

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

<b>Application Number:</b>	19/0562/FUL	<b>Grid Ref:</b>	E: 301294 N: 245134
<b>Community Council:</b>	Duhonw Community	<b>Valid Date:</b>	08.04.2019

**Applicant:** Mr Rob Powell

**Location:** Land South Of Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU

**Proposal:** Erection of 2 poultry buildings, feed bins and all associated infrastructure

**Application Type:** Full Application

### The reason for Committee determination

The application is required to be accompanied by an Environmental Statement under the EIA Regulations. In accordance with sections 13 and 19 of the Council Constitution, this application requires determination by the Planning Committee.

### Consultee Responses

#### Consultee

#### Received

#### C P A T

17th Apr 2019

Thank you for the consultation on this application.

Although there are no recorded sites within the development area the fields immediately south of the poultry sheds do contain a number of non-designated sites recorded on the Royal Commission National Monuments Record. There appears to be no indication of the access or services crossing these fields, but to ensure that the archaeology remains intact I have attached a plan showing an area that should be excluded from all ground disturbance and development.

#### C P A T

24th Apr 2019

Many thanks for forwarding the confirmation that the recorded archaeology can be preserved in situ. With this information I can confirm that we would have no objection to the development. I would be grateful if you could forward the attached plan with the exclusion area to the applicants. If they could respond and confirm that there will be no ground disturbance here then we would have no objection to the proposed development.

#### C P A T

21st May 2019

We previously corresponded on the pre-application information and it was confirmed by Ian Pick Assoc. Ltd that the development will not impact recorded archaeological sites which lie immediately to the south of the development boundary. The confirmation was based on the attached exclusion area map (green area) and this would still hold true for the current application.

Given the lack of direct impact we would have no objection to the proposed development at this location. Should any aspect of the development change which would lead to ground disturbance within the excluded area we should be consulted again for our response.

**Wales & West Utilities**

**3rd May 2019**

Wales & West Utilities acknowledge receipt of your notice received on 02.05.2019, advising us of the proposals for: Blaenbwch, Maesmynis, BUILTH WELLS, Powys, LD2 3HU

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

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired. Any information you provide as part of this application process for our services will only be used in accordance with our privacy notice statement which can be found on our website [www.wwutilities.co.uk](http://www.wwutilities.co.uk). Alternatively a paper copy can be provided to you on your request by contacting our Data protection Officer at [DataProtection@wwutilities.co.uk](mailto:DataProtection@wwutilities.co.uk)

**PCC-(S) Highways**

**13th Jun 2019**

I refer to the amended plans relating to the above site and have no further comments to make.

**PCC-(S) Highways**

**7th Jun 2019**

Thank you for consulting with the Highway Authority (HA) on this application, which seeks the erection of 2 poultry units on land south of Blaenbwch, Maemynis, Builth Wells. The HA would comment on the application as follows:-

**Site location and existing Road Network**

The site is served from an existing field access via the U0047 county highway, which connects with the B4520 some 500m to the west; this short stretch of the U0047 is a single track road with no formal passing places however, it is very lightly trafficked. The U0047/B4520 county road junction is currently considered too narrow to safely accommodate regular HGV movements, however, the 7 day ATC (speed survey) undertaken on the B4520, which has been submitted in support of the application, demonstrates that adequate levels of junction visibility are available.

**Traffic Generation**

The submission includes a Design & Access Statement which provides a detailed breakdown on the vehicular movements likely to be generated by the development. The buildings will operate on 45 day flock cycle with 8 cycles annually.

Each flock cycle shall generate approximately 44 trips (88 movements). Whilst the types of traffic will predominantly be HGV's, the level of traffic is considered low and will typically be more concentrated during the flock change-over period.

**Highway Improvements**

The existing field access is to be significantly upgraded to accommodate the HGV traffic that will be generated and sufficient room is allocated within the site to allow HGV's to turn so that they can both enter and leave the site in a forward gear; there is adequate space available to facilitate appropriate levels of vehicular parking. A vehicular passing bay is to be provided at an approximate mid-point along the U0047, between the site entrance and the junction of the B4520. This will adequately mitigate the additional traffic generated by the development and, will also benefit existing road users. The submission also includes a proposal to widen the existing U0047/B4520 county road junction which will thereafter provide simultaneous access/egress provision for HGV's. Whilst both the passing bay and junction improvement are on third party land, it is noted that appropriate notice has been served.

## Recommendation

In light of the above, the Highway Authority has no objection to the submitted proposal, subject to the inclusion of the following highway conditions.

- o The development shall be carried out in accordance with the following approved highway drawings. "IP/RP/01A, IP/RP/02A, IP/RP/08, IP/RP/09.
- o Notwithstanding the submitted details, no development shall commence until detailed highway engineering drawings covering the U0047/B4520 county highway junction improvement are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
- o No development shall commence on the development site until the applicant constructs the offsite highway works to the written satisfaction of the Local Planning Authority. Such works shall include the construction of the passing bay on the U0047 county highway and the U0047/B4520 highway junction improvement. The works detailed shall be constructed to adoptable standard prior to any works being commenced on the development site.
- o No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base material and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- o No further development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining U0047 county highway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- o Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

- o Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 11metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- o Prior to first beneficial operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than 2 cars and 1 heavy goods vehicle together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- o Prior to beneficial operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material ( or an alternative suitably bound material which is to be approved in writing by the LPA) for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- o No surface water drainage from the site shall be allowed to discharge onto the county highway.

#### Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Note: All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

**Environmental Protection**

**18th Jun 2019**

I write with reference to the above application.

Should permission be granted I would recommend the following conditions be attached.

Recommendations

Conditions

(a) Prevention insect and of odour nuisances during storage of manure and manure spreading.

(i) General Odour condition

All emissions to air arising from the units hereby approved shall be free from odours at levels that are likely to be offensive or cause serious detriment to the amenity of the locality outside the site boundary of the holdings, as perceived by an authorised officer of the local planning authority by olfactory means.

Reason: To protect the local amenities of the local residents from the excess of mal-odorous emissions.

(ii) Manure transportation

All vehicles used for the movement of manure if taken off site shall be sheeted and/or fully covered.

Reason: To prevent spillage of manure and minimise odour dispersion and prevent population increase of insects.

**Environmental Protection**

**14th May 2019**

Concerning the above planning application, I have had the following query from our Private Water Supplies Team:

Having looked over the manure management plan for the above application. The information in the plan has included the 50m buffer around PWS, however, looking at the plans there are a number of properties served by PWS within the surrounding area of the spreading zones with location of source unknown.

Map 1- 3 properties ~ 400-700m from spread area - Lower Cefn Perfedd LD2 3HU (Borehole - unknown location), Brynhynae LD2 3HS (Spring - unknown location), Trawstyr LD2 3HT (Spring - unknown location).

Map 2 - 2 properties ~ 200-400m from spread area - Neuadd Fadog LD2 3LA (Spring - unknown location), Griffin Inn LD2 3HY (Spring - unknown location).

Map 3 - 1 property ~ 400m from spread area - Noyadd LD2 3WJ (Borehole - unknown location).

The location of the PWS should be identified in order to ensure 50m buffer zones around the source of the supplies to protect them from contamination by the manure spreading.

### **Natural Resources Wales (North) DPAS**

**23rd May 2019**

Thank you for informing NRW of the Environmental Statement submitted in support of this proposal. We have provided advice in our letter referenced SO04/GB/CAS-84504-D2R7 dated 23/05/2019. We do not have any further comments to provide.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 11/04/2019.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address the significant concerns 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) Drainage Plan '(plan titled 'Proposed Site Plan', drawing number IP/RP/02 dated Mar 19)'
- ii) Pollution Prevention Plan '(Method Statement and Pollution Prevention for Proposed Broiler Unit at land South of Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU)'
- iii) Manure Management Plan '(document by Farming Connect Cyswllt Ffermio, BAS number: 03640, by ADAS dated 23rd September 2018)'

#### **Protected Sites and Aerial Emissions**

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). This proposal has been assessed under the thresholds introduced on 1st of April 2017. NRW assessed the air quality impact a unit may have on European protected 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 Broiler Chicken Rearing Houses at Blaenbwch, Maesmynis, Builth Wells, in Powys' by AS Modelling & Data Ltd. dated 25th June 2018).

The report states there are 5 protected sites within 5km of the proposal site, which are:

- o Mynydd Epynt SSSI and Special Area of Conservation (SAC)
- o Allt Cynhelyg SSSI and SAC
- o Upper Chapel Pastures SSSI and SAC
- o River Wye Tributaries SSSI and SAC
- o Duhonw SSSI and SAC.

The background ammonia concentration (annual mean) in the area around Blaenbwch is 1.08 µg/m<sup>3</sup>. The background nitrogen deposition rate to woodland is 26.88kgN/ha/yr and to short vegetation is 18.06kgN/ha/yr. The source of these background figures is the Air Pollution Information System.

The report has assessed the impact of the proposal on these parameters:

Site, Critical Level – Ammonia µg/m<sup>3</sup>, Critical Load – Nitrogen deposition

Mynydd Epynt SSSI 1.0 5.0

Allt Cynhelyg SSSI 1.0 5.0

Upper Chapel Pastures SSSI 1.0 5.0

River Wye Tributaries SSSI 1.0 5.0  
Duhonw SSSI 1.0 5.0  
Mynydd Epynt SAC 3.0 5.0  
River Wye SAC 1.0 5.0

We agree with the ammonia critical levels used by the report, apart from that of the Mynydd We agree with the ammonia critical levels used by the report, apart from that of the Mynydd Epynt SAC. We advise this site should be assessed on the 1\_\$/m<sup>3</sup> critical level.

The detailed modelling report shows the process contributions are in exceedance of the Critical Levels and Loads for the following protected sites:

- o Mynydd Epynt SSSI and SAC
- o Allt Cynhelyg SSSI
- o River Wye Tributaries SSSI/River Wye SAC
- o Upper Epynt SSSI/SAC
- o Dynhow SSSI/River Wye SAC

As the process contributions of this proposal are over the thresholds alone, in line with NRW guidance GN020 an in-combination assessment would be required.

The Applicants state in their Design and Access Statement (referenced 'Design and Access Statement', Erection of 2 No. broiler rearing and associated infrastructure at Blaenbwch, Builth Wells, Powys, LD2 3HU' by Ian Pick Associates Ltd. dated March 2019) that the proposed buildings will include an air scrubbing system for ammonia. A brochure 'Poultry Air Scrubber' by Farm Air has been provided, and an addendum report letter by Isopleth dated 11th January 2019, Project Ref: 01.0138.001 by Matt Stoaling to the developers show the potential of the air scrubbing device at reducing the ammonia outputs.

The Applicants have also been granted an Environmental Permit for the operation of this proposal from NRW's Permitting Team. The detailed modelling, in-combination assessment and assessment of the efficacy of the ammonia scrubbers have all been assessed under this Permit process. The Permit reference is EPR/BB3292FP. As such, we advise the proposal should be implemented as proposed, and in accordance with the Permit for this site.

Your local authority may consider that a pre-commencement condition with regards to the installation of the ammonia air scrubbers will be appropriate.

Drainage Plan

We have reviewed the drainage plan (plan titled 'Proposed Site Plan', drawing number IP/RP/02 dated Mar 19) submitted in support of the proposal.

The plan shows the dirty water being drained to an underground sealed tank built to comply with the SSAFO regulations. The clean surface water will be drained to soakaways alongside the buildings.

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

Pollution Prevention Plan

We have reviewed the pollution prevention plan ('Method Statement and Pollution Prevention for Proposed Broiler Unit at land South of Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU') submitted in support of the proposal.

Should any contaminated water or materials enter or pollute a watercourse or groundwater, NRW must be notified immediately on 03000 65 3000.

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

#### Manure Management Plan

We have reviewed the Manure Management Report (document by Farming Connect Cyswllt Ffermio, BAS number: 03640, by ADAS dated 23rd September 2018) submitted in support of this proposal.

Any future applications of poultry litter must consider the quantity of phosphate required by the crop.

Any applications of poultry litter supplying phosphate more than the crop requirement would NOT be considered as spreading for agricultural benefit.

Welsh Government announced in November 2018 the introduction of new nutrient management regulations coming into force in January 2020 which will include sustainable nutrient applications linked to the requirement of the crop and other measures to protect water from pollution related to when, where and how manures are spread.

#### Flood Risk

NRW confirm that the proposal site is in DAM A with no known main river flood issues. We note a Flood Consequences Assessment ('Flood Risk and Drainage Assessment for a proposed agricultural development at Blaen Bych Farm, Buith Wells, Powys, Wales' Project No. JAGAD/JD/41550-RP001 dated October 2018 by Alan Wood & Partners) has been submitted in support of the proposal.

Detailed drainage comments are deferred to the to the Lead Local Flood Authority. This is to ensure that sustainable drainage techniques are employed in line with best practice.

#### Preliminary Ecological Appraisal

We have reviewed the Preliminary Ecological Appraisal ('Blaenbwch Farm, Maesynis, Buith Wells, Powys for R. Powell' by Craig Emms and Dr Linda Barnett consultant ecologists, contract number 198 dated August 2010) submitted in support of the proposal.

#### Bats

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.

The report states all trees and bushes on the site were considered to have negligible potential to support roosting bats as no bat roosting features were observed during the survey.

The report recommends bat roosting boxes are erected on suitable trees and no further bat surveys are required.

If any mature trees will need to be felled as part of the scheme, the trees should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, those trees should be subject to emergence surveys at an appropriate time of year.

Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

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

#### Otters

Otters 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.

The report states no otter or field signs of otters were observed on the site, and no further surveys are required.

#### Water Voles

Water voles 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.

The report states no water voles or field signs were observed on the site, and does not recommend further surveys.

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 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.

#### **PCC- Ecologist**

**3<sup>rd</sup> September 2019**

Thank you for consulting me with regards to planning application 19/0562/FUL which concerns an application for the Erection of 2 poultry buildings, feed bins and all associated infrastructure at Land South of Blaenbwch, Maesmynis, Builth Wells Powys.

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

The data search identified 12 records of protected and priority species within 500m of the proposed development, one record was identified for the site itself this was for a small heath butterfly. Other species recorded within 500m were hare, white-clawed crayfish, varnished hook-moss, barn owl, linnet, kestrel, cuckoo and skylark.

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

- Mynydd Epynt Special Area of Conservation (SAC) – approximately 400m south-west of the proposed development
- Mynydd Epynt Site of Special Scientific Interest (SSSI) – approximately 400m south-west of the proposed development

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

A Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated August 2018 has been submitted with the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact feature of biodiversity importance. I have reviewed the report and consider that the survey effort employed was in line with current best practice guidelines.

Field surveys were undertaken on the 23<sup>rd</sup> August 2018, an assessment of the habitats present was undertaken and used to identify the potential for the site to support protected species. The report states that the site of the proposed development is within an agricultural landscape and for the most part is surrounded by pasture land with a military firing range immediately to the south.

Habitats on and adjacent to the site include grassland, tall herb and a hedgerow. No ponds were identified on the site and no ponds were identified within 500m of the site.

The proposed development will use the existing entrance to the field which joins the highway to the east of the site.

The site of the proposed development was found to comprise an area of heavily grazed improved grassland. A narrow strip of tall ruderals was identified along the fence lines of the northern and southern boundaries of the site. Plant species recorded were found to be widespread and common species.

A native species poor intact hedgerow was identified along the eastern boundary of the proposed development site. The Hedgerow was assessed using the Ecological Importance criteria set out in the Hedgerow Regulations 1997, the assessment found that the hedgerow does not qualify as 'Ecology Important' according to the Hedgerow Regs. No features with potential to support roosting bats were identified within the hedgerow. This hedgerow will not be affected by the proposed development and will remain in situ.

An assessment of the proposed development site and adjacent habitats was carried out to determine the potential presence of protected or priority species including badgers, otters, bats, breeding birds, great crested newts and reptiles.

No great crested newts were observed on the site during the survey. No ponds are present within the development site itself, and no ponds are located within 500m of the proposed development. The terrestrial habitats covering the majority of the proposed development site were considered to be unfavourable to support great crested newts due to management regime and lack of suitable features and cover. Given the unfavourable terrestrial habitat and lack of ponds to provide breeding opportunities the report concludes that great crested newts are unlikely to be present and no further surveys were considered necessary.

The PEA determined that the majority of habitats present at the site were of limited value to reptiles due to lack of potential features suitable for basking, refugia and hibernacula use. Whilst habitats present were considered to be of low suitability it was identified that there is potential for the vegetation in the base of the hedgerow and the tall ruderal habitat to support common species of reptile to be present in low numbers as such recommendations have been made with regards to construction activities to minimise risk of harm to any reptiles potentially present at the site. The measures proposed are considered to be appropriate and subject to their implementation it is considered that the proposed development would not result in negative impacts to reptile species.

Features present at the site were assessed for their suitability to support roosting bats. No buildings are present on the site. All trees and bushes were considered to have negligible potential to support roosting bats due to lack of suitable potential roosting features. The site – in particular the hedgerow was assessed as having value for foraging and/or commuting bats in the local area, this habitat will not be impacted by the proposed development. Impacts from introduction of artificial lighting have been identified as having potential to negatively affect bat activity at the site (, recommendations have been made with regards to artificial lighting at the site to ensure minimal impacts to nocturnal wildlife at the site and in the wider environment. It is noted that Section 3.10 of the Environmental Statement identifies that the development does not require 24hour external lighting. 2 days over each flock cycle will involve night time catching operations and lighting will be required in the form of directional flood lighting above the catching doors. Outside of the catching periods, 24 hour lighting is not required and motion sensor trigger lighting will be provided

for staff needing to visit the site during the hours of darkness. **It is recommended that submission of a detailed external lighting plan is secured through an appropriately worded planning condition.** Recommendations have been made with regards to provision of enhancements for bats through erection of bat boxes on suitable trees within the curtilage of the farm.

No otters or otter field signs were observed on the proposed development site and no aquatic habitats are present on or adjacent to the proposed development site – the report concludes that no further surveys for otter would be required.

No water voles or water vole field signs were observed on the proposed development site and no aquatic habitats are present on or adjacent to the proposed development site – the report concludes that no further surveys for otter would be required.

The report identifies that during the field survey a typical range of bird species, a merlin was observed flying briefly over the site. No active nests were observed on the site however the survey was undertaken late in the breeding season. The hedgerow was identified as having potential to be used by common farmland and woodland birds for breeding purposes. Recommendations have been made with regards to provision of nesting boxes on suitable trees within the curtilage of the farm to provide new opportunities for nesting birds.

No impacts to dormice are considered likely, the hedgerow was assessed as having potential to support this species however it will not be affected by the proposed development and no further surveys were considered necessary.

No badger setts or evidence of badger activity were observed on the proposed development site or within 50m of the proposed development site's boundary.

No Invasive Non-Native Species of plants were observed on the site during the survey.

Subject to adherence to the recommendations identified in the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett as well as inclusion of the identified conditions regarding external lighting it is considered that the proposed development would not result in negative impacts to or loss of biodiversity at the proposed development site.

I have reviewed the information provided within the Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Blaenbwch, Maesmynis, Builth Wells, in Powys produced by AS Modelling & Data Ltd dated 25<sup>th</sup> June 2018 submitted to inform the application. This information has also been supplemented by an Ammonia Mitigation Report produced by Isopleth dated 11<sup>th</sup> January 2019 and Poultry Air Scrubber Brochure produced by Farm Air. An Environmental Permit has also been issued by NRW for the operation of the proposed development.

The following statutory designated sites are present within 5km of the proposed development:

- Mynydd Epynt SAC
- Mynydd Epynt SSSI
- River Wye SAC
- River Wye Tributaries SSSI
- Duhonw SSSI
- Allt Cynhelyg SSSI
- Upper Chapel Pastures SSSI

Given the presence of European designated sites within 5km of the proposed development and due to the nature of the proposed development consideration has been given to the potential for the proposed development to result in likely significant effect to the SACs and/or their associated features. Given the nature of the sites and the proposed development as well as distance from the proposed development and lack of pathways no likely direct negative impacts are anticipated. Whilst no direct negative impacts are considered likely the potential for the proposed development to result in an indirect impact (in the absence of mitigation) due to deposition of ammonia and nitrogen has been identified and as such the proposed development has been subject to an appropriate assessment to determine the potential for an adverse effect to the integrity of the sites. The appropriate assessments have concluded that in light of the proposed mitigation i.e. Air Scrubber technology and subject to inclusion of an appropriately worded planning condition to secure implementation and maintenance of these features there would be no adverse impact to the integrity of the Mynydd Epynt SAC or River Wye SAC in light of their conservation objectives. I have attached copies of the AA Reports for your records.

NRW have reviewed the information provided within the Report with regards to statutory designated sites, in their response dated 23<sup>rd</sup> May 2019 NRW have confirmed that in light of the proposed Air Scrubber technology which will be installed in the proposed development the predicted process contributions would be reduced to below the thresholds applied to determine potential impacts to statutory protected sites under which the application has been considered and are therefore would be considered to be acceptable. **NRW have advised that the LPA should considered inclusion of an appropriately worded planning condition to secure implementation and maintenance of the ammonia air scrubbers.**

With regards to Ancient woodland the preliminary modelling 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. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

A Revised Manure Management Plan Report produced by Farming Connect dated October 2018 has been submitted to inform the application. The Plan identifies that 140.60ha of ground would be required 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 plan identifies that 186.61ha is available when no spread areas are deducted from the land within the ownership of the applicant. The MMP and associated maps include 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 from the buildings will be stored in the existing unused clamp at Rhosferig prior to spreading to land. Wash water will be stored in a dirty water tank below ground which will be compliant with SSAFO Regulations (Wales) 2010 standards. 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 the Proposed Site Plan drawing no. IP/RP/02A produced by Ian Pick Associates Ltd dated April 2019 dated 30/01/2019 and within the Flood Risk and Drainage Assessment for a Proposed Agricultural Development at Blaen Bych Farm, Builth Wells, Powys, Wales produced by Alan Wood & Partners dated October 2018, these identify that dirty and clean water will be kept separate. Dirty water from wash down will be collected in an underground sealed tank (compliant with SSAFO Regulations (Wales) 2010 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 soakaways each side of the buildings. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank. 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 confirmed that subject to the development being undertaken in accordance with the identified plans the proposal would not be likely to negatively impact the surrounding environment. **It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.**

A Method Statement and Pollution Prevention for Proposed Broiler Unit at land South of Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU document (undated and unreferenced) has been submitted with the application. I have reviewed the submitted information consider that the measures identified are appropriate and the measures proposed are also in line with current guidelines. In addition, NRW have reviewed the information and have stated that they consider that if the construction works and site operations are undertaken in accordance with this plan, the proposal would be unlikely to adversely impact the surrounding environment. **It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified Pollution Prevention Plan to ensure compliance with the requirements of Powys LDP policy DM2.**

I note that details of landscaping have been provided on the Soft Landscape Proposals Plan drawing no. IPA 1036-SL produced by LVIA Ltd dated 20<sup>th</sup> May 2019. I note that the planting proposed comprises native broadleaved species and includes provision of a tree and shrub planting belt, planting of specimen trees and infill planting in the existing hedgerow along the eastern boundary of the site. The species, planting specifications and aftercare measures are considered to be appropriate and the addition of native planting is welcomed as it has potential to provide additional benefits to biodiversity. **Subject to the soft landscaping proposals being considered acceptable from a landscape screening perspective it is recommended that an appropriately worded planning condition to secure implementation and long term maintenance of the identified soft landscaping scheme is included.**

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

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

- i. *Method Statement and Pollution Prevention for Proposed Broiler Unit at land South of Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU document (undated and unreferenced);*
- ii. *Manure Management Plan Report produced by Farming Connect dated October 2018;*

iii. *Dirty and clean water drainage arrangement as detailed on Proposed Site Plan drawing no. IP/RP/02A produced by Ian Pick Associates Ltd dated April 2019 dated 30/01/2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.*

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

*The development shall be carried out strictly in accordance with the measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated August 2018. The identified measures 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 meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

*Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) will be submitted to the LPA to confirm that the Air Scrubbers as detailed in the Ammonia Mitigation Report produced by Isopleth dated 11<sup>th</sup> January 2019 and Poultry Air Scrubber Brochure produced by Farm Air required to reduce ammonia emissions have been installed and are fit for purpose. The Air Scrubbers shall be 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.

In addition I recommend inclusion of the following informatives:

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:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- intentionally take or destroy the egg of any wild bird
- 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.

#### Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

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

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

#### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats

and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

PCC- (S) Land Drainage

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.

Observation: Reference is made under Item 11 - Assessment of Flood Risk on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect. An existing ordinary watercourse flows under and adjacent to this proposed development. No further reference has been made in the submission to recognize the existence of this watercourse.

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

Historic Ordnance Survey maps show the possibility of a culverted watercourse is laid within the site. The local planning authority (LPA) shall require the developer to carry out a detailed investigation to identify the location and integrity of any structure.

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.

**Welsh Water**

**2nd May 2019**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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.

**Welsh Water**

**12th Apr 2019**

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

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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.

17th Apr 2019

**PCC-Commons Registration Officer**

Commons Registration has no comments to make on application 19/0562/FUL.

**Community Council**

No response received.

**S.A.M – Cadw**

No response received.

**PCC-Rights Of Way Senior Manager**

No response received.

**WG - Planning Division**

No response received.

**Representations**

None received.

**Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2012/0334	Householder: Extension and alterations to existing building	Consent	30th May 2012

**Principal Planning Constraints**

SSSIs

SACs

B4520 and U0047

Common Land (BCL102)

Mineral Safeguard Area (sandstone category 2)

**Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
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
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
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

## **Officer Appraisal**

### ***Town and Country Planning (Environmental Impact Assessment) Regulations 2017***

Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 lists types of development and thresholds to define 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.

The proposed development falls within the definition of Schedule 1 (17a) – *‘Installations of the intensive rearing of poultry and pigs’* as it exceeds the threshold of 85000 broilers. Therefore an Environmental Statement is mandatory to accompany this planning application, which has been processed as EIA development in accordance with the 2017 Regulations.

### ***Environmental Permitting Regulations***

The operations at the site require an environmental permit issued by Natural Resources Wales under the Environmental Permitting (England & Wales) Regulations 2010 (as amended). This is required on the basis that the amount of broilers to be reared on site passes the threshold for an environmental permit. It is Natural Resources Wales' role to determine if the operation can be managed on an ongoing basis to prevent or minimise pollution.

It is noted that the applicant has already been granted an Environmental Permit for the operation of this proposal under reference EPR/BB3292FP.

### ***Habitats Regulations Assessment***

Under the Conservation of Habitats and Species Regulations 2010 (as amended) any competent authority, before deciding to undertake, or give consent, permission or other authorization for a plan or project which is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects) and is not directly connected or necessary to the management of the site, must make an appropriate assessment of the implications of the proposed development in relation to the site's conservation objectives. Powys County Council is the competent authority in relation to SACs.

A Habitats Regulations Appropriate Assessment has been undertaken by the Council's Ecologist for the River Wye SAC which is located 516 metres from the proposed development at its closest. In addition, an Appropriate Assessment has also been carried out for the Mynydd Epynt SAC which lies approximately 400m to the south-west of the proposed development.

The Appropriate Assessments have concluded that the proposed development will not result in Likely Significant Effects to either SAC and/or their associated features in light of nature and scale

of the proposed development including the mitigation proposed which will be controlled via condition by the appropriate authority.

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

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

### ***The Scheme***

The development relates to the erection of two broiler rearing units accommodating 100,000 birds in total. Each of the buildings will measure 104m by 24.7m with a ridge height of 6.282m. The development will also include the provision of associated feed bins, control room, hardstanding areas, plant room, underground dirty water tank, water tank, gate house, 3 gas tanks, a backup generator and drainage to soakaways. Access will be taken from the U0047, 500 meters to the west of the B4520.

### ***Site Location***

The development will be located south of the existing dwelling and farmstead at Blaenbwch and will be an isolated form of development in the open countryside. The site is currently an agricultural field with agricultural land to the north. To the south of the site, there is a military firing range. The application site is approximately 7 kilometres south of Builth Wells, located just off the B4520 which is also known as Brecon Road.

### ***Principle of Development***

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

Policy E2 supports proposals for developments that are appropriate in scale and nature to their location and are supported by a business case which demonstrates that its location is justified. It is accepted that poultry rearing is a land based business that requires purpose built buildings on farms that propose to run them.

In addition, policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses. Planning Policy Wales (2018) and Technical Advice Note 23 (2014) emphasise the need to support diversification and sustainability in such areas, recognising that new businesses are key to this objective and essential to sustain rural communities. Local Authorities should therefore look to facilitate appropriate rural developments. This support should be balanced against other material considerations, such as impact of proposals on the quality of the landscape and environment.

It is generally accepted that poultry units on existing farm enterprises are an appropriate form of diversification. The applicant currently operates a traditional sheep farming enterprise within Powys which extends to 263 hectares and includes 2400 breeding ewes.

The application has also detailed the benefit of the scheme to the local economy though the £1.3 million investment in the construction of the site. Actual job creation has not been detailed but it has been noted that employment will be created both via the construction and operational phases of the development.

Therefore, subject to all other material planning matters being acceptable, the principle of development at this location is acceptable.

Having considered the details submitted in respect of the proposed broiler meat production units, the principal matters considered relevant to determination are as follows;

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

### ***Landscape and Visual Impact***

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals will only be permitted where they would not have an unacceptable adverse impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

The Environmental Statement includes a Landscape and Visual Impact Assessment which has accompanied the application. Officers considered that the methodology employed is in line with best practice. The report concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have an overall weighted medium landscape character sensitivity. The proposals would have a magnitude of landscape impact that could be considered small as they are not uncharacteristic when set within the attributes of the existing landscape. Therefore, the significance of landscape effect can be considered minor; i.e. not significant. With regards to visual impact, the report concludes that the visual effects are minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme. The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate. i.e. significant, from a viewpoint close to the site boundary. Mitigation in the form of additional tree planting, maintenance of existing vegetation and the colour of the building being green has been suggested. With suitable mitigation measures, the development is considered to have a moderate visual impact i.e. not significant.

LANDMAP has designated the landscape as follows:

Geological Landscape – Mynydd Eppynt– Upland Plateau - Moderate

Landscape Habitat – Duhonw Valley – Improved Grassland - Moderate

Visual and Sensory – Duhonw Valley – Open/Wooded Mosaic Upland Valleys - High

Historic Landscape – Dyffryn Irfon– Irregular Fieldscapes - High  
Cultural Landscape – SENTA – Defence and Security – High

Within the visual and sensory layer of LANDMAP, the landscape has been described as an attractive hill and valley landscape with a consistent pastoral mosaic of unspoilt woodland, hedgerows and pasture. The River Duhonw and its tributaries form attractive foci for the valley. Overall the area has high scenic qualities and integrity and a pleasant, tranquil rural character. The site is on the edge of the aspect area for the visual and sensory layer with a clear distinction between a farmed landscape and the military range, which although has a low evaluation for its visual and sensory qualities, has a high cultural landscape value given that the use has sterilised change and thus created a relict landscape. Officers appreciate that scattered farmsteads would not be out of character within the Duhonw Valley aspect area but would be most out of character for the military range and thus this border site will reinforce the stark differences between these two landscapes.

In considering visual impact, it is noted that the site will be both visible and prominent for approximately a kilometre of the B4520 as well as sections of the footpaths to the north east of the site. The submitted LVIA notes that the impact would be significant for these receptors but with mitigation, this would be reduced to moderate. A landscaping plan detailing a belt of native species has been proposed to screen the development, however, given the land levels combined with the nature of the trees, this is considered to have limited benefit. Officers consider that this site has unique characteristics and that better levels of all year round screening could be afforded by a conifer planting belt that would not look out of character from this vantage point. The submission of details could be controlled by condition should members be minded to grant the development.

In order to justify the location of the proposed development, the agent has provided information about the full extent of the applicant's land ownership. It is clear when taking all considerations into account including highway safety, proximity to residential receptors, ecological impact and landscape impact, that this site is the most suitable for the development within the applicant's ownership.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development will have a moderate visual impact, however, it is considered that good levels of screening for the development can be achieved with a conifer planting belt that would not look out of place at this location. Should Members be minded to grant planning permission it is recommended that any consent is subject to appropriate conditions restricting materials as well as securing the implementation and retention of existing and proposed landscaping. Subject to the above, Officers consider that the visual and landscape impact associated with the proposed broiler development can be appropriately managed and thereby safeguard the Powys landscape in accordance with policies SP7, DM4, DM13 and E6 of the Powys Local Development Plan.

### ***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 (extractor fans) and general operational activities whilst odour impact may potentially 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;
- Details of the Air Scrubbing Units.

The proposed development has been located on a site remote from residential receptors. There are only three residential receptors within a 1000m radius of the site. There are two dwellings at Blaenbwch which is 500m to the north of the site and are in the control of the applicant. The closest dwelling which is unconnected to the farm is The Griffin Inn which is located 700m to the south east, adjacent to the B4520.

### *Noise*

The main noise emitting plant associated with the development will be the roof mounted extractor fans. The plans indicate 8 roof mounted extractor fans per shed (16 total). Five of the fans per shed will serve the air scrubbing units. The development will also generate increased traffic to and from the application site which has the capacity to increase noise at receptors.

In terms of noise emissions, there is no direct line of sight between the closest dwelling and the application site as there is a hill in between which will form an acoustics barrier. With regards to traffic movements, it is appreciated that the Griffin Inn is located adjacent to a busy road and the distance between the development site and the receptor is sufficient that increased traffic movements are unlikely to disturb amenity to any greater extent than the current situation. In light of this, the development is not considered likely to affect the amenity of neighbouring properties either by increased traffic or operations at the application site.

### *Odour*

In terms of odour impacts, the nearest sensitive receptor is 700m to the south east. The separation distance is such that it is unlikely to give rise to odour impacts if the development was unmitigated for odour. For the purpose of ammonia reduction, the development includes an 'Air Scrubbing' system which removes 90% of the ammonia emissions at source and also has the added benefit of removing 40% of odour emissions at source.

For reasons of the site location being remote from sensitive receptors (700m), intervening topography, and the mitigation in the form of the air scrubbing system, odour impacts have been scoped out for further assessment. There has been no objection to this by the Environmental Health Department but they have recommended a condition for the planning department to assess odour impacts should neighbouring residents raise objections in the future. Given the wording of the condition, Officers do not consider that it would meet the tests set out in circular 16/2014 for its reasonableness or its enforceability. It is acknowledged that the condition is seeking to provide safeguards for residential receptors against potential odour impacts, however in the unlikely event that there are odour impacts for neighbouring properties from the development, this can be assessed as a statutory nuisance and abated as necessary though this regime. It is the responsibility of the Planning Authority to assess the development for its likely impact, and on the basis of the nature of the development combined with the site characteristics, it is considered unlikely that the chicken units will give rise to concerns of odour impacts on residential receptors.

In addition, the application has been accompanied by a manure management report in which it is detailed that manure from the units can be stored within a covered manure store at Rhosferig. Manure will then be used on the applicant's holding as a fertiliser. Taking into account the applicant's existing livestock numbers, holding area (excluding no spread areas) and the CoGAP guideline that livestock manure spreading should not exceed 250Kg/ha of total nitrogen per year, there will be sufficient land to accommodate all manure spreading within the applicant's land holding. As it is indicated that manure will be stored off site, it has been recommended that it be sheeted while in transit in order to protect amenity of sensitive receptors along the road network. An appropriate condition has been attached at the end of the report.

Members are advised that the potential impacts of manure spreading both on and off the applicant's 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 manure management plan, whilst acknowledging the proximity of the spreading area to residential properties, it is considered that the frequency of spreading is relatively low. Fields will be spread no more than twice 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 residents.

#### *Dust*

Given the distances from sensitive receptors, it is considered unlikely that existing residents will be affected by dust from the development.

#### *Private Water Supplies*

The Environmental Health Department have noted that the manure management plan does allow for at least a 50 metre area free from manure spreading from all known private water supplies. They have also noted a number of properties within proximity to the site where the exact location of the supply is not known. This has been sent to the agent and applicant who have confirmed that manure spreading has taken place on the land for a number of years without complaint and that the documented sources are in excess of 50 metres from the spreading areas.

The principle of spreading on the applicant's land is acceptable and it is considered a condition for compliance with the spreading maps should be attached to any permission granted. This will ensure that manure spreading complies with CoGAP guidelines and safeguards all existing local private water supplies from pollution. Subject to the inclusion of such condition, the proposal will comply with the achievement of the Water Framework Directive's overarching objectives as detailed within policy DM2 of the Local Development Plan and will ensure that existing amenity can be maintained in accordance with policy DM13.

#### *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 or dust or upon the quality of existing private water supplies. Therefore, Development Management considers the proposal to be in accordance with planning policy, in particular LDP policies DM13, DM14 and DM2.

## ***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. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

### *SSSIs and SACs*

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 European sites, designated as Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs) is undertaken in accordance with 2017 thresholds within a screening distance of 5km from the proposed unit. The application is accompanied by an ammonia dispersion and deposition modelling report which identifies the protected sites and the potential impact from the proposed development.

It is acknowledged by NRW and the Council's Ecologist that subject to the use of air scrubbers, no objection is offered in respect of individual or cumulative impact. It is noted that an Environmental Permit has been issued by NRW for the installation at the site of the proposed development.

On the basis of the responses received, it is not considered that the proposed development will have an unacceptable impact on designated and protected sites subject to the use of scrubbers and a condition of consent has been recommended at the end of this report to ensure installation prior to first use of the buildings and maintenance of the equipment over the lifetime of the development. 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.

A Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated August 2018 has been submitted with the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact features of biodiversity importance. The report has been reviewed and it is considered that the survey effort employed was in line with current best practice guidelines.

The assessment considers the likelihood for presence of protected or priority species including badgers, otters, bats, breeding birds, great crested newts, reptiles and dormouse. The survey has revealed that the site's habitats which will be affected by the works are common and widespread and are considered to be of low intrinsic biodiversity value, as such the proposed development would not adversely affect these species listed. In light of the nature of the development combined

with the habitats surrounding the development, the report has concluded that there is unlikely to be impact to protected species as a result of the proposed development.

Subject to adherence to the recommendations identified in the Preliminary Ecological Appraisal Report and inclusion of an external lighting condition, it is considered that the proposed development would not result in negative impacts to or loss of biodiversity at the proposed development site.

#### *Ancient Woodland*

With regards to Ancient Woodland the preliminary modelling 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/m<sup>3</sup> and the Critical Load of 10.0 kg/ha. It is therefore considered that the potential impacts of the proposed development to Ancient Woodland are within the levels considered to be acceptable by recognised current guidelines.

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 and 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. The measures identified are considered to be in accordance with current best practice guidelines and subject to their implementation it is considered unlikely that the proposed development would cause pollution to the wider environment or individual water supplies. It is therefore recommended that an appropriately worded condition is included to secure adherence to an appropriate Manure Management Plan to ensure compliance with the requirements of Powys LDP policy DM2.

Details of the proposed site drainage are identified and indicate 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 manure management plan. At the wash down stage the clean water system around the yard will be switched to the underground dirty water tank. Subject to implementation of the identified dirty water drainage proposals it is considered that the proposed development would not cause pollution to the wider environment. It is therefore recommended that an appropriately worded condition is included to secure adherence to the identified dirty water drainage plan to ensure compliance with the requirements of Powys LDP policy DM2.

A Method Statement and Pollution Prevention Plan has been submitted with the application. It is considered that the measures identified are appropriate and in line with current guidelines. The Ecologist has reviewed the information and considers 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.

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, 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.

### **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 policies DM13 and T1, 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.

The site is served from an existing field access via the U0047 county highway, which connects with the B4520 some 500m to the east; this short stretch of the U0047 is currently a single track road with no formal passing places. The proposal involves improvements to the existing field access which is to be significantly upgraded to accommodate the HGV traffic that will be generated by the development. The plans detail sufficient room within the site to allow HGVs to turn so that they can both enter and leave the site in a forward gear and there is adequate space available to facilitate appropriate levels of vehicular parking. A vehicular passing bay is to be provided at an approximate mid-point along the U0047, between the site entrance and the junction of the B4520. This will adequately mitigate the additional traffic generated by the development and will also benefit existing road users. The submission also includes a proposal to widen the existing U0047/B4520 county road junction which will thereafter provide simultaneous access/egress provision for HGVs. Whilst both the passing bay and junction improvement are on third party land, it is noted that appropriate notice has been served.

The Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions which are detailed at the end of this report. Given the comments received from the Highway Authority, it is not considered that the proposed development will have an unacceptable adverse impact on highway safety and movement. Development Management is therefore satisfied that the proposed development is in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 – Transport and Planning Policy Wales.

## **Cultural Heritage**

### *Listed Buildings*

The planning authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The closest listed building to the development is Neuadd Fadog a grade II listed, small vernacular farmhouse with well-preserved regional character which is located 1.4 km north of the development. Due to the topography of the land, there will be no direct visibility between the development and the listed building. In addition, there is not considered to be any important viewpoints in which there would be inter-visibility. In light of this and taking into account the distance, it is concluded that there will be no harm to the setting of the listed building.

### *Scheduled Ancient Monument*

There is a policy presumption in favour of safeguarding Scheduled Ancient Monuments and their settings. The proposed development is located approximately 2 km south east of the scheduled monument known as BR289 Cefn Corast deserted rural settlement. Due to the topography of the land, there will be no direct visibility between the development and the ancient monument. In addition, there is not considered to be any important viewpoints in which there would be inter-visibility. In light of this and taking into account the distance, it is concluded that there will be no harm to the setting of the Scheduled Ancient Monument.

### *Other Archaeological Interest*

Clwyd Powys Archaeological Trust (CPAT) has advised that although there are no recorded sites within the development area the fields immediately south of the poultry sheds do contain a number of non-designated sites recorded on the Royal Commission National Monuments Record. There is no indication or likelihood that these will be affected by the development.

### *Cultural Heritage Conclusion*

Having considered the potential impact of the proposed development on built heritage assets, it is not concluded that the proposed will have an unacceptable adverse impact on the setting of listed buildings, scheduled ancient monument or upon archaeology. In light of the above, Officers consider the proposed development to be in accordance with policy SP7 of the Local Development Plan, Welsh Office Circular 60/96 and Planning Policy Wales.

## **Flood Risk and Surface Water Drainage**

The application has been accompanied by a Flood Consequence Assessment. The development is shown to be within Zone A on the Development Advice Map i.e. beyond the 1:1000 year fluvial flood extent (not at risk from fluvial flooding).

With regards to surface water management associated with the proposed development, as the construction area of the proposed development would exceed 100m<sup>2</sup>, the development will require approval from the SUDs Approval Body. In addition, any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys County Council (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).

It is noted that the Council's Land Drainage Engineer has commented that the development would affect a culverted ordinary watercourse, however, mapping published by NRW and the council's own mapping does not indicate the presence of such. The agent has questioned the response of Land Drainage Engineer but no further response has been received. Without evidence of the presence of a watercourse and separate regulations to manage the development of such should it exist, it is considered that the planning application should proceed.

Based on the information available, the development would accord with the provisions of the Local Development Plan, in particular, policies DM5 and DM6 as well as Technical Advice Note 15 and Planning Policy Wales.

### ***Minerals Safeguarding***

Policy DM8 seeks to ensure that mineral resources are not needlessly sterilised by other development, so that they remain accessible to future generations in accordance with PPW and MTANs. The identified mineral safeguarding areas carry no presumption that the resource will be worked, merely that the location is known and that the presence of the resource should be adequately addressed and effectively considered within planning decisions.

In this instance, the site is located within the mineral safeguarding area for sandstone (category 2). The supporting text for the policy does state that proposals to reuse the mineral resource within the proposed development are supported as it minimises the need to import materials over long distances. The agent has confirmed in writing that the mineral will be re-used within the development and as such, the development is considered to be acceptable in accordance with policy DM8 of the Powys Local Development Plan.

### **RECOMMENDATION**

The application is in respect of a development to accommodate 100,000 broilers at the site in Blaenbwch, Maesmynis. Having been assessed by Development Management and taking into account the comments of consultees, the development is not considered likely to unacceptably affect the environment subject to adherence of the information submitted with the application which will be controlled via the conditions detailed below. The development is considered to be compliant with local and national planning policy and it is for that reason that the development is recommended for approval.

**The information submitted within the Environmental Statement has been considered in full in reaching the recommendation made on this application.**

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents: IP/RP/01A; IP/RP/02A; IP/RP/03; IP/RP/04; IP/RP/05; IP/RP/06; IP/RP/08; IP/RP/09; Method Statement and Pollution Prevention for Proposed Broiler Unit at land South of Blaenbwch, Maesmynis, Builth Wells, Powys, LD2 3HU document (undated and unreferenced); Manure Management Plan (document by Farming Connect Cyswllt Ffermio, BAS number: 03640, by ADAS dated 23rd September 2018). The measures identified shall be adhered to, implemented in full and maintained thereafter.

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. The poultry units hereby approved shall be limited to occupation by 100,000 broilers.
6. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) must be submitted to and confirmed in writing by the Local Planning Authority to confirm that the Air Scrubbers as detailed in the Ammonia Mitigation Report produced by Isopleth dated 11<sup>th</sup> January 2019 and Poultry Air Scrubber Brochure produced by Farm Air required to reduce ammonia emissions have been installed and are fit for purpose. The Air Scrubbers shall be maintained thereafter.
7. The external cladding of the building and the feed silos shall be Light Brunswick Green (British Standard BS381C number 225) in colour for the lifetime of the development. The external elements of the mechanical fans shall also be Light Brunswick Green or Black in colour for the lifetime of the development.
8. Notwithstanding the details submitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted landscaping scheme shall include a conifer planting belt to the north of the proposed buildings and the scheme shall be submitted as a scaled drawing with a written specification clearly describing the species, sizes, densities and planting numbers proposed. Drawings must include accurate details of all existing trees and hedgerows to be retained with their location, species, size and condition.
9. A landscape phasing scheme (implementation scheme) for the landscaping scheme as approved (condition 8) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall thereafter be fully implemented in accordance with the phasing scheme (implementation scheme) so approved.
10. The approved landscaping scheme as implemented by the landscape phasing scheme (condition 9) shall thereafter be maintained for a period of five years. Such maintenance is to include the replacement of any plant/tree/shrub/hedge that is removed, significantly damaged, diseased or dying, with plants/trees/shrubs/hedges of the same species and size within the next planting season.
11. Notwithstanding the submitted details, no development shall commence until detailed highway engineering drawings covering the U0047/B4520 county highway junction improvement are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
12. No development shall commence on the development site until the offsite highway works are constructed. Such works shall include the construction of the passing bay on the U0047 county highway and the U0047/B4520 highway junction improvement. The works detailed shall be constructed to adoptable standard.
13. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base material and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

14. No further development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining U0047 county highway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
15. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
16. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 11metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
17. Prior to first beneficial operational use of the development, provision shall be made within the curtilage of the site for the parking of not less than 2 cars and 1 heavy goods vehicle together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
18. Prior to beneficial operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 20 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
19. No surface water drainage from the site shall be allowed to discharge onto the county highway.
20. The development shall be carried out strictly in accordance with the measures identified in the Recommendations Section of the Preliminary Ecological Appraisal Report produced by Craig Emms and Dr Linda Barnett dated August 2018. The identified measures shall be adhered to and implemented in full and maintained thereafter.
21. 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.
22. All manure exported off site (Blaenbwch, Maesmynis, LD2 3HU) must be sheeted or fully covered.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 3 to 6. In order to control the development which has the potential to have adversely affect the amenity of the area and local biodiversity in contradiction to Policy DM13 and DM2 of the Powys Local Development Plan and Planning Policy Wales (2018).
- 7 to 9. In the interests of amenity and a satisfactory development in accordance with policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 and Planning Policy Wales (Edition 10, 2018).

11 to 19. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 10, 2018).

20 & 21. 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.

22. In the interests of amenity and a satisfactory development in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (Edition 10, 2018).

### **Informative Notes**

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Note: All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

### **Environmental Permitting Regulations**

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.

#### 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:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- 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.

#### Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

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

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

#### 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

---

Case Officer: Louise Evans, Principal Planning Officer  
Tel: 01938 551127 E-mail: [louise.evans1@powys.gov.uk](mailto:louise.evans1@powys.gov.uk)