
2. Cors Cefn Llwyd SSSI

3. Ffridd Mathrafal Track Section SSSI
4. Gwaun Efail Wig SSSI
5. Cors Ty-Gwyn SSSI
6. Coed Ty-Mawr SSSI
7. Cors Llanllugan SSSI

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.41 $\mu\text{g}/\text{m}^3$. The background nitrogen deposition rate to woodland is 27.86 $\text{kgN}/\text{ha}/\text{yr}$ and to short vegetation is 18.76 $\text{kgN}/\text{ha}/\text{yr}$ (APIS, April 2018).

The report has assessed the following thresholds to the protected sites. Gweunydd Ger Fronhaul SSSI, Cors Cefn Llwyd SSSI, Gwaun Efail Wig SSSI & Coed Ty-Mawr SSSI have been assessed on the 1 $\mu\text{g}/\text{m}^3$ Ammonia critical level and 10 $\text{kgN}/\text{ha}/\text{yr}$ Nitrogen critical load.

Cors Ty-Gwyn SSSI and Cors Llanllugan SSSI have been assessed on the 1 $\mu\text{g}/\text{m}^3$ Ammonia critical level and 5 $\text{kgN}/\text{ha}/\text{yr}$ critical load. No assessment has been made on Ffridd Mathrafal SSSI, as this site is not sensitive.

Gweunydd Ger Fronhaul SSSI can be assessed on the 3 $\mu\text{g}/\text{m}^3$ critical level and on 20 $\text{kgN}/\text{ha}/\text{yr}$ critical load. Cors Cefn Llwyd can be assessed on the 3 $\mu\text{g}/\text{m}^3$ critical level and on 10 $\text{kgN}/\text{ha}/\text{yr}$ Nitrogen critical load. Coed Ty-Mawr can be assessed on the 3 $\mu\text{g}/\text{m}^3$ critical level and 10 $\text{kgN}/\text{ha}/\text{yr}$ Nitrogen critical load.

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.

Manure Management Plan

The Manure Management Plan (Manure Management Plan, Prepared for SM & GD Jones by Roger Parry & Partners) states the manure produced by the unit will be spread on the land at the farm. The plan calculates the quantity of nitrogen to be produced and states there is sufficient land at the holding for the manure to be spread. The plan includes a contingency plan for storing of manure when spreading to land is not possible. During and after disease outbreak, the contaminated manure and wash water will be collected by a waste services company.

The manure spreading maps include buffers to sensitive receptors.

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

Provided the site operates 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, prepared for SM & GD Jones by Roger Parry & Partners) submitted in support of the proposal.

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

Ranging Area Plan

We have reviewed the Ranging Area Plan (plan titled 'Ranging Plan', undated, unreferenced) submitted in support of the proposal.

The plan shows the buffers to sensitive receptors surrounding the proposal and shows the land areas proposed to be used for ranging.

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

Drainage Plan

The drainage plan (plan titled 'Drainage Plan', drawing No. GD-MZ316-01 dated 16/11/2018 by Roger Parry & Partners) confirms the clean and dirty water to be drained separately. The dirty water will be collected by an underground tank built to comply with the SSAFO standards. The clean surface water will drain to a soakaway system.

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

Extended Phase one Habitat Survey

We have reviewed the ecological report (Extended Phase one Habitat Survey, land at Rhiw Hiraeth, Llanfair Caereinion by Arbor Vitae dated September 2018).

The report concludes the site designated for the installation of the new shed is of limited ecological interest.

Protected Species

Bats 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.

Care should be taken in the type and location of any external lighting to ensure the trees and hedgerows on site are not illuminated. Should any external lighting be proposed, we advise a light spillage scheme should be agreed to the satisfaction of the Local Planning Authority.

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.

Advice for the Developer:

Environmental Permitting Regulations

The current advice relates to a proposed unit for 32,000 free range birds.

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>

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.

Natural Resources Wales

7th June 2019

Thank you for notifying NRW of the amended submitted in support of this proposal.

We do not have any further comments to provide than those provided in our letter referenced SJ00/GB/CAS-83874-G2K2 dated 16/04/2019.

County Ecologist

9th June 2019

Apologies for the delay in responding to your email.

I have reviewed the information provided and have the following comments:

The Ammonia Mitigation Scheme document identifies *'Prior to first use of the proposed building a woodland management plan will be submitted and approved which will demonstrate the reduction of the dominance of non-native species and to reduce the nutrient status of the woodland.'* Details of the areas of woodland within the applicants ownership that this management plan will apply to will need to be included, this should be in the form of an annotated plan indicating any areas of woodland which the applicant is proposing to manage in accordance with the identified management plan – this is required to enable us to consider the proposed improvements versus the predicted negative impacts and enable an enforceable condition to be attached should planning permission be granted.

Can you confirm that the fencing of hedgerows within the ranging area referenced on the landscaping plan will be double fenced – subject to this detail being identified on the plan then I would consider the suggested pre-commencement ranging area hedgerow protection plan condition in my response could be replaced with adherence to the measures identified in the landscaping plan.

The landscaping plan and manure management plan make references to the hardstanding area – can you confirm whether this will be a permeable or impermeable surface, given this area is proposed to enable removal of droppings daily in this area I would assume an impermeable smooth surface is proposed however this is not clear from this label or the plan and hardstanding is a very general term that could refer to a number of surface types. Given the abatement measures are fundamental to reducing the ammonia and nitrogen deposition levels then full details of this feature are required to be provided so that implementation of these measures could be subject to a planning condition.

In addition please can you ensure that any amended plans are appropriately dated or referenced so that the correct version can be referred to in recommended conditions

Clwyd Powys Archaeological Trust

8th April 2019

Thank you for the consultation on this application.

The new poultry unit is located immediately adjacent to the existing poultry unit and utilizes the same access. It will not directly impact the newly discovered Rhiwhiriaeth Isaf Enclosure, which is on the low hill above the poultry units, but it will lie very close to the eastern entrance which has been partially ploughed out and there may be associated settlement evidence in this area.

We would therefore recommend that an exclusion area is established during the development so that no accidental disturbance by construction machinery or dumping of construction materials takes place in this area. I have marked the exclusion area on the attached plan in red and this area should be completely avoided by all development activity.

A suitable condition is supplied below to secure the maintenance of the exclusion area.

Suggested planning condition to facilitate the preservation in-situ of recorded archaeological deposits by demarcation and exclusion

In order to preserve important archaeological remains listed within the Historic Environment Record, the development herein permitted shall not begin until an appropriate fenced area, surrounding these remains on the east side, has been marked out in accordance with a specification approved by the Local Planning Authority.

Throughout the course of the development no works shall be undertaken within the area surrounded by fencing without the consent of the Local Planning Authority. Information and advice on this matter can be obtained from the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: mark.walters@cpat.org.uk Tel: 01938 553670).

Reason: To secure preservation in-situ of recorded archaeological remains which may be vulnerable to damage during construction.

Representations

The proposed development has been advertised by site display and within the local press. At the time of writing this report, no third party representations have been received by Development Management.

Principal Planning Constraints

- 7 Sites of Special Scientific Interest located within 5km of the application site;
- Archaeological remains located within immediate proximity of the site;

Planning History

P/2017/1071 - Full: Erection of a poultry unit, silos, formation of vehicular access and roadway together with all associated works on Land at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool. Consented 15/12/2017.

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)	

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

Rhiwhiriaeth located within the open countryside, approximately 3 miles east of Llanfair Caereinion. The site subject to this application lies within the existing farm holding, adjacent to an existing poultry unit although is detached from the main farmstead. The site is bound by agricultural land to the north, east, south and west. Access to the site will be facilitated via an existing access and track off the public highway located to the north.

Consent is sought in full for the erection of a free range egg production unit measuring approximately 95 metres in length by 20 metres in width. The ridge and eaves height measure approximately 5.4 metres and 3 metres respectively. It is proposed to clad the proposed poultry building with box profile sheeting (Juniper Green finish) above a low concrete base wall. Two feed hoppers will be installed adjacent to the building.

The proposed unit will accommodate a maximum of 16,000 birds which will remain within the unit for 13 months, with unrestricted access to in excess of 16 hectares of ranging area. After this period, the flock is removed and the building cleaned 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 (16,000) 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 1900 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 including potential cumulative impact (existing unit accommodates 16,000 birds), it is 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 existing farm business is understood to be predominantly a sheep and beef enterprise although it is noted that the applicant recently developed a free range egg production unit in association with planning permission (P/2017/1071) which lies adjacent to the proposed site of development. The submitted Design and Access Statement indicates that the current proposal seeks to further develop the current poultry enterprise providing a stronger source of income whilst increasing their competitiveness, which the applicant considers critical in light of Brexit and the uncertainty of the future.

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 including landscaping are considered within the Design and Assessment Statement accompanying the application.

For the purposes of LANDMAP the application site is located within the Tregynon Rolling Hills aspect area which is characterised as an extensive area of rolling hillsides and pasture land with gently sloping side and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited/insignificant to far distant ridgelines of upland areas. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common ie hedge laying and few intensive farming practices employed. LANDMAP indicates that the sense of place is settled, safe and relatively intimate. The overall visual and sensory value for the aspect area is high.

The proposed poultry unit will be located adjacent to an existing building which is located within an existing agricultural field. Notwithstanding the buildings' footprint, Officers consider that the relatively low profile of the building together with the proposed external

finish - juniper green, and building grouping will encourage integration of the poultry unit within landscape thus safeguarding character and appearance of the sites surroundings. Existing site boundaries comprise of established hedgerows and mature trees which are to be retained and supplemented with additional native species planting as detailed on the proposed landscaping plan. In order to manage the associated landscape impacts, Members are advised that a condition will be attached to any grant of consent securing the implementation and maintenance of the existing and proposed landscaping.

Whilst Officers acknowledge the scale of the proposed poultry development, in light of the above consideration and subject to suitable conditions, 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.

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 poultry access whilst a concrete apron will be implemented around the perimeter of the building providing parking and turning provision for delivery vehicles as an extension to the existing hardstanding area. Movements associated with the proposed egg production unit include the initial bird delivery, 2 feed deliveries a month and removal of the birds at the end of the cycle (13 months). The proposed units will utilise the egg collection and feed delivery lorry visiting the existing unit however it is accepted that the development will generate additional vehicular movements per cycle (delivery and collection) following completion of the flock cycle.

Members are advised that highway improvements including junction visibility, widening of the C2130/B4385, construction of a single passing bay together with site access works were conditioned and implemented in accordance with planning permission P2017/1071. 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 given the earlier improvements and therefore no conditions or objection has been offered.

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.

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;

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.

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 (Ty Lissa) is located approximately 225 metres away from the proposed poultry unit.

The information submitted in respect of noise has been reviewed by the Council's Environmental Health Department who has confirmed that sufficient information has been provided to demonstrate that the proposed development would not adversely affect residential amenity.

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.

Poultry manure will be removed from the proposed building every 3-4 days on a sheeted trailer and transported to a covered manure store on the farm, the location of which has been confirmed within the submission. 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 covered areas on the farm.

In responding to the consultation exercise, Environmental Health confirm that they have considered noise, odour, fly control and private water supplies, and based upon the information submitted, conclude no objection to the proposed development. 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;
- Ranging 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.

A report on the Modelling of the Dispersion and Deposition of Ammonia (Existing and Proposed Unit accompanies the application and contains detailed aerial emissions modelling. The report confirms there are 7 Sites of Special Scientific Interest (SSSIs) within 5km of the site, which are:

- Gweunydd Ger Fronhaul SSSI
- Cors Cefn Llwyd SSSI

- Ffridd Mathrafal Track Section SSSI
- Gwaun Efail Wig SSSI
- Cors Ty-Gwyn SSSI
- Coed Ty-Mawr SSSI
- Cors Llanllugan SSSI

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 1.41ug/NH3/m3. The background nitrogen deposition rate to woodland is 27.86kgN/ha/yr and to short vegetation is 18.76kgN/ha/yr (APIS, April 2018). The submitted report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds applied by NRW in their assessment of potential impacts on protected sites which is thereafter corroborated by NRW in their consultation response as above. On this basis, no objection is offered by NRW in respect of individual or cumulative impact.

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.

The application is accompanied by an Extended Phase One Habitat Survey which concludes that the application site is of limited ecological interest. This report has been subject to review by NRW and the County Ecologist and no objections have been received at the time of writing this report.

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-MZ316-01 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 discharged to a soakaway system.

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 egg production unit whilst the submitted ranging plan identifies buffers to sensitive receptors.

Having carefully reviewed the information submitted, NRW has 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, 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.

Archaeology

Policy SP7 states that development proposals must not have an unacceptable adverse impact on a strategic resource or asset. Within the policy Scheduled Ancient Monuments and other archaeological remains are identified as such an asset.

Following consultation with CPAT they advised that the proposed development is to be located adjacent to the newly discovered Rhiwhiriaeth Isaf Enclosure. CPAT state that the development will not impact on the Rhiwhiriaeth Isaf Enclosure however due to its location in close proximity to the site have requested that an exclusion area is established during the development to ensure that there is no accidental disturbance by construction machinery or dumping of construction materials.

As such, in light of the comments from CPAT a condition will be attached to any grant of consent regarding an exclusion zone. It is therefore considered that, subject to the condition being attached, that the proposed development is in accordance with policy SP7 of the Powys Local Development Plan.

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-MZ316-01 Location Plan, GD-MZ316-01 Drainage Plan, GD-MZ316-02 and GD-MZ316-03 and documents; Design, Access and Planning Statement, A Report on the Modelling of the Dispersion and Deposition of Ammonia, Ranging Plan, Manure Management Plan, Method Statement Pollution Prevention and Ammonia Mitigation Scheme).
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. 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.
7. 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.
8. The development hereby permitted shall not begin until an appropriate fenced area, surrounding the Rhiwhiriaeth Isaf archaeological remains on the east side, has been marked out in accordance with a specification submitted to and approved in writing by the Local Planning Authority. Throughout the course of the development no works shall be undertaken within the area surrounded by fencing without the consent of the Local Planning Authority.
9. The poultry unit hereby approved shall house a maximum of 16,000 birds.
10. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 08.00 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

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 Planning Policy Wales (2018)
6. 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).
7. 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).
8. To secure preservation in-situ of recorded archaeological remains which may be vulnerable to damage during construction in accordance with policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2018) and Planning Policy Wales (2018).
9. In order to control the number of birds in the interests of the environment in accordance with policies DM2 and DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
10. To protect the local amenities of the local residents by reason of noise in line with LDP policy DM13, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2018).

Informatives:

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