

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

**Application Number:** 19/1475/FUL

**Grid Ref:** E: 308557  
N: 301310

**Community Council:** Dwyriw Community

**Valid Date:** 12.09.2019

**Applicant:** Mr & Mrs Jerman

**Location:** Tyn Yr Wtra, Llanwyddelan, New Mills, Newtown, Powys SY16 3BT

**Proposal:** Erection of a free-range egg production unit including silos, creation of vehicular access, and associated works (part retrospective)

**Application Type:** Full Application

### The reason for Committee determination

In accordance with the Planning Protocol, Members are advised the Local Member has requested that this application be determined the Planning, Taxi Licensing and Rights of Way Committee.

### Consultee Responses

#### Consultee

#### Received

Community Council

1st Oct 2019

Dwyriw Community Council would like the following points that have been raised by the local community to be taken into consideration:

1. Visual impact: Residents are concerned about the height of the building, believing it to be higher than that proposed in the original planning application. The original description had been of a low-lying building, integrating well within the landscape. This is noted within the Design and Access statement on 7 occasions and is criticised by members of the public as not being an accurate statement. It is noted that the development is visible from a number of roads within the community due to its high position on the landscape. It is felt there is now a need for more native tree planting in order to reduce the visual impact.

Residents are also concerned about the light that might come from the packing area early

in the morning.

2. Water course - There is a stream running alongside the access road with water that will end up in the river. This stream does not appear on the maps as a water course but has been confirmed by NRW. It is requested that the source of this water supply be identified to ensure it is not from within the ranging area in order that no water contamination occurs.

3. Manure spreading - There is concern about the manure spreading proposals as everything on the plan already has manure spread on it from the applicant's current livestock.

4. Well water - one member of the public is still concerned about their household well water and is questioning whether the buffer zone will be adequate to protect their water quality.

5. Highways - Local residents have expressed concerns about the incomplete work on the visibility splay and the need to comply with planning conditions to ensure road safety.

6. Cumulative impact - This is also a concern as residents have concluded that there are 739,599 birds within a 5 mile radius of the development. This includes units already in operation, awaiting development and in planning. This is a material condition.

7. Employment - this matter was also raised as the creation of jobs was stated in the application, however the Agent confirmed that these will be absorbed by the applicant's family and no new jobs will be created.

8. Tourism - there is 5\* caravan park overlooking the development. The Agent stated that the park owner had not expressed concerns however it is noted that the actual park homeowners have not been notified. Concerns are expressed regarding the impact this could have on the local economy, restaurants and shops.

Overall the residents are unhappy and concerned that the conditions set in the original planning application have not been adhered to.

Wales & West Utilities - Plant Protection  
Team

16th Sep 2019

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.

Ward Councillor

I wish to call planning application 19/1475/FUL into the planning committee due to:

Landscape and visual impact - this is considerable and in particular from long distant views to the east of the site. The development is placed on top of a man made hill ! There needs to be far greater native tree planting on the eastern side using native species of a considerable size. Visual impact is significant with significant detrimental harm representing industrialisation of the open countryside.

I see the application form indicates the site area as 2.45 hectares however this does not include the bird ranging area. Whilst I accept the bird ranging area is strictly not a change of use it is to be used in connection to the proposal which is a much more intensive form of agricultural use, there are nitrate impacts to consider and I also note this area adjoins a water course. Why is this area not part of the application site as outlined in red? At end of the day the proposal is for a 'free range egg laying unit' where the chickens are encouraged to roam outside, this amount of birds will have significant impacts in relation to their droppings and nitrates impacts. - a much more intensive use.

Cummulative effect – please see below a table detailing the various units within a 5 mile radius of the development. I kindly request that NRW compile an analysis of the nitrogen impact this will have on the immediate community.

ADDRESS	CHICKEN REARING/EGG PRODUCTION	NUMBER OF BIRDS
Rhiewbanc, Bwlch Y Ffridd	Egg Production	32000
Cwm, Bwlch Y Ffridd	Egg Production Egg Production (approved)	32000 32000
Belan, Bettws Cedewain	Egg Production	32000
Henfaes, Bettws Cedewain	Chicken Rearing	36000
Crugnant, Adfa	Egg Production	16000
Llawnt Uchaf, New Mills	Egg Production (Pending)	6000
Upper Fachwen, Tregynon	Egg Production	12000
Caecappin, Tregynon	Egg Production	32000
Coed Y Deri, Tregynon	Egg Production	32000
Dolmelinau, Tregynon	Chicken Rearing	39999
Red House, Tregynon	Chicken Rearing (Pending)	76000
Nant Y Gwylt, Cefn Coch	Egg Production	12000
Tynwrtra, Llanwyddelan	Egg Production (under construction)	32000
Neuadd Uchaf, Llanfair	Egg Production	64000
Rhiwhiriaeth, Llanfair	Egg Production Egg Production (approved)	16000 16000
Rhallt Uchaf, Llanfair	Egg Production	32000
Peniarth, Llanfair	Chicken Rearing	36600
Plasiolyn, Llanfair	Chicken Rearing	37000
Rhosfawr, Llanfair	Chicken Rearing	38000
Crossfarm, Llanfair	Egg Production (Pending)	32000
Brynrhug, Llanfair	Egg Production	32000
Plasdwp, Berriew	Chicken Rearing	14000
		739599

Finally, the planning history and public concerns expressed by local residents which are as detailed above.

Highways

30th Oct 2019

The access as conditioned on the original application (Condition 7), states that the access centre line shall be at right angles to the adjoining highway for a distance of no less than 20m. This is a standard condition applied to the majority of applications and is also used by the Planning Inspectorate. Drawing number GD-GHJ/02 shows the access centreline being at right angles for approximately 13m prior to turning and reducing in width. My concern is that this is insufficient to allow two HGV's to be clear of the adjoining highway and not cause detriment to highway safety.

The drawing fails to detail how SW will be dealt with, so as to prevent the same from discharging onto the highway.

The gradient of the access, as per condition 6, should be 1:15 for the first 20m - I

appreciate that the access is retrospective, but no detail as to the gradient after the indicated 15m has been submitted for consideration.

The access radii was conditioned as 10.5m, however, the submitted drawing is closer to an 8m radii.

Should a revised access drawing be submitted, it should be suitably scaled such as 1:500.

Hafren Dyfrdwy

16th Sep 2019

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

Environmental Protection

*Correspondence received 17<sup>th</sup> October 2019-*

I have no objection to the application.

*Correspondence received 30<sup>th</sup> April 2020 –*

When I originally looked at the application I don't recall any objections from neighbouring dwellings and there were no dwellings in close proximity to the proposed unit. Feed deliveries are sporadic and not a daily occurrence. Its adjacent to a working farm therefore neighbours would be accustomed to some early morning and late night disturbances. I don't recollect having a complaints about collections/deliveries for many years therefore I don't attach a collection/deliveries time limit restriction condition as a matter of course.

I've looked at the site again this morning and the nearest dwelling is at a distance of about 260m.

However, from experience I know that feed deliveries are noisy and can continue for 45mins. The background noise in that area would be very low therefore at 5.20am it would be very noticeable and likely to be a Statutory Nuisance if it's a regular occurrence.

If the Cllr has received any noise complaints please ask him or the complainant to contact me and I will investigate the matter through our Statutory Noise Nuisance procedure.

*Correspondence received 5<sup>th</sup> May 2020 –*

I agree, there is potential for disturbance to neighbours therefore attaching a time condition would be of benefit and protect those nearby from noise at antisocial times.

*Correspondence received 28<sup>th</sup> May 2020 -*

I have now received a complaint about early morning deliveries and also spoken to the applicant who confirmed that this was occurring. This is due to the feed company. He will contact them to rearrange the delivery times.

Could you please attach a deliveries a collection time condition on the application?

Do you have standard hours for these units otherwise I would suggest 8am-8pm Monday to Friday, 8-1pm on a Saturday and no collection on Sundays or Bank Holidays.

Built Heritage Officer

14th Nov 2019

19/1475/FUL - Erection of a free-range egg production unit including silos, creation of vehicular access, and associated works (part retrospective) Tyn Yr Wtra Llanwyddelan New Mills Newtown Powys SY16 3BT

Recommendation No objection

Background to Recommendation

Designation

Nearest listed building CADW ID 18192 The Old Rectory included on the statutory list on 04/02/1997

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

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

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

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

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might

extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

I note the proximity to Scheduled Monuments as Cadw are the consultee in respect of the setting of Scheduled Ancient Monuments, I shall defer consideration of this section to Cadw. For clarity my comments are in respect of the setting of listed buildings only.

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

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

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

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

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

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

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

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



The Old Rectory is sited to the south west of Tynyrwtre. The proposed egg laying unit will be sited to the south east of the farm complex.

The Old Rectory is sited in a slightly elevated position above the road that approached Llanwyddelan from the B4389 and is well screened with garden planting. The principal outlook of the property is south east with the service rooms facing north-west towards the road.

Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road. The proposed building is to the rear (south east) of the farm holding and as such not readily visible from the front of Tynyrwtre.

There is potential for the new building to be visible from the public road that leads from the B4389 towards Llanwyddelan when travelling from the bridge into the settlement. However the land slopes steeply to the north, and at the point when the current farm buildings to the rear of Tynyrwtre are visible, The Old Rectory is not. Similarly when The Old Rectory is visible from the public highway, the majority of the farm buildings at Tynyrwtre and the proposed building will not be readily visible.

I note the recent application 2018/0466 for an egg laying unit on the site and that the current proposal is for a revision to the previously approved plans. The current proposal is slightly longer than the previously approved plans, and as such it is considered that the impact on the listed building would be no greater than the previously approved plans.

I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and can confirm that taking into account the distance and topography from the site of the proposed egg laying unit that I have no objections to the proposal in respect of the setting of the listed building

Land Drainage

18th Sep 2019

Planning Department: Could the following be added as an informative for the application.

All: Having assessed the Planning Application Ref 19/1475/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Land Drainage

5th Nov 2019

I note the drainage proposal but as this site is now covered by a new planning application, the drainage requirements would now need to meet Welsh Gov's National Standards and be approved by SAB. This would cover all the site, including the new build.

Further detail is therefore required to demonstrate that not only the hydraulic standards can be met but also water quality, amenity & biodiversity. It should be noted that should the SAB identify that the current proposals are unacceptable and that changes are required then this could result in a need for amendments to any subsequent planning permission if granted, causing further delays and additional costs to the applicant.

*Correspondence received 13<sup>th</sup> July 2020 –*

Apologies for the delay.

As you will be aware, the County Land Drainage/SAB team have been working with the Roger Parry & Partners (RP&P) to review the access drainage proposals, particularly since the surface water drainage for this development site now needs to comply with Welsh Government's statutory standards for sustainable drainage systems.

In relation to the revised Access drainage arrangements shown on drawing no. GD-MZ213-04 "Drainage Plan (Access)" dated 13/05/2020 prepared by RP&P, the proposals put forward would be generally acceptable. However, the detail design will need to be approved as part of a separate SAB submission for the whole application site.

With regard to the building and associated hardstandings, the drainage arrangements are shown on drawing no. GD-GHJ/01 "Drainage Plan" dated 03/09/2019, prepared by RP&P, the design of which would have been pre-SAB era. The concept is generally acceptable but as mentioned, the surface water drainage for both the access and building/hardstanding areas will now need to comply with Welsh Government's national standards for SuDS, which has to not only consider the hydraulic requirements but also water quality, amenity and biodiversity. Other than the proposed drainage drawing mentioned above, no further details have been submitted to show what has been installed

for the building / hardstanding arrangements.

Additional drainage related works may well be required, specifically for the building and associated hardstanding areas, in order to bring these area up to the required national standards.

Hope this is of assistance.

Natural Resources Wales (North) DPAS

2nd Oct 2019

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which was received on 12/09/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. We would object if the scheme does not meet this requirement.

Requirement 1 - Amendment of Manure Management Plan to include Nitrogen figures for sheep

Subject to the satisfaction of this requirement, we would request the following condition:

Condition 1 - To prevent pollution to watercourses during the construction and operational phases of the proposal, the development shall be carried out in accordance with the:

- i i) Manure Management Plan (subject to the satisfaction of Requirement 1)
- ii ii) Drainage Plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners)
- iii iii) Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners).

Manure Management Plan

We have reviewed the manure management plan ('Manure Management Plan', Roger Parry & Partners) submitted in support of the proposal.

The plan states that the manure will be spread on the land at the farm and calculates the quantity of manure which will be produced. The manure spreading plans include buffers

to sensitive receptors. These plan also include a ranging plan with buffers to sensitive receptors.

Requirement 1 - Amendment of Manure Management Plan to include Nitrogen figures for sheep

We note from section 2.3 of the Design & Access Statement it states 'the farm business is currently a beef and sheep farm', however the sheep have not been accounted for in the nitrogen figures in the Manure Management Plan. The sheep and all other livestock must be included in the Nitrogen figures as Nitrogen loading all year round.

Protected Sites and aerial emissions

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

Detailed aerial emissions modelling has been submitted ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House at Tyn-Yr-Wtra, near Llanwyddelan in Powys' by AS Modelling & Data Ltd., 26th April 2018).

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

- o Cors Llanllugan SSSI
- o Gregynog SSSI.

The background ammonia concentration around Pentre Penarth is 1.41  $\mu\text{gNH}_3/\text{m}^3$ , and the background nitrogen deposition is 28.70kgN/ha/yr to woodland and 19.04kgN/ha/yr for short vegetation. The report sources these figures from the Air Pollution Information System (APIS, February 2018).

The ammonia critical levels and nitrogen critical loads used for the sites are considered correct.

The report predicts the process contributions to ammonia concentration and nitrogen deposition are below the thresholds we apply in our assessment of potential impacts on protected sites. These predictions for the Gregynog SSSI are 0.3% for ammonia, and 0.2% for nitrogen at the highest concentrations.

Drainage Plan

We have reviewed the drainage plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners) submitted in support of the proposal.

The plan shows the dirty water and clean water being drained separately. The dirty water will flow to a tank built to comply with the SSAFO Regulations, and the clean surface water will flow to a soakaway system.

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

#### Pollution Prevention

We have reviewed the pollution prevention plan ('Method Statement Pollution Prevention', by Roger Parry & Partners) submitted in support of this proposal.

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

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

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

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

#### Environmental Permitting Regulations

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

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

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

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

exemptions will need to be obtained prior to works progressing on site.

#### Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN020 Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units' and 'GN021 Poultry Units: planning permission and environmental assessment' available on our website: <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

#### Abstractions

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

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

#### Discharges

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

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

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Natural Resources Wales (North) DPAS

14th Feb 2020

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o Ranging Area Plan (plan titled 'Manure Management Maps', part of the revised Manure Spreading maps uploaded to your Authority's website on 12th February 2020)
- o Manure Management Plan (document titled 'Manure Management Plan' by Roger Parry & Partners, uploaded to the Local Authority website on 21 Oct 2019)
- o Drainage Plan (plan titled 'Location Plan', drawing no. GD-MZ213-01 dated 21/01/2018 by Roger Parry & Partners)
- o Pollution Prevention Plan ('Method Statement Pollution Prevention', by Roger Parry & Partners).

### Ranging Area Plan

We have reviewed the amended Ranging Area Plan (plan titled 'Manure Management Maps', part of the revised Manure Spreading maps uploaded to your Authority's website on 12th February 2020).

The plan shows a 10m buffer being maintained to watercourses, and includes 50m buffers to wells, springs and boreholes.

Ein cyf/Our ref: CAS-109003-X5R3

Eich cyf/Your ref: 19/1475/FUL

Welsh Government Building, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR

ebost/email: northplanning@cyfoethnaturiolcymru.gov.uk

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[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) Page 2 of 2

Provided the proposal operates in accordance with this plan, it would be unlikely to cause adverse effect on the surrounding environment.

### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and

do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

CPAT

12th Sep 2019

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

Cadw

2nd Oct 2019

Thank you for your letter of 12 September 2019 inviting our comments on the information submitted for the above planning application.

#### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments listed in our assessment of the application below.

#### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

#### National Policy

Applications for planning permission are considered in light of the Welsh Government's



land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (planning-policy-wales-edition-10.pdf) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

## Assessment

Within 3km are nine scheduled monuments, of these the following six are not inter-visible due to the intervening topography: MG001 Caersws Roman Site, MG161 Roman Earthwork NE of Caersws (revealed by aerial photography), MG222 Caersws Roman Fort: Section of South Western Defences, MG242 Caersws Roman Fort and Vicus: section in southern part of vicus, MG243 Caersws Roman Fort and Vicus: section in SE part of vicus, MG244 Caersws Roman Fort: South-west corner defences.

Three other scheduled monuments are potentially inter-visible. MG064 Gwyn Fynydd Camp comprising the remains of an earthwork/stone-built enclosure, the date which is unknown, but it is likely to be later prehistoric or medieval. This enclosure is well-preserved, comprising a sub-circular settlement with a single bank and ditch, and

counter-scarp bank existing on all but E sides. The bank stands to a max height of c 1.5m on outside and c 0.75m on inside. Located on the south eastern side of a ridge c 975m to the east of the proposed development, views in the direction of the proposal may just catch the upper parts of the intended buildings, though it is likely that hedgerows in the near ground of the monument would further reduce this possibility. Any potential damage to the setting of the monument is likely to be very slight.

MG123 Wyle Cop Camp is an irregular hillslope enclosure, c.78m by 50m located on the south east end of the ridge of Alltwenog about 970m to the north northwest of the proposal. The enclosure site has broad views over the lower ground, which is likely to have been intentional. The addition of another modern building into the landscape as seen from the monument will diminish the sense of place marginally; the damage to the setting of the monument will be slight.

MG324 Caersws Roman road comprises one of the surviving earthworks of the Roman road travelling west from the fort at Caersws it is visible as an earthwork agger, or raised embankment situated within enclosed and improved pasture. From the monument the proposal will be visible on a distant horizon 2.6km to the north east, any effect upon the monument's setting will be very slight.

Natural Resources Wales (North) DPAS

11th Jun 2020

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was received on 22/05/2020.

We note the amended plans (GD-MZ213-05 and GD-MZ213-04) relate to the access and show amendments to the layout and drainage of the access track. No other element of the scheme appears to have been amended. We have no additional comment to make on the proposal and would refer you to our previous response dated 14/02/2020 (our reference CAS-109003-X5R3). In relation to our previous response we referenced the need to include the drainage plan (associated with the egg production unit) in the list of approved plans should permission be granted. It should be noted that the correct name and reference of this plan is 'Drainage Plan' GD-GHJ/01.

Our comments only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to

ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Highways

30th Jul 2020

The development shall be carried out in accordance with drawing number GD-MZ213-05.

Notwithstanding the submitted details on drawing number GD-MZ213-05 the Highway Authority wish the following conditions to be applied to any consent given.

1. Within 10 days of the date of the Planning Consent the access shall be 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 carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in a westerly direction and 120m in an easterly direction measured from the centre of the access along the edge of the adjoining carriageway. 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.
2. 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.
3. Within 10 days of the date of the Planning Consent 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 and be finished in a 40mm bituminous surface course material for a distance of 20 metres 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.
4. Within 10 days of the date of the Planning Consent, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.
5. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

6. No surface water drainage from the site shall be allowed to discharge onto the county highway.

7. Any vehicular entrance gates installed within the application site shall be set back 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

8. Within 10 days of the date of the Planning Consent the existing means of access shown on drawing number GD-MZ213-05 shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

## **Representations**

At the time of writing this report 14 representations have been received by Development Management. The concerns expressed therein can be summarised as follows;

- Retrospective application – development not undertaken in accordance with planning permission/ multiple breaches of condition;
- Cumulative impact;
- Landscape and visual impact;
- Unacceptable odour impact;
- Adverse impact on tourism assets;
- Subsidence;
- Environmental pollution;
- Impact on designated sites.

## **Planning History**

M/2007/1028 - Erection of an agricultural livestock shed. Approved 26/11/07.

P/2008/0252 – Householder: Erection of a 2 story extension. Approved 01/04/08.

P/2018/0175 - Full: Extension to existing general purpose agricultural building. Approved 21/03/16.

P/2015/0627 - Full: Installation of a ground mounted solar pv array and associated metering cabinet. Approved 30/09/2015.

P/2018/0466 - Full: Erection of an egg laying unit, creation of vehicular access and all associated works. Approved 18/10/2018.

19/0167/DIS - Application to discharge planning condition no's 15,18, 22, 23, 24 and 25

attached to planning permission P/2018/0466 (gateway closure; landscaping; ground and floor levels and access sections; hedgerow compensation plan; hedgerow protection plan; surface water drainage scheme). Approved 25/04/2019.

19/2011/FUL - Erection of a manure store. Approved 11/05/2020.

### **Principal Planning Constraints**

Scheduled Ancient Monument

### **Principal Planning Policies**

PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land	Local Development Plan 2011-2026

	Drainage	
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Development on Unstable or Contaminated Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Introduction

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

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

### Site Location and Description

The site subject to this application is located within the open countryside, approximately 0.3 miles north east of Llanwyddelan. The application site is bound by agricultural land to the north, east and south. Located to the east is the existing agricultural complex and farmhouse.

Consent is sought in retrospective for the siting of a free range egg laying unit (32,000 birds), installation of feed hoppers and construction of a new access track off the county highway. The proposed poultry unit will comprise of box profile sheeting (Juniper Green) and measures approximately 139.6 metres in length by 20 metres in width. The ridge (including ridge mounted fans) and eaves height of the proposed building measure approximately 6.1 metres and 3.3 metres respectively. The proposal also includes the provision of 4 feed silos measuring approximately 8 metres in height.

The proposed building will accommodate a maximum of 32,000 birds and will operate on a 13 month cycle. Birds will remain in the building for the duration of the cycle after which time the flock will be removed, the building cleaned and a new flock introduced to restart the egg production cycle. The birds will have access to a ranging area surrounding the proposed building.

Vehicular access to the site will be provided via a new access off the county highway located to the north whilst hardstanding/concrete apron will be provided within the application site for the parking and turning of associated vehicles.

### Environmental Impact Assessment Regulations 2017

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

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

The proposed development will accommodate a maximum of 32,000 birds whilst the new floor space will amount to approximately 2792 square metres. On the basis of the proposed bird capacity, the proposed development constitutes Schedule 2 development, exceeding the applicable threshold (500 square metres of new

floorspace) and therefore the development is required to be screened in accordance with Schedule 3 of the Regulations.

Based upon the characteristics of the development, location of the development and characteristics of potential impact, it is not considered that the development would have a significant environmental impact within the meaning of the Regulations. As such, the adopted screening opinion indicates that the development does not amount to EIA development.

### Key Material Considerations

In determining the planning application, it is considered that the key material planning considerations are as follows;

- Planning history/fallback position;
- Principle of development;
- Landscape and visual Impact;
- Highway safety and movement;
- Ecology, biodiversity and the environment;
- Impact on residential amenity;
- Impact on rights of way & tourism;
- Cultural heritage;
- Ground stability.

### Planning History/Fallback position

Full planning permission was granted for the erection of an egg laying unit, creation of vehicular access and all associated works under planning reference P/2018/0466. Development commenced on site however it was subsequently brought to the attention of Development Management that works were not being undertaken in accordance with the planning permission, specifically that the location and scale of the building differed from the approved plans.

Upon further investigation, it was confirmed that the building measured approximately 139.6 metres, some 5.6 metres longer than the approved structure whilst the building had been sited forward of the approved location. Despite the extended length, the bird capacity remains 32,000. As a result of the aforementioned deviations, the extent of groundworks has altered whilst ground levels have also been affected. Members are advised that the building is now operational.

Notwithstanding the above, Members are encouraged to consider this planning application on individual merit, in accordance with relevant planning policies. The extant planning permission and potential fallback position is however a material planning consideration in determining this application.



## Principle of Development

Planning Policy Wales confirms that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

Technical Advice Notes 6 and 23 accept the principle of appropriate agricultural development within the open countryside subject to all other material considerations being satisfied.

Having carefully considered the details submitted, it is considered that the principle of the proposed agricultural development is supported by relevant planning policies and technical guidance.

## Landscape and Visual Impact

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

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

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

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

Further guidance with the Landscape SPG indicates that outside of the settlements, agricultural development proposals where the floor space exceeds 1000 square metres

have potential to result in landscape impacts. In such instances, the expectation of Officers is that the agent provides a baseline assessment indicating how the proposal has been sited and designed to integrate into the landscape as required by policy DM4. An assessment of the likely impacts together with mitigation measures are considered within the Design and Assessment Statement accompanying the application.

For the purposes of LANDMAP's Visual and Sensory layer, the proposed site of development is located within the 'Tregynon Rolling Hills' aspect area which is characterised by upland hills, lower plateau and scarp slopes. The aspect area is recognised by LANDMAP as an extensive area of rolling hillsides and pasture land with gently sloping sides and rounded tops. Views across the area are generally from a succession of rolling ridges and due to the size of the area long distance views are limited/insignificant to far distant ridgelines of upland areas. The sense of place is settled, safe and relatively intimate. Vegetation is predominantly Oak/mixed broadleaf woodland patched with a strong field pattern defined by hedgerows. General landscape character is defined strongly by the rolling farmed landscape with traditional farming techniques common ie hedge laying and few intensive farming practices employed. In light of the above assessment, the Visual and Sensory value is high.

The existing complex Tyn Yr Wtra comprises of a number of large, modern agricultural buildings which occupy an elevated position, adjacent to the public highway. The proposed poultry unit will be located to the east of the existing complex. Access to the proposed unit will be provided via a new farm track off the public highway, which given the topography of the site will result in substantial engineering operations.

The poultry unit as constructed is located on an engineered plateau, adjacent to the existing building complex. Whilst acknowledging the increased scale of the building and elevated siting above the public highway, the profile of the building is such that its height is level with the ridge height of the existing structures within the existing complex.

During the application site visit, a visit was also made to a number of viewpoints on the public highway surrounding the application site. Whilst acknowledging the building's visibility, Officers note that the unit is viewed against the backdrop of the existing agricultural complex, aiding its assimilation within the rural landscape. Furthermore, intervening topography and existing vegetation, whilst not concealing the unit in its entirety, does offer further mitigation and natural screening. When approaching the site from Llanwyddelan, views of the building are considered to be fleeting given the topography of the ground adjoining the public highway, intervening buildings and established landscaping. Again, Officers note that the building is seen within the context of the existing agricultural complex.

The application is accompanied by a landscaping scheme which indicates the implementation of new native species planting to the north east and north west of the poultry unit whilst a new hedgerow is to be planted along the roadside boundary to the north. Despite reference on the submitted plan to the implementation of the landscaping in the first planting season following first occupation, on clarifying this with the agent, it is understood that the landscaping has yet to be implemented owing to poor weather conditions during the 2019-2020 planting season (November to March). As such, a suitable condition will be attached to any planning permission requiring implementation in the next planting season and maintenance of the landscaping thereafter.

For the reasons outlined above and notwithstanding the third party objection, Officers do not consider that the proposed development will unacceptably adversely affect the character and appearance of the landscape by virtue of its siting and scale. As such, the proposal is considered to be compliant with planning policy, particularly policies SP7, DM4 and DM13 of the adopted development plan. Notwithstanding the above, in order to manage the associated landscape impacts, conditions will be attached to any grant of consent securing the implementation and maintenance of the existing and proposed landscaping. Subject to the above, it is not considered that the proposed development will have an unacceptable adverse impact on the Powys landscape, compliant with policies SP7 and DM4 of the Powys LDP.

#### Highway Safety and Movement

Policy DM13 confirms that applications must demonstrate that the development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

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

Access to the proposed poultry unit will be provided via the provision of a new access track off the public highway. The proposed egg production unit will require bulk food delivered to the farm by HGV twice a month. Eggs will be collected approximately every 3 days and vehicles delivering new birds will arrive once every 13 months. It is anticipated that the above will generate a maximum of 10-12 lorry movements a month.

Despite the Highway Authority initially expressing concerns regarding the access as constructed, following the submission of revised details and subject to the conditions as recommended within their correspondence of 30<sup>th</sup> July 2020 being imposed, it is considered that sufficient highway provision is capable of being provided. As such, it is not considered that the proposed development will adversely affect highway safety and movement, compliant with LDP policies DM13 and TD1.

### Biodiversity, Ecology & The Environment

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

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

- Manure Management Plan;
- Drainage Plan;
- Method Statement Pollution Prevention Statement;
- A Report on the Modelling of the Dispersion and Deposition of Ammonia.

### *SSSI's and SAC*

Intensive livestock installations have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

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

- Cors Llanllugan SSSI
- Gregynog SSSI

The application is accompanied by a Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House produced by AS Modelling & Data Ltd dated 26<sup>th</sup> April 2018 which has been subject to review by Natural Resources Wales.

According to the detailed modelling, background ammonia concentration around Pentre Penarth is 1.41  $\mu\text{gNH}_3/\text{m}^3$ , and the background nitrogen deposition is 28.70kgN/ha/yr

to woodland and 19.04kgN/ha/yr for short vegetation. The report sources these figures from the Air Pollution Information System (APIS, February 2018). NRW consider that the ammonia critical levels and nitrogen critical loads used for the sites are considered correct.

The report thereafter predicts that the process contributions to ammonia concentration and nitrogen deposition are below the thresholds applied by NRW in their assessment of potential impacts on protected sites. These predictions for the Gregynog SSSI are 0.3% for ammonia, and 0.2% for nitrogen at the highest concentrations. Based upon the evidence provided, no objection is offered by NRW regarding the impact of the proposed poultry development on the designated sites both on an individual basis or in combination with existing and proposed intensive livestock units within the surrounding area.

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. 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.

Following consultation, no concerns have been raised by NRW in respect of the Protected Species and therefore, on this basis, Officers do not consider that the proposed development will adversely affect any habitat or protected species in compliance with the aforementioned policy.

#### *Pollution Control*

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

The application is accompanied by a Manure Management Plan (MMP) which confirms both spreading practices and contingency measures. The document confirms that the MMP has been prepared for a total stock comprising of 1500 sheep, 100 cows and 32,000 laying hens and thereafter indicates that the existing farming enterprise has sufficient capacity to dispose of all manure produced by the enterprise in accordance

with all the relevant regulations and legislation. It is noted that a buffer (no-spread zones) of 10 metres has been provided around all watercourses whilst a 50 metre buffer has been applied to all wells, springs and boreholes in accordance with CoGAP recommendations. The plan further includes contingency measures when spreading of manure is not possible i.e. wet, waterlogged or frozen conditions; in these instances, manure from the building will be stored in covered areas on the farm.

Drawing no GD-GHU/01 identifies proposals to ensure that dirty and clean water are 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. The plan identifies that clean water from roof and clean surfaces will be drained to open and stone filled infiltration trenches and piped each side of the buildings, the clean water would then be piped to a surface water attenuation system. At the wash down stage the clean water system around the yard will be diverted to the underground dirty water tank.

A further drainage plan has been submitted (GD-MZ213-04) following prolonged dialogue with the Council's Land Drainage Authority which concentrates on surface water run-off along the proposed access road. It is understood from the proposed plan that surface water run-off will be directed to an ACCO drain and downstream defender via a drainage channel parallel to the the access road. Thereafter, the water will be piped to a historic drainage system which discharges into an existing brook on neighbouring land. It is understood that the proposed 'drainage grip' will collect the existing 'greenfield' surface water run-off from the remaining field and highway surface water run-off, communicating this to the piped system under the highway.

Unlike the earlier proposal, Members are advised that the scheme will now need to comply with Welsh Government's Statutory Standards for Sustainable Drainage Systems. Whilst Land Drainage has confirmed that the submitted scheme is fundamentally acceptable, the agent is advised that SAB approval will be required, independent of the planning application. Additional details to satisfy SAB requirements may be required at SAB approval stage however for the purposes of determining the planning application, Officers are satisfied that the submitted information demonstrates that a suitable drainage scheme is capable of being implemented, thus controlling surface water run-off and potential pollution of the environment.

In commenting on the submitted drainage details, NRW has confirmed that subject to the drainage system being built in accordance with the identified plans, it is unlikely the proposal would cause pollution to the wider environment.

A Method Statement Pollution Prevention Plan accompanies the application and indicates mitigation measures that will be implemented during the construction and operation of the proposed poultry installation. In commenting on the submitted details, NRW has confirmed that subject to compliance with the proposed measures, it is unlikely that the proposed development will adversely impact the surrounding environment.

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

### Residential Amenity

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

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

- Manure Management Plan;
- A Report on the Modelling of the Dispersion and Deposition of Ammonia;
- Dust Management Plan.

### *Noise*

The proposed poultry unit incorporates the use of mechanical ventilator extractor fans which thermostatically control the building temperature. The nearest non associated residential property (The Old Rectory) is located within approximately 215 metres of the proposed development.

Following Officer discussions, Environmental Health (EH) indicated that a complaint regarding early morning feed deliveries had been received by the department. As such, EH subsequently contacted the applicant who confirmed that feed deliveries would be re-scheduled in the interests of residential amenity. As a result of the above, EH

subsequently requested that a condition limiting the timings of deliveries be attached to any planning permission granted. Whilst such a condition was not imposed on the earlier planning permission, in light of the above, it is considered both reasonable and necessary to attach such a condition in the interests of residential amenity.

Notwithstanding the above comments, subject to the recommended condition being attached, no objection to the proposed development on noise grounds has been offered.

#### *Dust*

The application is accompanied by a Dust Management Plan. In commenting on the proposed development, no objection has been received from Environmental Health Officer in respect of dust.

#### *Odour*

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

A Manure Management Plan (MMP) accompanies the planning application which indicates that all manure produced by the poultry unit will be spread on the applicants holding in accordance with COGAP guidance. Manure will be removed from the buildings every 3-4 days and thereafter managed in accordance with the MMP. The MMP further specifies 'no-spread' zones in accordance with the CoGAP recommendations i.e. buffers of 10 metre have been provided to all watercourses whilst 50 metre buffer zones will be implemented around wells and boreholes.

Members are advised that concerns have been raised regarding the waste calculations and livestock numbers. In commenting on the claims of misleading data, the applicants agent has confirmed that the MMP calculations is reflective of current stock numbers however acknowledges that this is subject to change, as would be the case with any farming enterprise. In anycase, manure spreading on the farm will be undertaken in accordance with the relevant agricultural guidance identified above.

Despite third party objection, based upon the consultee comments received and location of manure spreading as detailed on the associated maps, it is not considered that the spreading of manure on the holding will result in unacceptable adverse impacts



on the environment as outlined above or the amenities enjoyed by residents of nearby properties, compliant with LDP policy DM13.

### *Residential Amenity Conclusion*

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

### Rights of Way & Tourism

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Whilst noting the proximity of the application site to nearby public rights of way, given the associated distances together with existing and proposed landscaping, it is not considered that the proposed development will have an unacceptable impact on the public rights of way network.

Gwernydd Hall Holiday Park is located to the north east of the application site. Whilst noting the proximity and intervisibility, given the location of the proposed development adjacent to an existing farm complex, topography of the landscape together with existing and proposed landscaping, it is not considered that the proposed development will detract from the character and appearance of the landscape. Furthermore, given the Environmental Health comments received, it is not considered that the proposed development will result in unacceptable odour and noise impacts thus safeguarding the amenities of those visiting the holiday home park.

In light of the above, it is not considered that the proposed development will have an unacceptable adverse impact on existing and established tourism assets and attractions, compliant with LDP policies SP7 and DM13.

### Cultural Heritage

#### *Listed Buildings*

The Old Rectory is a grade II listed property located approximately XXX to the south west of Tynyrwtre. The Old Rectory is sited in a slightly elevated position above the road that approaches Llanwyddelan from the B4389 and is well screened with garden

planting. The principal outlook of the property is south east with the service rooms facing north-west towards the road. Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road.

In considering the impact of the proposed development on the listed building, Officers are mindful of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 6.1.10 of Planning Policy Wales (2018) which confirms that for any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function.

Tynyrwtre is set on lower land than The Old Rectory with many large farm buildings being visible from the public road. The proposed building is to the rear (south east) of the farm holding and as such not readily visible from the front of Tynyrwtre.

In commenting on the proposed development, the Council's Built Heritage Officer notes that there is potential for the new building to be visible from the public road that leads from the B4389 towards Llanwyddelan when travelling from the bridge into the settlement. Nevertheless, the land slopes steeply to the north, and at the point when the current farm buildings to the rear of Tynyrwtre are visible, The Old Rectory is not. Similarly when The Old Rectory is visible from the public highway, the majority of the farm buildings at Tynyrwtre and the proposed building will not be readily visible.

Whilst the current proposal is slightly longer than the previously approved plans (P/2018/0466), for the reasons stated, it is not considered that the impact on the listed building would be greater than the previously consented scheme.

In light of the above and having regard to the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, given the distance and topography from the site of the proposed egg laying unit to the grade II listed building, it is not considered that the proposed scheme would harm the setting of the Old Rectory. The proposal is therefore considered compliant with LDP policy SP7, Technical Advice Note 24 and Planning Policy Wales.

#### *Scheduled Ancient Monuments*

Technical Advice Note 24 explains that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a

presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

It is understood that there are nine scheduled monuments within 3km of the application site, of these the following six are not inter-visible due to the intervening topography: MG001 Caersws Roman Site, MG161 Roman Earthwork NE of Caersws (revealed by aerial photography), MG222 Caersws Roman Fort: Section of South Western Defences, MG242 Caersws Roman Fort and Vicus: section in southern part of vicus, MG243 Caersws Roman Fort and Vicus: section in SE part of vicus, MG244 Caersws Roman Fort: South-west corner defences.

Three other scheduled monuments including MG064 Gwyn Fynydd Camp, MG123 Wyle Cop Camp and MG324 Caersws Roman road are considered to be potentially inter-visible with the application site however given the intervening distances and topography, it is not considered that the proposed development will adversely affect the setting of the monuments.

Whilst acknowledging the potential for harm to the identified monuments, in their correspondence, Cadw confirm that this is considered to be 'slight or very slight'. Given the intervening distances, topography and vegetation, Officers do not consider that this would amount to significant harm and therefore it is not considered that the proposed development will compromise the desire to safeguard the setting of scheduled assets compliant with policy SP7 of the Powys LDP, Technical Advice Note 24 and Planning Policy Wales.

### Ground Stability

As part of the proposed development and consistent with the earlier approved scheme, Members are advised that engineering operations have been undertaken to alter the associated ground levels, predominantly the land adjoining the proposed poultry unit. During the course of the application, third party concerns were expressed regarding potential subsidence and associated risk to public safety following a prolonged period of adverse weather conditions.

Ground instability is addressed within LDP policy DM10 which indicates that development proposals on unstable land will be permitted where they do not result in

any additional problems of ground instability either on or off site and shall remediate the instability. DM10 however acknowledges that ground instability is often associated with sites that been the subject of waste disposal operations or areas where past mineral workings have taken place. That said, the policy does emphasise that the responsibility for determining the extent and effects of instability lies with the developer, who must ensure that land is suitable for the development proposed.

In responding to the concerns raised, the applicant's agent confirmed that the building is located on existing hardstanding and not engineered ground. That said, it was acknowledged that the topsoil on the adjoining ground had slipped during extreme weather conditions although this did not amount to material subsidence. In addition to the above, correspondence from the company responsible for the groundworks completed inspected the site following the slippage experience and thereafter confirmed that this had not affected the stability and integrity of the ground on which the poultry unit is located. Officers are also aware that the Highway Authority undertook a site visit following receipt of the subsidence report and subsequently confirmed no evidence of subsidence that would impact the integrity or safety of the public highway.

For the reasons outlined above, whilst noting the slippage of top soil experienced, it is not considered that there is any evidence to suggest that the development has been built on unstable ground for the purposes of policy DM10 and Planning Policy Wales. In anycase, Officers consider that any future subsidence would fall within the remit of the Health and Safety Executive.

### **Recommendation**

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

### **Conditions:**

1. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's: GD-MZ213-01 Location Plan, GD-MZ213-02 Proposed Elevations and Floor Plan, GD-MZ213-03 Block Plan, GD-MZ213-04 Drainage Plan, GD-MZ213-05 Proposed Highway Plan, GD-GHJ/01 Drainage Plan, GD-GHJ/05 Ranging Area Hedgerow Plan and GD-GHJ/06 Landscaping Plan and documents; Design, Access and Planning Statement, Dust Management Plan dated September 2019, Manure Management Plan - Rev A received 16/09/2019, Manure Management Plan Maps received 03/10/2019 and Method Statement Pollution Prevention).

2. 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.

3. 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.

4. The maximum number of birds on site shall not exceed 32,000 laying hens.

5. All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Fridays from 08.00 to 18.00 hours, Saturdays from 08.00 to 13.00 hours and at no time on Sundays, Bank and public holidays.

6. Within 10 days of the date of this permission the access shall be 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 carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in a westerly direction and 120m in an easterly direction measured from the centre of the access along the edge of the adjoining carriageway. 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.

7. 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.

8. Within 10 days of the date of this permission 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 and be finished in a 40mm bituminous surface course material for a distance of 20 metres 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.

9. Within 10 days of the date of this permission, provision shall be made within the curtilage of the site for the parking of not less than two cars and two heavy goods vehicles 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.

10. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 20 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

11. No surface water drainage from the site shall be allowed to discharge onto the county highway.

12. Any vehicular entrance gates installed within the application site shall be set back 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

13. Within 10 days of the date of this permission the existing means of access shown on drawing number GD-MZ213-05 shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

14. Notwithstanding the approved landscaping plan (drawing no. GD-GHJ/06), all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of this planning permission. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

#### Reasons

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

2. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).

3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to Policy DM13 of the Powys Local Development Plan and Planning Policy Wales (2016).
4. In order to control bird numbers and safeguard the environment in accordance with policies SP7, DM2 and DM13 of the Powys Local Development Plan (2018), TAN 5: Nature Conservation and Planning, Planning Policy Wales (2018).
5. To protect the local amenities of the local residents by reason of noise in line with LDP policy DM13, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2018).
6. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
7. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
8. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
9. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
10. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
11. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
12. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
13. In the interests of highway safety and movement in accordance with policies DM13 and TD1 of the Powys Local Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
14. To ensure that the site is adequately landscaped in accordance with policies DM4

and DM13 of the Powys Local Development Plan (2018).

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