

**Application Number:** DM/2020/00636

**Proposal:** Sheep housing/ general purpose agricultural building.

**Address:** Henrhiw Farm, Monkswood, Usk

**Applicant:** Mr Gregory Lippiatt

**Plans:** All Proposed Plans Tree and Hedgerow Planting Method Statement - , Location Plan RAC/8624/4 - , Site Plan RAC/8624/5 Rev. 1 - , Elevations - Proposed RAC/8624/6 - , Other Supporting Agricultural Appraisal

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton  
Date Valid: 19.05.2020

This application was deferred at the Committee meeting held on 7 September to enable a site visit to be made. The notes of the site inspection will be presented as late correspondence.

The previous report and recommendation to committee are presented below.

## **REPORT TO PLANNING COMMITTEE 7<sup>th</sup> SEPTEMBER 2021**

**This application is presented to Committee at the request of the Delegation Panel**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application seeks full planning permission for a new steel portal frame, agricultural building to house sheep at a farm known as Henrhiw Farm, Monkswood. The holding extends to 54 hectares (133.5 acres) of which 16 hectares/ 40 acres is owned and 38 hectares/ 94 acres of the adjoining land is rented on a 10 year farm business tenancy.

The existing yard is positioned on the eastern side of the holding and currently contains two steel portal frame buildings both of which were approved in 2017- an open fronted building on the south-eastern side of the yard, adjacent to which the current proposal would be developed (DC/2017/01107 refers) and a building on the south-western side of the hardstanding enclosed by roller shutter doors (application DC/2017/01370 refers). Both buildings were approved under the agricultural notification process and are to be used for the storage of implements and machinery. The open fronted building on the south-eastern side of the yard currently contains a log cabin which is the subject of application DM/2020/01292 for its retention and relocation.

Details submitted in support of the application specify that the applicant has the following equipment and machinery:

- two tractors;
- a full range of haymaking and silage equipment - a hay bob/ rake, mower, baler and wrapper;
- an excavator for drainage and maintenance work on the farm;
- a telehandler;
- a quad bike;
- an assortment of trailers – to include, a solid sided tipping trailer; flat bed, sheep, cattle and quad bike trailer;
- Post basher/ hedge trimmer;
- Fertiliser spinner;

- Plough
- Various ring and concentrate sheep feeders
- Galvanised sheep hurdles
- Power harrow
- Chain harrows

The building the subject of the current application will be positioned to the north-east of the existing open fronted building, adjacent to the access leading to the Glascoed Ordnance factory. Part of the hardstanding on which the structure would be erected is currently unauthorised and the subject of a retrospective application for planning permission- DM/2020/01153 refers

### 1.2 Value Added

Additional details relating to landscaping and foul water disposal have been provided during the course of the application.

### 1.3 Proposal Description

The application seeks full planning permission for the development of an open fronted steel portal framed building to be used for the accommodation and lambing of ewes. The proposed building will be located adjacent to the south eastern boundary of the site.

The proposed building dimension would measure 54.9m wide, 12.1m deep with a pitched roof with a maximum height of 6.72m. The building would be steel framed with three walls and the roof clad in olive coloured galvanised steel. Removable Galebreaker material used on the north-western elevation overlooking the yard. It is proposed that additional landscaping (trees and hedgerows) be provided to the north-east of the development, either side of the existing access to the site.

During 2020 the applicant started purchasing poll Dorset sheep and currently has a flock of approximately 135 ewes but intends to increase the flock to 350 breeding ewes over the next three years. As younger Dorset ewes have a shorter gestation period, it is anticipated that the flock would lamb three times over a two year period. Although it was the applicant's intention to breed the flock in September, a number were covered earlier in the year by a neighbour's ram. As a result, lambing has been underway on an intermittent and ad hoc basis since later November with the part of the existing open fronted building used for mothering and monitoring.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01131	Proposed new agricultural building for the storage of farm machinery in a secure building.	Withdrawn	16/07/2018.
DM/2019/01955	Proposed agricultural building for storage use.	Withdrawn	20.12.2019
DM/2019/01998	Retention of temporary rural enterprise worker's dwelling.	Withdrawn	19.05.2020

DM/2020/01292	Retention of a temporary rural enterprise worker's dwelling.	Pending Consideration	
DC/2017/01102	Proposed erection of agricultural building - 120 x 40ft.	Approved	18.10.2017
DC/2017/01370	Proposed new agricultural building for the purpose of storage of farm machinery in a secure building, including hard standing area for turning machinery.	Approved	16.01.2018
DM/2020/01153	Retrospective planning application for hardstanding area.	Pending Consideration	

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S10 LDP Rural Enterprise  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S16 LDP Transport

#### **Development Management Policies**

RE4 LDP New Agricultural and Forestry Buildings  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
SD4 LDP Sustainable Drainage

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llanbadoc Community Council** - The community council objected on the basis the building is not reasonably required for agriculture.

**MCC Urban Design Officer** - Concerns raised by conditions recommended.

**MCC Ecology** – Conditions recommended

**MCC Environmental Health Officer** - Concerns raised regarding noise but no noise assessment requested.

**MCC Highways Authority** - No objection.

**Local Lead Flood Authority** - No objection, subject to a condition and informative.

**Sustainable Drainage Approving Body (SAB)** - The SAB advised that SAB approval is required.

**Natural Resources Wales** – Concerns raised with regards to the proposal. Conditions with regard to a Construction Environmental Management Plan are recommended.

No objections raised with regards to the foul water disposal and impacts on the defined phosphate sensitive area of the river Usk to the proposed development as submitted and provide the following advice.

**HM Explosives Inspectorate** - No response received.

## 5.2 Neighbour Notification

Following direct neighbour notification and the erection of a site notice, four letters of objection from two households have been received, raising the following concerns:

- No objection to the site being used for storage only, as planning was originally approved for, or sheep.
- Plans do not accurately depict adjacent properties;
- Proposed building will be within 10m of a watercourse;
- Adverse noise impact arising from the active industrial enterprise is operated from the site, in the form of buying, repairing, refurbishing and selling second-hand farm machinery.
- Proposed development is 6m from the boundary with Little Henrhiw; and
- Another building will encourage further expansion of a non-farming enterprise and turn the site into a business park.
- The application site has been occupied for most of this year (2020) by large agricultural machinery of the type being sold. There is very little evidence of agricultural/ farm use

## 5.3 Local Member Representations

Ward Member, Cllr V Smith, was notified of the application on the 4th June 2020. No objections or representations have been received.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

The site is positioned on the eastern boundary of a wider agricultural holding, in an area of open countryside within the community of Llanbadoc. There is a general presumption against development in the open countryside unless the proposal accords with national planning policy or specific policies in the LDP.

In respect of this proposal, Policy LC1 of the LDP permits new built development in the open countryside if it is compliant with subject policies in the plan and meets the criteria identified in policy LC1. The specific relevant policy in this case is RE4 which supports new agricultural buildings.

Policy RE4 of the LDP allows new agricultural buildings providing they are reasonably required for agriculture and have adequate provision for foul and surface water disposal.

Based on the information submitted, the building is required for the purposes of agriculture to house sheep. The applicant currently has a flock of approximately 135 Dorset ewes and intends to increase the number of breeding ewes to 350 over the next 3 years. Although there are other buildings on the yard, the roller shuttered door building is not suitable for the accommodation of livestock due to layout and reduced ventilation, air movement and circulation. The agent has advised that despite being used at the current time, the existing open fronted building to the south-west of the current proposal is too small for long term use by the intended flock size and is needed for the storage of existing implements and machinery.

Regulation 4(1) of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. No. 3070. (W.264)) states that a person responsible for a farmed animal must take all reasonable steps to ensure that the conditions which it is bred or kept comply with Schedule 1 of the regulations.

Regulation 4(2) of the above states:-

- in deciding whether the conditions under which animals are being bred or kept comply with the requirements set out in Schedule 1, a person responsible for a farmed animal must have regard to their species, degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with good practice and scientific knowledge.

In accordance with the above, the Welsh Government Code of Practice for the Welfare of Livestock: Sheep, March 2010, encourages all those who care for farm animals to adopt the highest standards of husbandry. Freedom from discomfort through the provision of an appropriate environment including shelter and a comfortable resting area, is one of the 'Five Freedoms' defined and elaborated by the Farm Animal Welfare Council. These form a basis for the assessment of welfare within any system together with the actions necessary to safeguard welfare within the constraints of an efficient livestock industry. The number and type of sheep kept and the stocking rate and/or housing density should depend on the suitability of the environment, the capacity of the farm, the competence of the shepherd and the time available to carry out his or her duties.

Schedule 1, paragraph 4 of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. 2007 No. 3070 (W.264)), states that, where any animals (other than poultry), are kept in a building:-  
- they shall be kept on, or have access at all times to, a lying area which either has well-maintained dry bedding or is well-drained. Schedule 1, paragraph 9 states: the freedom of movement of animals, having regard to their species and in accordance with good practice and scientific knowledge, must not be restricted in such a way as to cause them unnecessary suffering or injury.

It is recognised that the winter housing and indoor lambing of sheep can improve welfare subject to adequate ventilation, sufficient trough space and lying area being provided. The space allowance and group size for housed sheep should be determined according to age, size and class of livestock. The following examples of good practice are given within the WG code of practice:

Category of Sheep relative to Space allowance

- a) Lowland ewes (60 - 90 kg liveweight) - 1.2 - 1.4 m<sup>2</sup> floor space per ewe during pregnancy.
- b) Lowland ewes after lambing with lambs at foot up to 6 weeks of age 2.0 - 2.2 m<sup>2</sup> floor space per ewe and lambs.
- e) Lambs up to 12 weeks old - 0.5 - 0.6 m<sup>2</sup> floor space per lamb.
- f) Lambs and sheep 12 weeks to 12 months old - 0.75 - 0.9 m<sup>2</sup> floor space per lamb/sheep.

Where possible pregnant ewes should be kept in groups of less than 50 to allow for better individual recognition and attention at lambing time.

In accordance with the information provided by various Dorset Breeding Clubs, the Dorset is considered to be a versatile breed able to adjust to a wide range of conditions i.e. hill ground or lowland, with an average weight of 68-91 kg (150-200lbs).

The following information has been provided by the agent:

"The proposed building measures 54.9m x 12.1m (664m<sup>2</sup>) which would provide sheep housing and storage for hay and straw bedding. This enables the bales to be easily collected from the storage area within a single building during the busy lambing period – which is particularly useful if it is snowing or during the night.

Recommended space requirements for a large ewe and lambs up to 6 weeks old are 2.2m<sup>2</sup> of floor space per ewe plus 0.4m<sup>2</sup>/ewe for a separate creep area for lambs which would be housed during the winter period – equating to a space requirement of 2.6m<sup>2</sup>/ewe.

Following lambing in communal pens, the ewe and her lamb(s) would be taken to individual mothering up pens for the ewe to form a strong maternal bond. This would require an area of 2m<sup>2</sup> per ewe. In a flock of this size it would not be unusual for 25-30 ewes to lamb in a single day. Therefore, the pens account for another 60m<sup>2</sup> of floor area.

Thus, the building would provide space for:  
Lambing area - 175 ewes x 2.6 = 455m<sup>2</sup>  
Mothering up - 30 ewes x 2.0 = 60m<sup>2</sup>  
Storage of bedding/ straw and hay = 150m<sup>2</sup>

If some of the flock drifted over from the previous lambing period because they did not conceive, or if the flock increased in size, the building would be able to accommodate them through flexibility of use and design."

The agent has advised that the lack of accommodation has resulted in a higher level of lamb mortality during the latest lambing period.

Although relatively large, the building proposed is considered functional and utilitarian in form and is designed to meet the current and anticipated needs of the holding. It is also considered that the further investment in infrastructure is representative of the applicant's intention to grow the agricultural enterprise. There is no evidence to suggest that the proposed building would be used for anything other than agriculture.

The Local Lead Flood Authority (hereafter referred to as the LLFA) has commented on the application and advised that the site is in an area of surface water flooding. A condition is therefore required to manage surface water. There will be no foul drainage associated with the proposals.

It is therefore concluded, that subject to condition, the proposal accords with LDP Policy RE4.

Other requirements of Policy LC1

Policy LC1 is a criteria-based policy and the requirements are considered in more detail below.

a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5; b) new buildings are wherever possible located within or close to existing groups of buildings;

The building would be positioned on the south-eastern edge of an existing yard area, adjacent to other farm buildings. The other farm buildings are approximately 6.2m in height and the proposed building would be 6.72m. The limited difference in height and similar appearance with the existing buildings would ensure the proposed building would read in the landscape as a natural addition to

the farmyard, assimilating with the existing landscape and would meet criteria a) and b) of Policy LC1.

c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; d) the development will have no unacceptable adverse impact on landscape, historic/cultural or geological heritage, biodiversity or local amenity value

The proposed building is designed for an agricultural purpose and has a typical form of building of this nature found in a rural context. Although the building would have a larger footprint than the others on site it would be similar in height (as discussed above). Given its close positioning to the existing buildings and access to the site, it is considered that the scale and bulk of the building would not appear incongruous and would respect the surrounding countryside setting.

Given the design, form and position of the building relative to the existing yard and building in association with landscaping measures proposed and the rising topography of the applicant's land holding to the south-west, it is considered the proposed building will not have an unacceptable impact on the landscape, historic/ cultural or geological heritage of the wider area

The building would be located on the south-eastern edge of the hard-surfaced yard area. As a result of the existing approved developments the specific site of the proposed building has limited biodiversity value although this will be discussed further below.

Impact on local amenity is discussed in more detail below under the sub-heading 'residential amenity'.

Considering the development in the context of Policy LC1 together with Policy RE4, it is concluded the principle of development is satisfied. Other material considerations which require assessment are detailed below.

## 6.2 Design and Visual Impact

The building will be a steel portal framed, pitched roof building with a floor area of 669m<sup>2</sup>. Externally the elevations and roof would be finished with olive coloured plastic-coated sheets. The north-western elevation would be open fronted with the exception of installation of 'Gale Breaker' material during lambing. It is considered that the development proposed would appear agricultural in form and appearance and would be in keeping with the yard setting.

The proposed building would be sited so the width would be parallel to the site boundary with the smaller gable elevation visible from the A472 to the north-east of the site.

The Council's Landscape Officer raised a holding objection based on a lack of a sufficient landscaping plan. The applicant subsequently submitted an additional landscaping plan showing the provision of five trees and a hawthorn/hazel hedgerow to be planted along the bank of the watercourse to the north-east of the development, either side of the existing vehicular access. Although the Officer remains concerned regarding the lack of detail and has suggested a number of conditions, the landscaping would offer screening to the building and wider yard area when viewed from the A472. Given the site is an existing agricultural holding and yard and has no existing landscaping, the proposed planting is considered acceptable and would offer screening to soften the appearance of the existing and proposed developments. Having reviewed the location of the planting, the LLFA have raised no concerns with regards to its proximity to the watercourse.

Although the proposed building is large, it is considered that its siting on the lowest part of the land holding, adjacent to existing buildings and the highway and the provision of additional landscaping to screen the proposal will prevent the building from having such a detrimental impact on the character and appearance of the area to warrant refusal of the application.

Subject to conditions, it is considered that the application complies with LDP policies DES1 and RE4.

### 6.3 Residential Amenity

The building will be located on an established yard and introduce a large building which has capacity to house up to 350 sheep. The yard is already in an agricultural use. Although the existing buildings were approved for storage purposes, subsection A.2(1)(a) of Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 does allow the existing structures to be used for the accommodation of livestock in exceptional circumstances (i.e. quarantine; an emergency arising from the damage or loss of buildings from fire, flood or storm; for the accommodation of sick or newly born animals or for shelter against extreme weather). The proposed development would introduce a purpose built livestock building that could be used for the accommodation of livestock for a longer period than that approved by A.2(1)(a), which in turn could generate noise and odour issues for adjacent residential properties.

The nearest neighbours are Little Henrhiw and Lisvane. These properties are located approximately 85m and 115m away, respectively. The residential curtilage of Little Henrhiw is approximately 25m from the building, separated by the access road into the BAE Systems base.

The agent has advised that the sheep will be bed on straw which will be replenished approximately twice per week. This is to prevent odour and to prevent infections which could adversely affect the ewes and lambs. Given the building would be covered and subject to appropriate management, it is considered that the odour generation is likely to be limited. Furthermore, given the rural context of the site the odour associated with the building is unlikely to be perceptible to the nearby neighbours, especially given the separation distance.

In terms of noise, the open side of the building will face into the yard and the elevation closest to the site boundary adjacent the nearby dwellings would be solid. It is considered that the orientation of the building and appropriate management in terms of feeding would assist with reducing noise levels. Given the existing ambient noise levels arising from the A472, the intermittent use of the building for lambing and weather protection, the separation distances that would be maintained with the adjacent dwellings and the rural context of the site, it is considered the noise levels associated with the proposed use would be not be harmful to an extent which would warrant refusal of the application.

The Environmental Health Officer had raised concerns regarding the noise level but does not consider their concerns substantiate a reason for an objection.

Following consultation, an objector has identified that they have no objection to the use of the buildings for storage or sheep. Their objections with regards to noise are in relation to that generated by the use of the existing buildings for the repair, refurbishment and subsequent sales of agricultural kit and machinery. In response the Agent has advised that whilst the applicant was previously operating a machinery sales business from the site, this enterprise has now been relocated. The use of the existing buildings for anything other than agriculture could be the subject of enforcement action. In line with the interpretation of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, if within 10 years of the date of approval the agricultural use of the existing buildings permanently ceases and an alternative use is not granted by the Local Planning Authority, the buildings must be removed and the land restored to its original condition.

To conclude it is acknowledged there may be an impact in terms of odour and noise arising from the use of the building. However, it is considered that the impact would not be of a level so out of keeping with the rural setting or harmful to residential amenity to warrant refusal of the application. It is therefore considered that the proposal accords with the relevant criteria of policies RE5 and EP1.

### 6.4 Biodiversity

The building would be located on the south-eastern edge of the hard-surfaced yard.



Following consultation Natural Resources Wales (NRW) have raised concerns regarding the application but have advised that the application could be approved subject to the imposition of a Construction Environmental Management Plan (CEMP) condition.

Following consultation the Council's Ecologist has advised that the site is within the buffer of the River Usk SAC and will need to be the subject of a Habitats Regulation Assessment (HRA). Following review of additional information in relation to Ecology, the Officer has raised no objection to the application subject to conditions and the application being reviewed as part of the Habitats Regulation Assessment (HRA). This process was initiated 19 January 2021 with a subsequent NRW response received on the 2nd February 2021, stating:

"We have reviewed the HRA Screening Matrix & Appropriate Assessment, prepared by your Authority in respect of the above application. We are satisfied with the conclusions of the Appropriate Assessment and believe the conditions identified are appropriate to avoid adverse effects on the River Usk Special Area of Conservation (SAC). However, we recommend the following reason be added to the Landscape Plan Section (page 14) to include: "REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC." Matters with regards to the phosphate implications on the SAC are discussed below.

Although some new areas of landscaping are proposed to the north-east of the development, details with regard to biodiversity net gain have not been submitted in support of the application. These could however be secured by condition. The Council's Landscape/ Urban Design Officer has also identified that additional details with regards to the landscaping will need to be sought by condition.

Subject to conditions to secure sufficient and appropriate compensation, mitigation and biodiversity net gain, the provision of additional information with regards to landscape, the imposition of a CEMP condition and the successful completion of the HRA process, the application is considered compliant with LDP policies S13 and NE1.

## 6.5 Highway Safety

The yard and wider holding already benefits from an existing vehicular access which would not be altered by this proposal. It is considered that the introduction of an additional building on the site would not significantly increase the use of the access beyond how it could currently be used. Following consultation, the Highways Department has raised no objection to the application. Given the existing access and on-site parking and turning provision, the application is considered compliant with LDP Policy MV1.

## 6.6 Water (including foul drainage / SuDS), Air, Soundscape & Light

The LLFA has assessed the proposals and confirmed the site lies in an area affected by surface water flooding.

In response the Agent has provided the following response:

"The hardcore yard does not allow immediate run-off from the surface as it is permeable. There is no potential for run-off into the ditch to the east of the site because there is a slight gradient away from the ditch towards the north-west and so any surface water during sustained heavy rainfall events would eventually flow into the field where it percolates into the soil. There would be no vector for run-off from the hardstanding area into the ditch.

The proposal does not involve any discharge of roof water to the ground or neighbouring watercourses and so does not present any increase in flood risk. (It is proposed that) the roof water will be captured and used to replace mains drinking water for the sheep flock. A proposed rainwater harvesting system will remove a significant load of water ultimately accessing the

watercourses during heavy rainfall periods, thereby reducing flood risk further downstream or impacting upon water quality due to run-off.

The water harvesting system will be buried and so will not visually impact on the surrounding area or be susceptible to impact damage by vehicles or animals. This will enable the rainwater to be contained as close to the source of the run-off as possible – the tank which will be sited underneath the building upon which the rain falls.

The storage system, which will harvest the entire roof run-off, will be stored in a 20,000 litre tank buried underneath the shed. The water will be pumped on demand to a series of livestock water troughs both within the building and strategically sited around the farm. A maintenance program will be provided by the supplier of the rainwater harvesting system detailing the management and maintenance requirements of the system to ensure that it functions efficiently for an extended period of time.

The average annual rainfall for Usk is 878mm which would theoretically generate 587,000 litres of run-off from the roof. However, due to evaporation not all of this would progress to the gutters and water harvesting system. In practical terms this is likely to result in some 550,000 litres of harvested roof water. Ewes with lambs will consume far more water than those not lactating. Larger breeds and those lambing more frequently or with multiple lambs will drink more water. On average ewes will drink 6.3 litres of water/head/day. This will result in a water requirement for the 350-ewe flock of some 805,000 litres. The water harvesting system will provide approximately 75% of the flock's water requirements, thus saving on mains water costs and reducing the demand on the DCWW water treatment plants."

Irrespective of the above, it is necessary to ensure the proposed development will not exacerbate this existing issue and that surface water resulting from the proposed building will be appropriately managed. As a result the LLFA have requested a pre-commencement planning condition is imposed requiring the surface water management plan to be agreed. Given the existing issues on site, it is necessary and reasonable to impose this condition. Subject to the imposition of the condition the application is considered compliant with LDP Policy SD3.

The SAB team have confirmed that SuDS approval will be required. An informative relating to such matters could be added to any grant of consent.

In light of recent planning guidance issued by NRW, it has been determined that the application site is located within a phosphate sensitive area, being within the catchment of the river Usk, Special Area of Conservation (SAC). Although no formal foul water connection or disposal system is required, it is considered that the development would involve the storage, management and spreading of organic material within the catchment of the river SAC and as a result has the potential to contribute towards the level of phosphates entering the SAC.

As part of the HRA the Council's Ecologist has provided the following information:

The site is within 250m of the River Usk Special Area of Conservation (SAC). There is a watercourse within the proposed development site that feeds into the SAC downstream, which is a pathway for potential adverse impacts on water quality on the SAC.

There is potential that pollution/siltation through site runoff into the on-site watercourse could occur, this stream feeds into the SAC downstream via the Berthin Brook.

Pollution and pH changes caused by run off from the construction of the building and the associated water storage tank (under the building) surface path could create localised unfavourable conditions for migratory and non-migratory fish and Callitricho-Batrachion vegetation

Change in water chemistry (including pollution, nutrient enrichment and pH changes) have been identified as a hazard potential to cause significant impacts on interest features of the SAC. In mitigation, it is recommended that conditions be imposed on any grant of consent requiring the

developer to submit a Construction Environmental Management Plan with specific information submitted with regards to:

- General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use; and,
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;

Following review of the Ecologist's Habitats Regulation Assessments and Appropriate Assessment with regards to specific matters, and the submission of additional information from the Agent which includes a 'Spreading Risk Map', Natural Resources Wales have raised no objection to the application noting: "Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC."

The applicants have since submitted manure management and foul water information, and while this has now all been approved by NRW, the Council's ecologist has completed a revised HRA based on the latest information and NRW's response is awaited.

Subject to the imposition of a construction management plan condition, an informative regarding manure management, and receiving a positive response in relation to the revised HRA from NRW, the application is considered compliant with LDP policies S13, EP5 and NE1

## **6.7 Response to the Representations of Third Parties and/or Community Council**

The community council and residents' comments are addressed in turn below.

The building is not reasonably required for agriculture (Community Council)

The applicant has advised the building is required for housing of sheep and occasional use for agricultural storage. The building is agricultural in form and appearance with open side and typically used for agricultural purposes. There is no evidence to suggest the application will not be used for agriculture and the proposal is considered to accord with Policy RE4. A thorough analysis of the why the size and layout of the building is needed has been provided by the planning agent.

The plans do not accurately depict adjacent properties;

The plans provided show the site on an OS map to enable the Local Planning Authority (hereafter referred to as LPA) to accurately ascertain the site location. The purpose of the plan is not to direct the LPA to properties in the vicinity. It is LPA's role to consider properties impacted by the development and the most likely affected properties have been considered in this report.

The proposed building will be within 10m of a watercourse;

The Site is within approximately 10m of a watercourse. The forms are incorrect; however, the LPA is aware and has considered the proposal based on the actual distance of the building from the watercourse.

**Adverse noise impact**

The impact in terms of noise has been assessed above. It is acknowledged there will be an impact, however it would not be so detrimental to warrant refusal of the application.

The neighbour's comments regarding industrial type noise emanating from the site are noted. The Agent has advised that a former agricultural equipment renovation and sales enterprise has now

been relocated and has departed from the site. Use of the building for such a use would be a breach of planning control and could be the subject to future enforcement action

The proposed development is 6m from the Boundary with Little Henrhiw

The boundary of the application site measured to edge of what appears to be the residential curtilage of Little Henrhiw measures approximately 25m. It is not considered the building will be within 6m of the boundary of Little Henrhiw.

There is currently a dwelling on site.

It is acknowledged that there is a caravan on site. This is currently housed within the part of the open fronted building and is subject of an ongoing planning application for its retention and relocation.

## **6.8 Well-Being of Future Generations (Wales) Act 2015**

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.9 Conclusion**

It is acknowledged that the building as proposed is relatively large and would provide a further structure on the site of a relatively new agricultural enterprise. However, it is considered that the proposal would provide dedicated animal housing and represents the applicant's commitment and investment in growing the flock and enterprise as a whole. On balance, it is considered that the development would not have a detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or on the highway safety and free flow of traffic. Although concerns have been raised with regards to the impact of the development on the ecological and biodiversity value of the area, the site does form part of the applicant's active yard and wider enterprise. Subject to the imposition of conditions with regards to the biodiversity compensation, mitigation and net gain it is considered that the application is compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site. The agreed surface water drainage system shall be retained in perpetuity.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal to prevent additional surface water run-off which would could lead to increased risk of flooding as required by Policy SD3.

4 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.  
The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Construction methods: details of materials, how waste generated will be managed;
- j) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- k) Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use,
- l) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- m) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the River Usk SAC.

5 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate net benefit for biodiversity with enhanced connectivity to brook corridor and the boundaries of the site. Details shall include:

- Detailed scaled plans, showing existing and proposed levels of the proposed structure and relationship with SuDS.
- Soft landscape details to scale shall include: means of protection, planting plan, specifications including cultivation and other operations associated with planting establishment of new trees and any mitigation for loss of grassland.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure S13, LC5, DES1, and G11 and NE1.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and 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.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features, incompliance with LDP policies LC1, LC5, G11, NE1 and DES1.

8 Within 3 months of the commencement of development, details of the grassland management proposals for the 1.1ha field parcel as identified in figure 3 of the letter provided by Ieuan Williams of Reading Agricultural Consultants dated 30th October 2020 shall be submitted to the LPA for approval in writing and thereafter implemented.

The plan shall include:

- a) Description and evaluation of ecological assets to be managed. (grassland)
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management. (e.g. to enhance diversity and improve quality)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule
- g) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning ecological objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

## **INFORMATIVES**

1 The applicant may wish to engage the Monmouthshire Meadows Group to assist them with the restoration of the area identified to provide Biodiversity Net Benefit.

<https://monmouthshiremeadows.org.uk/>

2 Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales.