

**Application Number:** DM/2023/01198

**Proposal:** Erection of 2 No. additional poultry units and associated infrastructure on established poultry farm

**Address:** Coombe Farm, Cwm Mill To Shirenewton, Shirenewton

**Applicant:** Mr Gareth Adams

**Plans:** Location Plan Drawing 2 Rev B - ,  
Site Plan Drawing 3 Rev B - Proposed Site Plan,  
Site Sections Drawing 8 - Pond Sections,  
Flood Consequence Assessment Surface Water Management –  
Lidar Ligic, Ecology Report PEA V3 - ,  
Elevations - Proposed Drawing 4 - ,  
Drainage Drawing 5 –  
Site Drainage,  
Section Plans (Building) Existing Drawing 6 - ,  
Landscaping Plan Drawing 7 - ,  
Site Plan Existing Site Plan - ,  
Planning Statement - ,  
Landscape Visual Impact Assessment LVIA - ,  
Noise Impact - ,  
Ammonia Report - ,  
Manure and Dirty Water Management Plan - Ian Pick Ass.,  
Odour Impact - ,  
Pollution Prevention Plan

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Young  
Date Valid: 27.09.2023

**This application is presented to Planning Committee at the request of the local member, Councillor Louise Brown, and because there are a number of unresolved objections**

**1.0 APPLICATION DETAILS**

1.1 Site Description

Coombe Farm is an existing, established poultry unit located approximately 1.7 km to the west of the village of Shirenewton and 1.4km to the north east of Llanvair Discoed. The farm is approximately 400 metres to the west of the Cwm Valley. There is a Scheduled Ancient Monument to the south of the farm. The site is within a designated Source Protection Zone and a Minerals Safeguarding Area. The existing poultry units were granted planning permission on 2nd June 2016 under application reference DC/2016/00094 and were developed during the course of 2016, becoming operational in the summer of 2017. The existing poultry unit holds an Environmental Permit, issued by Natural Resources Wales (NRW) to operate with up to 220,000 birds per flock.

1.2 Proposal Description

The applicants propose to expand their poultry farming operations on the site and this application seeks the erection of two additional poultry sheds to be located adjacent to the existing poultry units on the south-eastern side. The proposed development will increase the capacity of the site from the

existing 220,000 birds up to 300,000 birds. An Environmental Permit for this proposed expansion was granted by Natural Resources Wales on 21st October 2021.

This application seeks full planning permission for the erection of 2 No. additional poultry houses and associated infrastructure at Coombe Farm. The proposed poultry houses each measure 102m x 24.7m; the roofs and walls would all be clad in juniper green profile sheeting. Each building would have a control room attached to the south-west elevation measuring 14.34m x 4m. Additional infrastructure proposed includes four feed bins, a feed blending room, heat exchangers, a concrete apron adjacent to the south-west elevation of the buildings, an underground dirty water tank, a drainage infiltration basin, an access road to link the development to the existing internal farm access and a new attenuation pond.

This is a major application and has been advertised as such. The application is supported by the following reports;

Pre Application Consultation Report (PAC)

Design and Access Statement

Ecological Report

Landscape and Visual Impact Assessment

Noise Impact Statement

Ammonia Report

Odour Impact Assessment

Manure and Dirty Water Management Plan

Pollution Prevention Report

Green infrastructure (GI) Statement

Flood Consequences Assessment (FCA) and Surface Water management Plan.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2012/00531	Agricultural building for storage of machinery	Approved	31.01.2014
DC/2010/00131	Hedgerow removal	Approved	19.04.2010
DC/2016/00094	Erection of 4 no. agricultural buildings for broiler rearing together with associated feed bins, hard standings, access and attenuation pond. (accompanying Environmental Statement).	Approved	02.06.2016

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

#### **Strategic Policies**

S10 LDP Rural Enterprise  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S15 LDP Minerals  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

RE4 LDP New Agricultural and Forestry Buildings  
RE5 LDP Intensive Livestock/Free Range Poultry Units  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
M2 LDP Minerals Safeguarding Areas  
DES1 LDP General Design Considerations

#### **Supplementary Planning Guidance**

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

#### National Planning Policies (If Any)

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):

<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

##### **Shirenewton Community Council – Object.**

The Councillors' concerns expressed in their response to the pre-planning application have not been fully met by the application as the Councillors seek reassurance by ongoing monitoring that ground and water sources are not being contaminated. Also, that a reduction in the escape of toxic chemicals and gases (particularly phosphates, nitrates and ammonia) and noise and odour from the site as a whole, will be addressed. Compliance with the Manure and Dirty Water Management Plan should be made a condition were MCC minded to grant consent together with ongoing regular monitoring of the stream water and aquifers, and of air pollution, and a condition limiting lorry movements to the working week both for construction works and operation of the facility.

**MCC Highways** - No objection.

**MCC Environmental Health:** No objection

Confirms that this department has received no complaints of noise or odour from the operation of the farm in recent years.

**Cadw** - Having carefully considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens.

**Glamorgan Gwent Archaeological Trust** (now termed Heneb) -

The application is located within 160m of the Scheduled Monument of Llanmelin Wood Hillfort (Cadw reference MM024) of Iron Age date. There is potential for encountering archaeologically significant remains during the proposal, which will require mitigation. GGAT suggest a condition requiring the applicant to submit a detailed written scheme of investigation for the implementation of a programme of archaeological work to protect the archaeological resource.

**NRW – Concerns**

##### Manure and Water Management

Responded to the consultation highlighting concerns over the current flaw in the Welsh regulations in that they only focus on nitrogen and not phosphorous. While NRW are satisfied with the current proposed arrangements of exporting manure off site to an anaerobic digester (AD) facility and contaminated water to a licensed waste water treatment works (WwTW), they have concerns about whether these arrangements can be secured for the lifetime of the development. Therefore, they state that the onward fate of the digestate should be considered by MCC as a material consideration.

NRW state that in their opinion, the regulatory controls which are relevant to the manure and contaminated water that would be generated by the development are not sufficient to prevent inappropriate discharges of phosphorous to the river environment. To address these concerns a full and robust manure and water management plan should be submitted.

Following submission of the Manure and Waste Management Plan NRW confirmed that they are satisfied with the content, but retain concerns over the 'chain of custody' of the waste and the ability to secure these standards for the life of the development.

Ultimately, however, NRW acknowledge this is a matter for the local planning authority to address as the decision maker.

### Source Protection Zone

The SPZ seeks to protect drinking water, see comments in relation to waste water management above.

### Ammonia and Air Quality

The ammonia report supplied was produced in 2001, NRW are aware of data which confirms that the background levels of ammonia have reduced since 2001 from 1.64 to 1.48. Therefore in this instance, in view of the reduction in background concentrations, NRW are satisfied that there is no need to update the modelling report. The current poultry units are contributing to 25% of the critical levels for the Coombe Valley Woods and Dinham Meadows SSSI's. The exceedance of these levels will only be reduced if heat exchangers are fitted across all the farm poultry units. On this basis we recognise slight betterment in terms of the existing air quality and therefore provided the heat exchangers are installed in line with the EPR permit, NRW raise no concerns in relation to air quality.

### **MCC Landscape and GI** - No objection subject to conditions.

The application is supported by a Landscape & Visual Impact Assessment (LVIA) guided by the Guidelines for LVIA ed 3.

The proposed built form will not significantly adversely change the underlying landscape character of the area or have a significant adverse visual impact. Further details in relation to the proposed bund, outfall clarification and native planting are welcomed. There are no objections subject to conditions.

### **Welsh Government - Agricultural Land Quality Department**

The Department does not hold any information on detailed ALC field surveys for the site. According to the Predictive ALC Map for Wales, part of site is at best Subgrade 3a, with the remainder of redline boundary within the existing farmyard.

Exceptionally in this case, due to the small size of the site, the Department does not recommend an ALC field survey is undertaken. It will be for the determining authority to take a view on this application in respect of BMV policy

### **MCC Public Rights of Way** - No objection

Public Footpath 72 in the community of Shirenewton which runs adjacent to the site.

### **MCC Ecology**

#### Ammonia and Phosphates

The biodiversity officer recommends that further detail on management of phosphorus waste is provided in accordance with NRW recommendations (now addressed above) and additional control measures are required to reduce ammonia emissions.

#### Preliminary Ecological Assessment (PEA)

A PEA has been submitted as part of the application which was considered inadequate. An addendum has been submitted to provide further justification, the habitat in question is considered to be suboptimal and unconnected. The biodiversity officer is satisfied that considering this type and scale of habitat affected which is suitable for dormouse, risks can be managed with a non-licensed method statement.

The proposals also include loss of hedgerow, which could be mitigated with enhancement and suitable GI Management Plan.

The biodiversity officer maintains that the proposal as is submitted will result in a negative impact on ecosystem resilience and is therefore contrary to PPW12 and LDP Policy NE1. However, if you are minded to proceed with the application conditions will be required for:

- Construction Environmental Management Plan
- Lighting Strategy
- Ecological Enhancement Plan

### **Lead Local Flood Authority and SuDS Approval Body -**

The current design is unlikely to gain SAB approval, but I am confident that a design could gain SAB approval. This might however mean significant changes to the blue/green element of the site plan. The place to work this detailed design out is probably through the SAB approval process. We have previously recommended that the applicant takes SAB pre-application advice.

### 5.2 Neighbour Notification

Letters of objection received from 7 addresses and include concerns and objections in relation to the following points.

- Increase in odour for residents, walkers, cyclists and riders, exacerbated by wind
- It is in an area surrounded by SSSI, Ancient Woodland and a Cadw site and Castrogi Brook; concerns over the impact on the SSSI in terms of ammonia and phosphate as existing shed already exceed the thresholds
- Ground water may be being compromised due to disposal of waste and the build-up of nitrates and antibiotic residue
- Concerns that the installation of heat exchangers at Coombe Farm will not result in a 35% reduction in the emission factor
- Concerns in relation to the manure/waste water plan. Discharges will exceed thresholds set by NRW; this will no doubt also spread further afield and affect other areas negatively; there are additional concerns over spillage
- Intensive farming is detrimental to the waters, flora and fauna due to the way the waste is disposed of
- Any run-off risks polluting the aquifers used by neighbours' bore holes and causes more general environmental harm
- The background details to the ammonia report are incorrect - there are more properties affected than specified; pollution prevention methods should also be applied to the existing facility; a lot of surface water and seepage disappears into local sinkholes, and into the Chepstow Aquifer which is a source of drinking water
- We have noted the amount of weed build up in Castrogi Brook has increased considerably since the chicken barns; we are convinced this is due to nitrate and other chemical build up in the ground water
- The proposals are not consistent with LDP policies which are to protect nature; the extra chickens will have an unacceptable adverse impact on biodiversity
- Neighbours were not consulted
- The size of the poultry facility is already as big as the local environment can reasonably be expected to bear
- We object for our health, the health of the local land and the health of our planet.

### 5.3 Other Representations

Woodlands Trust – objects.

Potential deterioration of a number of ancient woods designated on Natural Resources Wales' Ancient Woodland Inventory (AWI). We consider that an application must be able to demonstrate that any resulting increase in the levels of ammonia and nitrogen deposition will be insignificant (less than 1% of the critical level and load) at all ancient woodland sites.

### 5.4 Local Member Representations

County Councillor Louise Brown

The community council responded to the pre-application consultation and their concerns have not been fully met. The management of manure and water only relates to the proposed new 2 additional units, not the existing ones. Public objectors have mentioned the smell and odour of the 4 existing units. The modelling in the Ammonia report is contradictory in that it assumes a 35% reduction based on heat exchanges and does not take account of comments about this not being the case for modern housing.

There is concern about the local brooks with the need for ongoing monitoring that ground and water sources are not being contaminated to stop the escape of toxic chemicals and gases.

The issue of the pollution of the River Wye with phosphates due to chicken manure poultry farming can be easily found by an internet search. Whilst this is not in that immediate area, the Brook is showing signs of increased weed build up in Cas Troggi Brook since the chicken barns. In view of the number of objections, I wish the application to be considered by the planning committee.

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**

#### Planning Policy Wales 12

Paragraph 5.6.8 advises that 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.

Paragraph 5.6.9 sets out that care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

#### MCC LDP Policy

Policy S10 of the LDP refers to Rural Enterprise and supports development that enables the diversification of the rural economy, provided that its scale and type are compatible with the surrounding area and it will cause no unacceptable harm to the surrounding landscape. The existing poultry unit has been operating from the site for many years, so the principle of poultry units in this location is already established.

Policy RE4 of the LDP refers to new agricultural and forestry buildings and says they will be permitted where they are reasonably required for agricultural purposes, where waste can be suitably disposed of and where they comply with Policy LC1 (Landscape). On the first point, it can be seen that the buildings are reasonably required to expand an existing agricultural enterprise. The effective management of the waste will be discussed in greater detail, later in the report. The principle of two new poultry sheds adjacent to the existing sheds on an established enterprise, is acceptable in policy terms.

Policy RE5 of the LDP seeks to achieve a balance between the economic production of food and the protection of amenity and the environment. The policy permits the principle of intensive poultry units providing the following criteria is met:

Intensive livestock or free range poultry production units will be permitted subject to the following criteria:

- a) new livestock units and associated slurry tanks and lagoons are sited so as not cause unacceptable nuisance to any non-agricultural dwelling or building;
- b) new units are sited so as to minimise their visual impact by avoiding exposed locations and, where practicable, locating them within or adjoining existing groups of buildings;
- c) units that have serious implications for the surrounding highway systems network will be resisted;
- d) the unit is designed, and uses appropriate technology, to minimise the nuisance of smell, noise and water pollution;

- e) if the operational requirements of the proposed enterprise require that a specialist agricultural worker be accommodated in close proximity to the livestock building, then the development should, where possible, be located to make use of existing and available dwelling accommodation. If, exceptionally, new dwelling accommodation is required then the acceptability of a new agricultural dwelling shall be material to the planning consideration for the unit.
- f) the proposal complies with Policy LC1.

The proposed development has been designed to comply with the requirements of the Environmental Permitting Regime which imposes strict standards for the protection of the environment. An Environmental Permit for this development has already been granted by NRW.

Coombe Farm is an isolated unit with no nearby neighbours. The nearest neighbours are over 400m away and therefore the proposal is not considered to cause unacceptable noise nuisance nor have an unacceptable impact on neighbouring properties in terms of malodour. The Council's Environmental Health officers have been consulted and offer no objection.

Although the footprint of the buildings are large, the heights are low. The maximum ridge height of the buildings is 6.4m. The two new buildings would be located next to the existing ones, which will help to reduce their visual impact in the wider landscape. The proposed buildings would be set at a lower level than the existing ones with the land level of the application site being about 4.5m lower than the finished floor levels of the existing poultry units. The proposed units are sited so as to minimise their visual impact and are sited adjoining existing groups of buildings.

The Highway Authority has no objection to the proposal. The highway impacts of the existing and proposed developments are managed through a routing strategy which enables HGV vehicles to access the site following the applicants' internal farm roads, which in turn, link to Crick Road. The design of the unit includes Best Available Techniques (BAT) to minimise nuisance, including high speed roof fans and heat exchangers.

The site is designed with a sealed dirty water containment system to avoid the potential for water pollution. The proposed new units would form part of an established poultry unit and would not result in the need for a new rural enterprise dwelling.

When considering these points it has been demonstrated that the proposal is compliant with the requirements of Policy RE5 of the LDP.

## **6.2 Sustainability**

The proposed development incorporates sustainable technology in the form of heat exchanger units which reduce the heating demands of the building using heat recovery techniques and are also accredited for emissions reductions.

### **6.2.1 Good Design**

The proposed buildings are of very similar scale and design to the existing poultry buildings on the site. Each poultry building measures 102m x 24.7m with an eaves height of 3m and a ridge height of 6.4m. The attached control rooms on the south-west elevations measuring 14.34m x 4m. The total floor area of each building is 2,485 sq.m. The development also includes an additional building being a small feed blending room which measures 16 sq.m. The design of the buildings reflects their function and it is considered that they are not visually prominent in the wider landscape. The proposed sheds would be constructed in juniper green profile sheeting which is considered acceptable in this location and will match the colour of the existing sheds on the site. The proposal is considered to accord with LDP Policy DES1 as the design is acceptable in this context.

## **6.3 Landscape**

The site and context is open countryside and currently consists of an existing poultry farm complex and associated outbuildings, access and infrastructure set within a rural agricultural setting of fields, hedgerows and woodland. To the south of the site lies a public right of way (PROW), to the east

there is a buried gas main and within the site is an existing mature hedge. Further to the west the site lies the NRW ancient semi-natural woodland SSSI, Coombe Valley Wood, to the south of the site lies Llanmelin Hillfort SINC while to the north lie further woodland with fields, mature trees and hedges to immediate site boundaries and to the east. The proposal seeks to include a replacement hedge. The application site is adjacent to existing similar structures in terms of architectural form, function size and colour. The application is supported by a LVIA and landscape plan.

The structures, although large are adjacent to an existing cluster of structures of similar architectural form, size and colour. The proposal is set at a floor level 4.5m below that of the existing development. This broadly reflects the changes in the landscape topography. The proposed structures although set a lower level to the existing will appear at ground / field level as seen from the south and south-east looking north within the context of a gently undulating foreground topography and backdrop of existing structures, creating a perceived taller elevation of overall development.

A replacement native species hedge is a positive addition but was considered to be insufficient to fully mitigate for the cumulative visual impact. Additional planting and detail have been provided to support the proposal and demonstrate a more effective integration of structures and feed bins into the landscape. This included new native species broadleaf trees such as oak within both the hedge and the immediate area of the adjacent field with appropriate stock protection. There are now no objections from the Council's Landscape Officer.

LDP Policy LC5 - Protection and Enhancement of Landscape character, highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. It is considered from a Landscape and GI perspective that the proposed built form will not significantly adversely change the underlying landscape character of the area or have a significant adverse visual impact as assessed by the submitted LVIA and on-site assessment.

Policy LC1 allows for new build in the open countryside if it is justified for agricultural purposes. The two new buildings will be located close to an existing group of farm buildings and are of a form, bulk and size that respects the rural character of the area. The new buildings will satisfactorily assimilate into the landscape and will, with mitigation, not adversely impact on the landscape. The proposal therefore accords with the objectives of LDP Policy LC1.

The two new buildings would not cause a significant visual intrusion in the wider landscape due to their relatively low height and close proximity to existing poultry units on the site. The two new poultry sheds and associated structures would accord with the objectives of LDP Policy LC5 in that they would not have an adverse effect on the landscape character of the area.

PPW12 (paragraph 6.2.12) requires a Green Infrastructure Statement (GI) to be provided with all planning applications. In this case a GI Statement has been submitted that concluded the development has been designed to maintain existing green corridors present around and within the site where possible and existing connectivity opportunities to the wider landscape are enhanced, negative impacts have been kept to a minimum and measures have been identified to compensate those which have been identified as unavoidable to deliver the necessary improvements at Coombe Farm.

The loss of 170m of hedgerow and a small area of dense, continuous scrub will be compensated through the planting of 270m of new native species-rich hedgerow. The new hedgerow has been positioned so that it will enhance the retained features and the species have been selected to provide increased benefits for biodiversity at the site.

The proposal involves a new attenuation pond which will be formed by building an earth embankment over 8 metres high on sloping ground. The pond is some distance from the main publicly accessed area, i.e. on the road, and has some trees in the foreground and undulating ground as viewed for the south. However further along the lane there are clearer views across the undulating ground and an earth bund may provide an opportunity with additional planting to integrate structures set back within the cluster of buildings to be screened.

It is concluded that the landscape impacts of the overall development are acceptable.

## 6.4 Historic Environment

A number of designated historic assets are located inside 3km of the proposed development, but intervening topography, buildings and vegetation block all views between them except for scheduled monument MM024 Llanemelin Wood Camps. Consequently, the proposed development will have no impact on the settings of these designated historic assets other than MM024.

The proposal is located some 100m north of scheduled monument MM024 Llanemelin Wood Camps at its nearest point: the annexe (see below).

MM024 Llanemelin Wood Camps comprises the remains of a hillfort, which probably dates to the Iron Age period (c. 800 BC - AD 74, the Roman conquest of Wales). It is made up of two features: the main camp, an elliptical enclosure defined by multiple earthwork ramparts following the 100-metre contour and covering approx. 2.2 hectares, and a narrow rectangular 'annexe' butting onto the main camp and measuring approximately 120 metres by 70 metres. There is no direct communication between the two.

The proposed development lies within an identified significant view and will introduce additional and substantial built form closer to the monument than is currently present. However, Cadw were consulted and considered that the woodland cover on both the slopes of the main camp and within the annexe will significantly screen views of the proposed development which will also be seen set against the existing substantial complex of agricultural buildings.

Cadw confirm that whilst there may be a slight change in the view from the scheduled monument, this and the modelled acceptable levels of odour and noise means the proposed development will not have any effect on the way that the monument is experienced, understood, and appreciated. Consequently, Cadw finds that the proposed development will have no impact on the setting of scheduled monument MG024.

GGAT (now part of Heneb) were also consulted and consider that there is potential for encountering archaeologically significant remains during the proposal, which will require mitigation. They recommend that a condition is applied should planning consent be granted requiring the applicant to submit a detailed written scheme of investigation for the implementation of a programme of archaeological work to protect the archaeological resource.

## 6.5 Waste Disposal

The proposed buildings will be used for the rearing of broiler chickens from day old chicks through to finished table weight. Chicks are delivered on day 1 of the flock cycle and reared within the building for up to 38 days, following which they are removed from the site for processing. At the end of the flock cycle, the buildings are empty for 10 days for cleaning and preparation for the next flock of birds. The site operates with 7.6 flocks per annum. The whole site of six poultry buildings (four existing and the two proposed) will operate on the same production cycle and will be filled and emptied at the same time.

At the end of each flock cycle, the buildings are cleaned out and prepared for the next batch of birds. The cleaning process involves the removal of the manure with a mechanical loader and the manure will be loaded into sheeted trailers and removed from the site for disposal via the Anaerobic Digester Plant at Plusterwine Farm, Woolaston, Lydney (England). A copy of the Manure Management Strategy has been submitted with the planning application. Following the removal of the manure, the buildings are power washed. The inside of the buildings have a smooth floated concrete floor, which are drained into a dirty water containment tank located to the south-west of the concrete apron. The dirty water tank will be emptied by vacuum tanker following the cleanout process and disposed of via formal waste contract at a waste water treatment works.

The poultry farm is a permitted installation by NRW. The site has a fully-sealed dirty water containment system which is part of the Environmental Permit requirements. The site is also regularly inspected by NRW. The design of the site has been carefully considered and designed so that there is no potential for contaminated materials to escape from the site.

NRW responded on the 22nd March 2024 stating that they are satisfied with the proposal set out in the Management Plan confirming that the method of disposing of dirty water is via a WwTW and the solid waste to an Anaerobic Digestion facility in England. However, NRW have concerns about whether these arrangements can be secured for the lifetime of the development. Planning officers are satisfied that the current/proposed method of disposing of the waste from the sheds at the end of the flock cycle is considered to be acceptable by NRW and meets the current regulations. However, although it is considered reasonable to require the development to meet NRW's standards for the lifetime of the development it is not considered reasonable to withhold planning permission on the basis that the waste disposal methods might change in the future. NRW acknowledges that there are concerns over the current flaw in the Welsh regulations in that they only focus on nitrogen and not phosphorous. However, this is not a flaw for the planning application to address. The current waste management plan meets all of the required standards, and removes waste in a responsible manner to regulated and responsible partners. Should the arrangements change with these specific partners, new partners will be required, but these must also meet the relevant regulations and appropriate licensing requirements. Therefore it is considered necessary to secure adherence to the Waste Management Plan through a condition which also includes a clause to ensure that any deviation or modification of the Waste Management Plan would need to be submitted to and approved in writing by the Local Planning Authority, providing an opportunity for NRW to be consulted. This provides assurance that for the lifetime of the development the removal of waste will be in strict compliance with NRW's standards at all times.

NRW also have concerns with regards to the onward fate of the waste and downstream emissions once the waste from the site has left the Anaerobic Digesters in Lydney. Planning officers consider that it is within their remit to consider the waste process within the red line boundary of the planning application, which has been addressed above. However, once the waste has left the farm it is controlled by other regulatory processes and permits. The flaws in the external regulations are acknowledged, although the process of waste management in the AD facility in Lydney is not a material consideration for this planning application.

The major concern from NRW related to the fate of the solid waste once it has left the digester because they are aware that the Control of Agricultural Pollution (Wales) Regulations 2021 (CoAPR), are not adequate controls to protect rivers (either within or outside river SAC catchments) from the risk of phosphorus loss from land spreading of manures / slurries or agricultural digestate. However, in this case the solid waste is going to a permitted AD in England and as NRW confirm in their letter of 22nd March they acknowledge that they are not in a position to comment on the Regulations which govern spreading of digestate in England. That is for the Environment Agency England to consider and is controlled by its own permitting regulations. NRW would like the applicant to demonstrate that a robust and enforceable chain of custody was in place for the fate of waste but ultimately, they acknowledge this is a matter for the Council as planning authority to address. The planning authority has considered this issue, and for the reasons set out above, it is not considered to be a material planning consideration that should be addressed by this planning application.

## **6.5 Biodiversity**

The application is supported by a Preliminary Ecological Appraisal (PEA) produced by Craig Emms and Dr Linda Barnett Consultant Ecologists, dated April 2023. The PEA was not informed by a biodiversity data search in accordance with best practice. Subsequently, an addendum to the PEA report was provided to include further justification for the position on dormouse surveys. This concluded that habitat was considered suboptimal and unconnected. The biodiversity officer is satisfied that considering the type and scale of habitat affected which is suitable for dormouse, risks can be managed with a non-licenced method statement.

The proposal initially included replacement hedgerow and some trees to provide net benefit, this has now been enhanced to include additional native tree planting which also aids to screen the development. The additional planting and biodiversity net benefit is considered to be appropriate for the development. However, the Biodiversity Officer raises concerns that as SuDS has not been secured further changes to the blue and green assets of the development may be required. As SuDS is a separate consenting process, one can be determined without the other. If any changes required to meet SuDS affect the planning application, a separate application will be required and determined

accordingly. The Biodiversity Officer also requests long term management of the site in the form of a Green Infrastructure Management Plan, which can be secured via a condition.

The Biodiversity Officer raises no concerns in relation to content of the Waste Management Plan, however they do share the concerns raised by NRW in relation to ammonia and phosphates. These relate to the suitability of the CoAPR (Control of Agricultural Pollution Regulations Wales 2021), that they do not adequately manage the impact of phosphates and ammonia on important ecosystems. Whilst officers share this concern, this is considered, as explained above, to be beyond the remit of the current planning application. In relation to phosphates, the effect of these is in line with current regulations set out in the CoAPR, therefore the application is compliant and has been accepted by NRW. In addition, NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of these SAC catchments and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

In relation to ammonia the applicants submitted an ammonia report published in 2021. NRW responded stating that they would normally require a more up to date report. However NRW also state that they are aware that background ammonia concentrations have decreased since 2021 and are satisfied that there is no need to update the modelling report. The report identifies concentrations of 1.64 µg-NH<sub>3</sub>/m<sup>3</sup> and current APIS data now shows this as 1.48 µg-NH<sub>3</sub>/m<sup>3</sup>. NRW further state that whilst the current poultry units are contributing to almost 25% of the Critical Levels for Coombe Valley Woods SSSI and Dinham Meadows SSSI. As concluded within the ammonia report (first bullet point, page 35), the exceedances of the Critical Levels for the SSSIs will be reduced only if heat exchangers are fitted across the farm in all poultry units. On this basis, NRW recognise that this will result in a slight betterment in terms of the existing air quality and therefore provided the heat exchangers are installed in accordance with the EPR permit, they raise no further concerns with regard to air quality matters. Therefore, this is considered necessary to be secured by condition so that the new poultry sheds can secure net decrease in ammonia concentrations.

## **6.6 Impact on Amenity**

There are ten residential properties within 1km of the site, the closest of these being The Cwm and the Cwm Annex approximately 330-340m from the closest poultry shed site and 420m from the nearest of the two additional proposed sheds.

### Odour

The odour impact study models data on emissions, meteorological conditions and topography, and predicts the impact at the nearest residential properties which has been considered by the Council's Environmental Health Officers. The nearest property is approximately 340m away from the location of the proposed units. It indicates that the odour impact from the operation of the proposed poultry units will fall below the Environment Agency's H4 Odour Management guidance benchmark for odour exposure levels for odour producing activities such as poultry rearing. Furthermore, the operation will be subject to ongoing regulation including odour pollution controls under an Environmental Permit by NRW. Whilst some odour from the increased operation at the site may be discernible at the nearest residential properties from time to time, MCC Environmental Health Officers are not in a position to substantiate a level of problems on which to base an objection.

### Noise

The Acoustics Report predicts the noise impact at the nearest residential properties from plant, including the additional ventilation fans and heat exchangers, and transport noise from HGV's delivery/collection and loading/unloading using a diesel forklift. The report has also been considered by Environmental Health Officers and predicts that in a worst case scenario with all fans and heat exchangers operating at once on all sheds, and a stock/collection delivery occurring (considered an unlikely scenario) the noise impact during the day will be no more than 1dB above the typical background noise levels and 5dB below the typical background noise level in the evening. A 1dB change in noise level is considered to be imperceptible.

Noise impact during the night-time is predicted to be significantly below the typical background noise level and significantly below the WHO guidelines for community noise, which recommend 30dB(A) in bedrooms during the night for a sleep of good quality. Noise from the increased operation is not predicted to result in an adverse impact. Whilst some noise may be audible from the site at the most impactful times of operation MCC Environmental Health Officers do not anticipate a level of problems on which to base an objection and they confirm that their department has received no complaints regarding noise or odour from the operation of the farm in recent years.

## 6.7 Access / Highway Safety

The farm is accessed via a private track and joins the public highway along the unclassified C62.4 road. Under planning application DC/2016/00094, permission was granted for the initial four sheds with a condition regarding the movement of HGVs in relation to the site, namely these being routed through a series of private tracks to bypass the nearby settlement of Shirenewton.

The application has been considered as a continuation of this condition (7), which the applicant has addressed as part of their access statement. The proposal represents a 50% increase in the number of sheds and an increase in the number of birds from 220,000 to 300,000, a 37% increase. The application includes a transport forecast to consider the impact of the proposal and concludes that annual movements generated will increase by 35%, 1276 to 1722. However, there will be peaks in the number of movements in relation to the flock cycle. All HGVs associated with the operation of the existing and proposed poultry units will be routed as per the approved routing plan, which is the same as existing. HGVs are routed to and from the site via the public highway and the applicants existing network of internal farm roads which link to Crick Road, approximately 400m to the southeast of Shirenewton.

The proposed development will result in an increase of 31 vehicles (62 movements) per flock cycle, with 7.6 flock cycles per annum, totalling an increase of 236 visits (472 movements) per annum. This represents an average increase in traffic of 0.65 visits (1.3 movements) per day which is not significant. During the normal operation of the flock, the site generates between 2 and 4 movements per day associated with feed delivery, carcass collection, gas delivery and shavings delivery. Peak movements are generated at certain times during the flock cycle, being day 1 for chick delivery, and for bird removal. Bird removal is done over 3 days, with a third at around day 30 for thinning (12 lorries/26 movements), and the remaining two thirds removed during days 37 and 38 for the flock (13 lorries per day / 26 movements). A further peak is generated when the manure is removed from the site.

The development has been designed to facilitate movement of HGVs within the site. HGVs can enter the site, turn around on the concrete apron in front of the proposed units and leave the site in a forward gear. The Highway Authority offer no objection to the proposal saying that, while the proposal does represent an increase in the number of traffic movements, the generated traffic is still directed away from the nearby residential areas. There are no highway grounds for an objection provided all HGV movements to and from the site are made in accordance with the approved HGV routing plan which can be secured by a condition.

## **6.9 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15. Therefore there are no flooding concerns.

## **6.10 Drainage**

### 6.10.1 Foul Drainage

At the end of each flock cycle, the buildings are cleaned out and power washed. The water is drained into a dirty water containment tank which is proposed to be located to the south-west of the concrete apron. The dirty water tank will be emptied by vacuum tanker following the cleanout process and disposed of via formal waste contract at a waste water treatment works. Coombe Farm has a contract with Biffa Waste Services Limited to remove poultry washing waste from site and be

transported to Nash Welsh Water Treatment facility, Newport. There is also a contingency written into the Management Plan which reads as follows:

"Natural Resources Wales require a Manure Contingency Plan to demonstrate that there is contingency for storing any manure, slurry or dirty water produced at times when spreading may not be possible. Due to the proposed manure and dirty water management strategy, this issue is not relevant to this development, as the manure and dirty water are to be transported off site to licensed waste facilities. In the unlikely event that the manure cannot be moved immediately, the applicant has a concrete floor manure store on the site at Coombe Farm which can be used for temporary storage of the manure."

It is therefore considered that the waste water produced on site is satisfactorily managed through the Waste Management Plan submitted, adherence to which can be secured via a condition.

### 6.10.2 Surface Water Drainage

The proposed development is over the threshold for approval by the SAB and so a separate SuDS application will be required. The authority's drainage team has been consulted and although the current proposals are unlikely to meet SAB approval, the officers are confident that approval can be achieved with changes to the blue/green element of the proposals. The absence of a SAB application is not in itself a reason for refusal and further confidence that this can be achieved has been provided by the Council's SAB officer. Therefore, given that a surface water drainage destination is identified, there are no reasons to withhold planning permission on the basis of surface water.

### **6.11 Source Protection Zone**

The site is located within Zone 1 of the Great Spring Source Protection Zone. Source Protection Zones (SPZ) are designated by Natural Resources Wales to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. All roof water down-pipes will be sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. Drainage from the permit installation boundary will be regulated by NRW.

### **6.12 Public Right of Way**

Public Footpath 72 in the community of Shirenewton runs adjacent to the site of the proposed development. The footpath must be kept open and free for use by the public at all times. The public footpath is outside the red line development boundary for the proposal and the Public Rights of Way Officer offers no objection to the proposal.

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

The Local Member and Shirenewton Community Council have concerns that their representations made during the Pre application Consultation were not taken into account. Both are concerned about noise, odour and the escape of toxic chemicals. The main body of the report details that NRW have issued a permit for the proposed development (October 2021) to increase the capacity of the site from the existing 220,000 birds up to 300,000 birds (an increase of 80,000 birds).

NRW are the appropriate body to control and monitor the emissions from the chicken shed. In addition, MCC Environmental Health Officers have reviewed the proposal and offer no objection. A robust Manure and Dirty Water Management Plan has been submitted as part of the application which shows that the solid waste is removed from the site at the end of each flock cycle by way of sealed lorries, it is then taken to an anaerobic digester (AD) in England. The dirty water tank will be emptied by vacuum tanker following the cleanout process and disposed of via formal waste contract at a waste water treatment works (Nash, Newport). NRW have stated that they are satisfied that the Management plan is acceptable and compliance with the plan will be enforced by condition, applicable for the lifetime of the development.

Objections have also been received on the grounds of noise and odour and these concerns have been addressed in the main body of the report. The statutory authorities are satisfied that sufficient measures are in place. If the NRW thresholds were to be exceeded NRW could alter or revoke their permits.

Local residents have said that they were not consulted on the application. Letters were sent to 35 addresses in the locality, site notices were put up at the entrance to the site and the application was publicised as major development in the Free Press, all of which is compliant with statutory consultation requirements.

There have also been objections relating to the potential contamination of the ground water, aquifer and Castrogi Brook. The Management Plan in place ensures that all waste products are removed from site in sealed vehicles; there would be no possibility of the manure or dirty water entering the local water system.

The concerns that the proposals to expand the poultry business at Coombe Farm would be contrary to policies EP1 and NE1 of the LDP are discussed in the main body of the report. The proposal has included replacement hedgerow, native planting and trees to provide net benefit. In addition a condition has been imposed requesting a landscape plan which will ensure sufficient net benefit for ecology.

There is no evidence to suggest that the build-up of weed in the Castrogi Brook is related to the activities at Coombe Farm. There are strong environmental restrictions in place and the development is subject to an Environmental Permit. Therefore the proposal should not adversely affect the nearby SSSI and Ancient Woodland.

Concerns that the poultry sheds are too large. While their footprint is relatively large their height is limited and they will be viewed in the context of the existing farm complex. Therefore their impact on the wider landscape is limited.

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

6.6.1 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.

### **6.14 Conclusion**

The existing poultry units have been operating from the site for a lengthy period, so the principle of poultry units in this location is already established. Policy RE4 of the LDP allows for new agricultural buildings where they are reasonably required for agricultural purposes, and where waste can suitably be disposed of. The principle of two new poultry sheds adjacent to the existing sheds on an established enterprise, is acceptable in policy terms. The proposal complies with all of the criteria outlined in LDP Policy RE5 that relates to Intensive Livestock Units. The proposed development has been designed to comply with the requirements of NRW's Environmental Permitting Regime which imposes strict standards for the protection of the environment. The design of the buildings reflects their function and would not be visually prominent in the wider landscape. The finishing materials are acceptable in this location and would match the colour of the existing sheds on the site. The proposal accords with LDP Policy DES1 as the design and appearance are acceptable.

Policy LC1 allows for new build in the open countryside if it is justified for agricultural purposes. The two new buildings will be located close to an existing group of farm buildings and are of a form, bulk and size that respects the rural character of the area. The proposed two poultry sheds and associated structures will accord with the objectives of LDP Policy LC5 in that they will protect the landscape character of the area.

A Manure and Dirty Water Management Plan has been submitted as part of the application. NRW are satisfied that this is adequate to control the waste at the present time. A condition will be imposed that the development complies with the Management Plan (MP) in perpetuity and if circumstances change an amended MP will have to be approved by the Council. This gives assurance that the management of waste is controlled by the existing management plan and allows for any unforeseen changes while still maintaining control over the disposal of waste.

A Preliminary Ecological Appraisal was submitted and amended to include dormice. Ecological net benefits are being provided in the form of additional planting; a condition will be imposed to ensure that the landscaping plan contains sufficient planting of appropriate species. The proposal therefore accords with LDP Policy NE1.

Environmental Health Officers have considered the noise and odour assessments submitted as part of the application and offer no objection. Therefore the proposal complies with LDP Policy EP1.

The proposed development has been designed to facilitate movement of HGVs within the site. HGVs can enter the site, turn around on the concrete apron in front of the proposed units and leave the site in a forward gear. Highways offer no objection to the proposal saying that, while the proposal does represent an increase in the number of traffic movements, the generated traffic is still directed away from the nearby residential areas. All HGV movements to and from the site will be made in accordance with the approved HGV routing plan.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

#### **5 YEARS**

- 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.

#### **APPROVED PLANS**

- 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.

#### **WASTE MANAGEMENT PLAN**

- 3 All manure and dirty waters generated by the development hereby approved shall be exported to an appropriately licenced anaerobic digester facility. None of the above material shall be spread directly onto any land. Documentary records demonstrating receipt of all exported material by the anaerobic digester facility shall be maintained by the operator of the development hereby approved and be made available to the LPA on request. The development shall comply at all times with the Management and Dirty Water Plan submitted by Ian Pick Associated Ltd dated June 2023. If any elements of the Management Plan change in the future, a new manure and dirty waters management plan must be submitted to the local planning authority and operations in sheds 5 and 6, hereby approved, shall cease until the new management plan is approved in writing by the local planning authority.

REASON: To ensure that the waste from the farm is properly disposed of both now and in the future.

#### **WATCHING BRIEF**

- 4 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been

submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

### **HGV ROUTING PLAN**

5 All HGV movements to and from the site shall be made in accordance with the approved HGV routing plan only.

REASON: To ensure highway safety in accordance with Policy MV1 of the LDP

### **HARD AND SOFT LANDSCAPING DETAILS**

6 Prior to the commencement of development full and comprehensive details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Detailed scaled plans, showing existing and proposed levels inclusive of proposed cross section. Proposed and existing utilities/services above and below ground.

Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with hedge and tree planting and seeding establishment, inclusive of SUDS green engineering.

Lighting strategy

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan

### **HARD AND SOFT LANDSCAPING COMPLIANCE**

7 All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. 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.

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 LC5, DES 1, S13, and GI 1 and NE1.

### **HARD AND SOFT LANDSCAPING IMPLEMENTATION**

8 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation inclusive of roles and responsibilities. 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

### **PD RIGHTS LIGHTING**

9 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to the buildings or be positioned in the curtilage so as to illuminate the elevations of the buildings.

REASON: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1.

### **CEMP**

## 10 Construction Environmental Management Plan (Biodiversity)

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

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- 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; and
- h) Use of protective fences, exclusion barriers and warning signs.

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

## HEAT EXCHANGERS

11. The new poultry sheds hereby approved shall not become operational by housing any birds for any part of their life cycle until the proposed heat exchangers are fitted and are fully functional and operating across all 6 poultry sheds.

Reason; To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

## ECOLOGICAL MANAGEMENT PLAN

12. No development shall take place until an Ecological Management Plan (EMP) providing ecological net benefit has been submitted to and approved in writing by the local planning authority. The EMP shall include the following.

1. Detailed design(s) and/or working method(s) to achieve stated objectives.
2. Extent and location/area of proposed works on appropriate scale maps and plans.
3. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
4. Persons responsible for implementing the works.
5. Details of initial aftercare and long-term maintenance.

The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide net benefit in accordance with LDP policy NE1, Planning Policy Wales and Section 7 of the Environment (Wales) Act 2016.

## INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

NESTING BIRDS - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended).

The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.