

REPORT OF THE CHIEF OFFICER PLANNING AND ECONOMY – 5 FEBRUARY 2024

APPLICATION NO:
P/2021 /0077

LOCATION:
CAE MOR FARM LLWYN MAWR
PONTFADOG LLANGOLLEN
WREXHAM
LL20 7BE

DATE RECEIVED:
22/12/2020

COMMUNITY:
Glyntraian

CASE OFFICER:
GH1

WARD:
Dyffryn Ceiriog

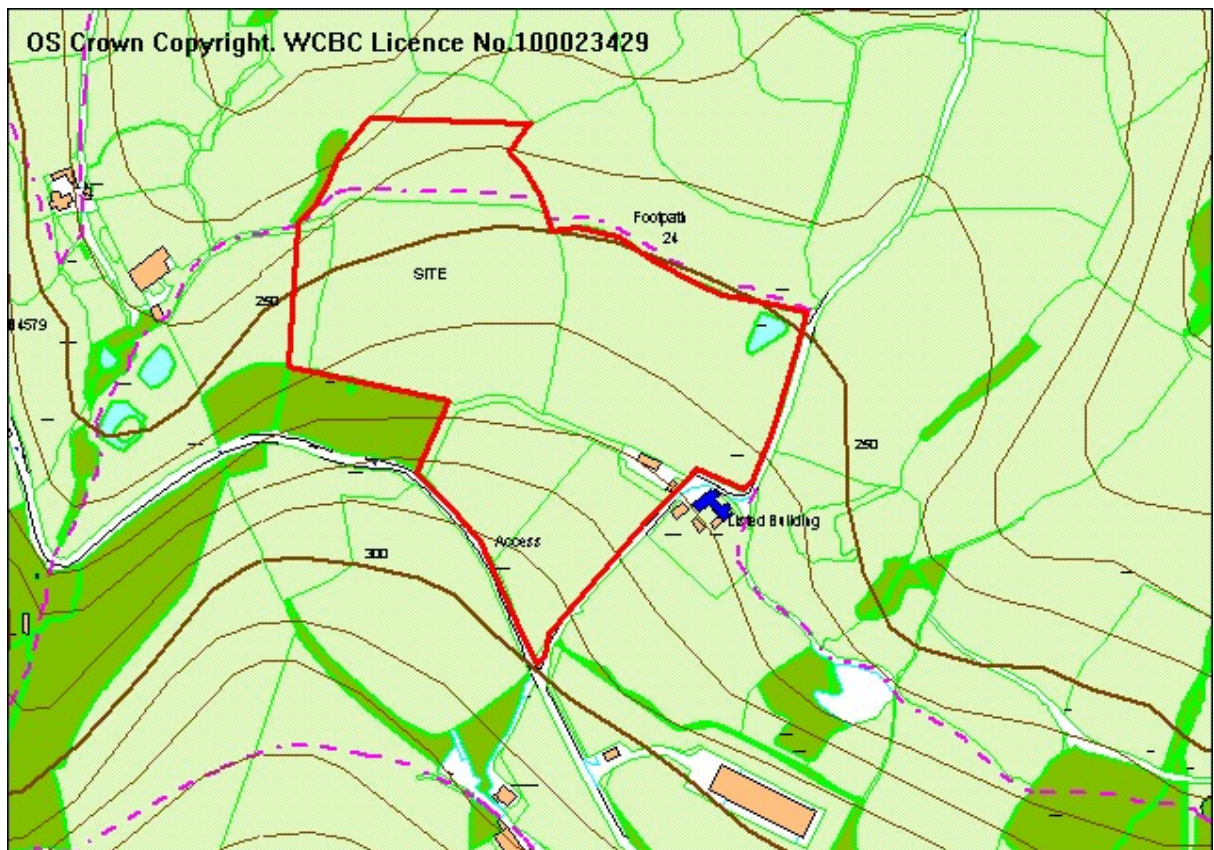
DESCRIPTION:
CODI UNED CYNHYRCHU EGG AM
DDIM ORGANIC A PHOB GWAITH
CYSYLLTIEDIG / ERECTION OF AN
ORGANIC FREE RANGE EGG
PRODUCTION UNIT AND ALL
ASSOCIATED WORKS

AGENT NAME:
ROGER PARRY AND
PARTNERS

APPLICANT(S) NAME:
E AND J MORRIS

THE SITE

The site consists of a total area of 8 hectares of sloping pasture land on the south side of the Ceiriog valley. Footpath 24 crosses the site. Cae Mor Farm to the east is a Grade II listed building. Access is to the B4579 which runs from Glyn Ceiriog to Selattyn in Shropshire.



PROPOSAL

This application is for the erection of an organic free range egg production unit and all associated works

The development would consist of 5 buildings located on agricultural land and accessed off the B4579 as well as directly from Cae Mor Farm. The 4 main buildings would be 45.5 x 17.3 wide and will be divided centrally to create 2 flocks of 3000 birds on each side of the building. The development would accommodate a total of 24,000 birds.

HISTORY

Adjoining Land

P/2015/0810 Egg production unit to South East Refused 7/3/2016. Appeal allowed 10/2/2017

DEVELOPMENT PLAN

Outside of a defined settlement and within a defined Special Landscape Area. Policies SP14, SP15, SP19, DM1, EM4, NE1, NE3, NE5, NE6 and T1 are applicable.

CONSULTATIONS

The consultation responses received prior to 13 June 2022 can be found in the report in Appendix 1. The consultation responses below have been received in response to the additional submissions made by the Applicant.

Natural Resources Wales (NRW)

NRW consider the development would have an adverse impact on the SAC.

NRW have considered the proposal for all manure and wastewater to be exported off the site. However they are not satisfied that the proposed Planning Obligation would provide for sufficient legal control on a third party to prevent the exported manure, manure of digestate from the AO or contaminated waste water from being spread within a SAC catchment.

Ecology Officer

Objects to the development. The Ecology Officer is concerned that there is no evidence that that an off-site and out of catchment market for the manure will always exist. Also expresses concern that there are no contingencies in the event of the proposed Planning Obligation failing. Considered there to be insufficient legal arrangements to prevent the proposed purchaser of the manure from re-selling waste and it ending up back within the SAC catchment.

The HRA has concluded that there is insufficient legal control or regulatory measures that be exerted on the use of the manure and digestate arising from the proposed development from entering the SAC catchment.

SPECIAL CONSIDERATIONS

Background: The application was reported to the Planning Committee meeting of 13th of June 2022 where Members voted to undertake a site visit.

A copy report presented to Members at that meeting can be found at

Appendix 1. The site visit took place on the 24th of June 2022. Members resolved to defer the application to enable Officers to have further discussions with the applicants about waste management arrangements.

The recommendation to Members on the 13th and 24th of June 2022 was to refuse planning permission for the following reasons:

Reason 1

Notwithstanding the agricultural purpose of the proposed building, insufficient information has been submitted to justify the exceptional need for such a large scale isolated building at this particular location, which will be located on an exposed area of sloping land, which is within a Special Landscape Area which is described to be scenic and tranquil. To allow the development will cause long term detrimental visual harm to the character area, contrary to Policies PS2, EC3 and EC5 of the Wrexham Unitary Development Plan.

Reason 2

Insufficient information has been submitted to demonstrate that the proposed development would not result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation. The proposal is contrary to paragraph 6.4.18 of Planning Policy Wales and Policy EC6 of the Wrexham Unitary Development Plan.

Members voted separately on each of the two reasons on the 24th of June 2022. Members voted against Reason 1 and voted to defer the application to allow further discussions to be held with the applicants regarding Reason 2, and to allow the submission of additional information in an attempt to overcome this recommended reason for refusal.

Following consideration of submissions made by the Applicant (discussed below), the application was reported to the 4 September 2023 meeting with a revised recommendation. Reason 1 was omitted due to the previous officer concerns with regard to the landscape visual impact having already been considered by Members.

The only outstanding issue to be considered is the likely impact the development would have on the SAC. The applicants submitted Counsel Opinion shortly before the Committee meeting of 4th September indicating that a planning condition or Planning Obligation would provide adequate control over manure management. The application was deferred to allow Officers to obtain separate Counsel on the proposed Planning Obligation.

LDP Adoption: The application was previously considered in light of Unitary Development Plan policies. The application must now be considered in light of relevant LDP policies.

In respect of the principle of development, landscaping and visual impact, residential amenity, trees, the setting of the Grade II listed Cae Mor Farm and highway safety, LDP policies SP15, DM1, EM4, NE3, NE5 set out broadly similar requirements to the equivalent UDP policies. Accordingly, it is unnecessary to revisit the assessment of the proposed development in respect of those matters.

Applicants Submission: The applicants have proposed that manure be exported off site and purchased by a third party for processing in an Anaerobic Digestion (AD) or use as fertiliser. Counsel Opinion obtained by the applicants suggested that the implementation of a Manure Management Plan (MMP) could be secured by condition and that the Council would be able to take enforcement in the event of non-compliance. The applicant's Counsel Opinion suggested that a Planning Obligation would be unnecessary, but may strengthen the ability of the Council to take action in the event of non-compliance with a MMP.

The applicants proposed that the Council's concerns regarding the impact on the SAC could be addressed by a Legal Agreement, with the Council, the applicant and an agricultural business that owns and farms land outside of the River Dee and Bala Lake SAC freshwater catchment as signatories. The proposed Legal Agreement would impose the following requirements on the proposed development:

- Not to place any ammonia or nitrogen producing animals on the Ranging Area except poultry;
- Not to spread manure on any land identified on plans to be appended to the Obligation;
- Annual ammonia emissions and nitrogen deposition from any activity in connection with the Development or on the Land to be below 1% of the Critical Level and the Critical Load at the following Sites of Special Scientific Interest identified in the Report: Castell Y Waun A'I Barcdir SSSI, Afon Dyfrdwy SSSI/SAC and Berwyn SSSI/SAC/SPA;
- All manure to be exported from the site and out of the SAC river catchment area; and
- All contaminated wash water produced by the Development to be taken off site to a specialist contractor duly licensed to deal with such material.

Phosphorous: Whilst the attempts by the Applicant to put forward a workable solution to prevent phosphorous entering the SAC catchment are noted, a number of concerns remain.

There can be no long-term commitment from the third party landowner to take the waste in perpetuity. The commercial environment may change so that this

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is no longer a viable option for their business. The third party involved also has no control over any future changes in environmental legislation that may prevent the waste being used on their land. A planning condition or Planning Obligation would also not prevent the third party from disposing of their land to another party who may not wish to receive the waste in the future. Finally, it would also be not be possible to adequately monitor and enforce a condition or Planning Obligation to ensure that the waste does not re-enter the SAC catchment and spread of land within it.

Following the deferral of the application, Counsel opinion has been obtained by the Council. Counsel advises that:

- Whatever a Manure Management Plan (MPP) says, a planning condition could not be enforced against anyone other than the applicant (or subsequent owner/occupier). A condition would not prevent the waste being sent back to Wales and spread in the SAC. It could therefore not be said with certainty that it would be enough to ensure no affect on the integrity of the SAC; and
- An Obligation poses two problems. The first is that it does not bind the recipients so as to prevent the issues raised in respect of a planning condition. Secondly, even if it were amended to do so, Counsel advises that there would be still be issues with the practicality of enforcement.

Counsel concludes that the position taken by the Council's Ecology Officer and NRW is both lawful and reasonable, and has not been adequately addressed by the Applicant.

Having regard to the above, it is not possible to conclude that the development would not lead to increased phosphate inputs entering the freshwater catchment of the River Dee and Bala Lake SAC. A Habitat Regulations Assessment (HRA) has been undertaken by the Authority's Ecology Officer, confirming that an adverse impact upon the integrity of the SAC cannot be ruled out. NRW concur with that assessment. The proposed development therefore conflicts with SP14, NE1 and NE6.

Welsh Minister's Letter: A letter from the Welsh Government Planning Directorate was received on 31 August 2023. In-line with the provisions of Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the Minister for Climate Change has placed a holding direction on the planning application directing the Council not to grant planning permission for the development without the prior authorisation of the Welsh Minister.

The Minister notes the development proposal raises issues regarding the control of waste produced by the proposed development and the potential impact on a Special Area of Conservation ("SAC"). The Welsh Minister is aware that waste from such development can affect sensitive habitats and wants to ensure the impacts of agricultural development are fully considered in the determination of planning applications.

The direction only prevents the Council from granting planning permission. It does not prevent it from refusing planning permission for the proposed development

CONCLUSION

The proposed development would be likely to have a significant effect upon the River Dee and Bala Lake SAC. It therefore conflicts with Paragraph 6.4.18 of Planning Policy Wales (Edition 11), TAN 5, the Environment (Wales) Act 2016, and LDP policies SP14, NE1 and NE6.

RECOMMENDATION: That permission be REFUSED

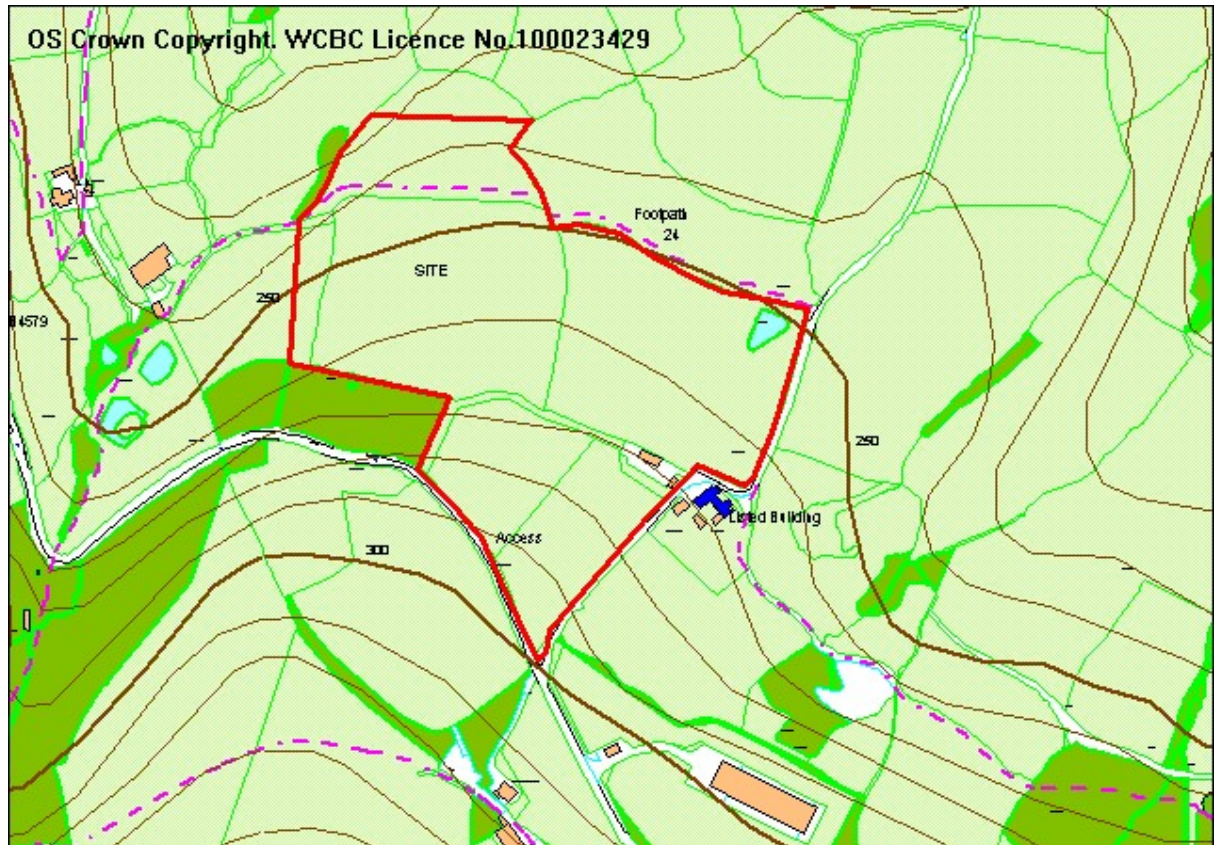
REASON(S)

1. The proposed development would lead to increased phosphate inputs entering the freshwater catchment of the River Dee and Bala Lake Special Area of Conservation. A likely significant effect upon the integrity of the SAC cannot therefore be ruled out, contrary to the requirements of Part 6.4.18 of Planning Policy Wales (Edition 11), Technical Advice Note 5, policies SP14, NE1 and NE6 of the Wrexham Local Development Plan, as well as the Environment (Wales) Act 2016 and the Conservation of Habitats and Species Regulations 2017 (as amended).

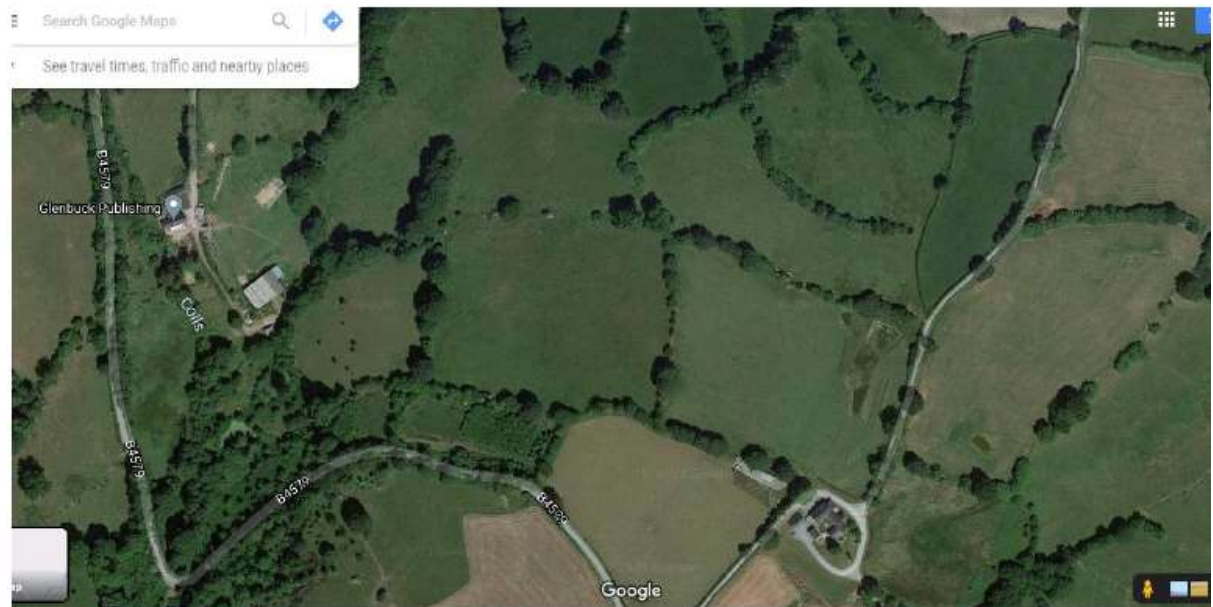
**APPENDIX 1: REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY - 13 JUNE 2022**

THE SITE

The site consists of a total area of 8 hectares of sloping pasture land on the south side of the Ceiriog valley. Footpath 24 crosses the site. Cae Mor Farm to the east is a Grade II listed building. Access is to the B4579 which runs from Glyn Ceiriog to Selattyn in Shropshire.



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Aerial Photograph



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Existing egg unit allowed on appeal



Proposed site entrance (hedge removed after application submitted)



Site from north showing trees removed after application submitted



Site from south



Site from south

PROPOSAL

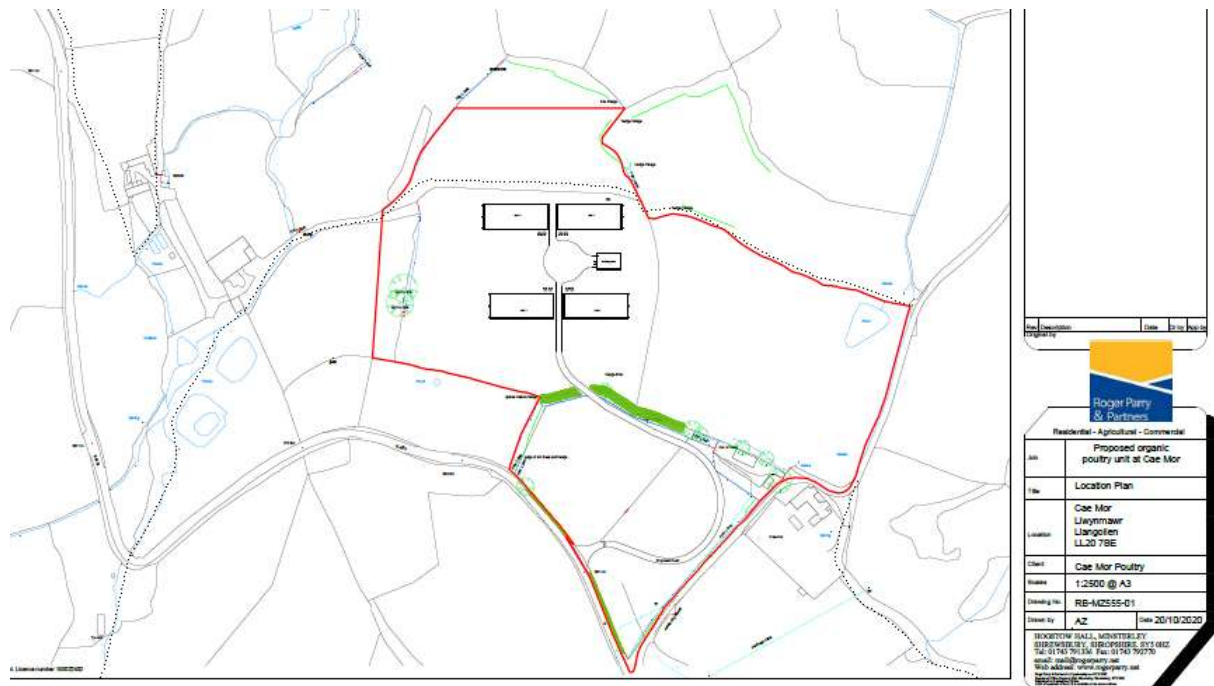
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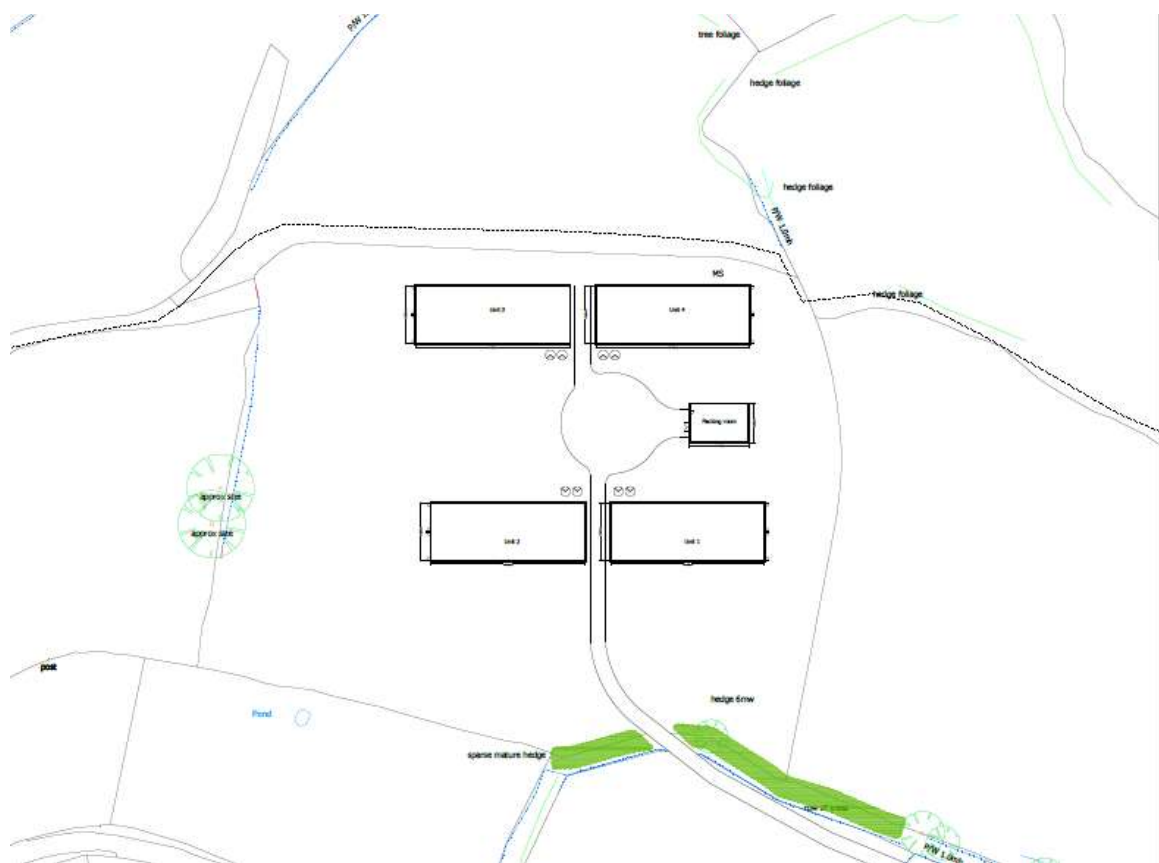
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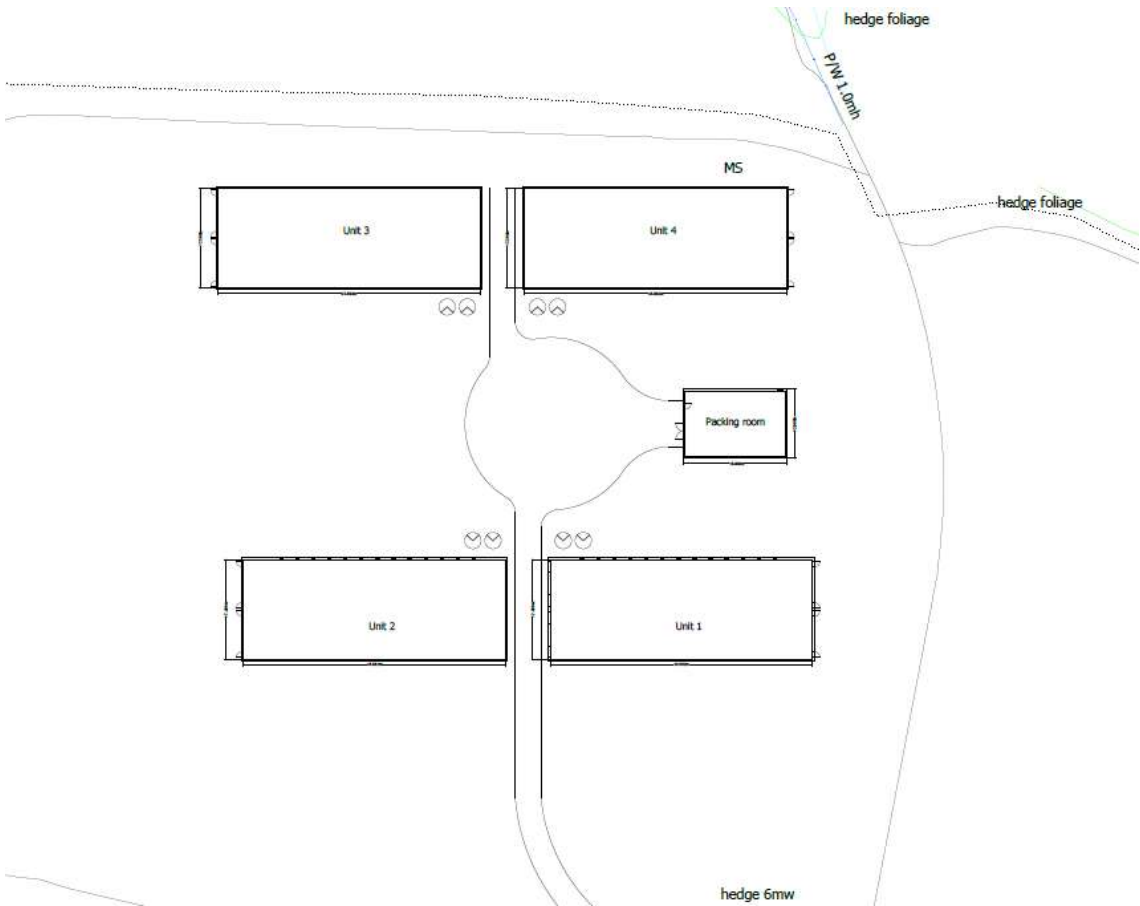


Location Plan

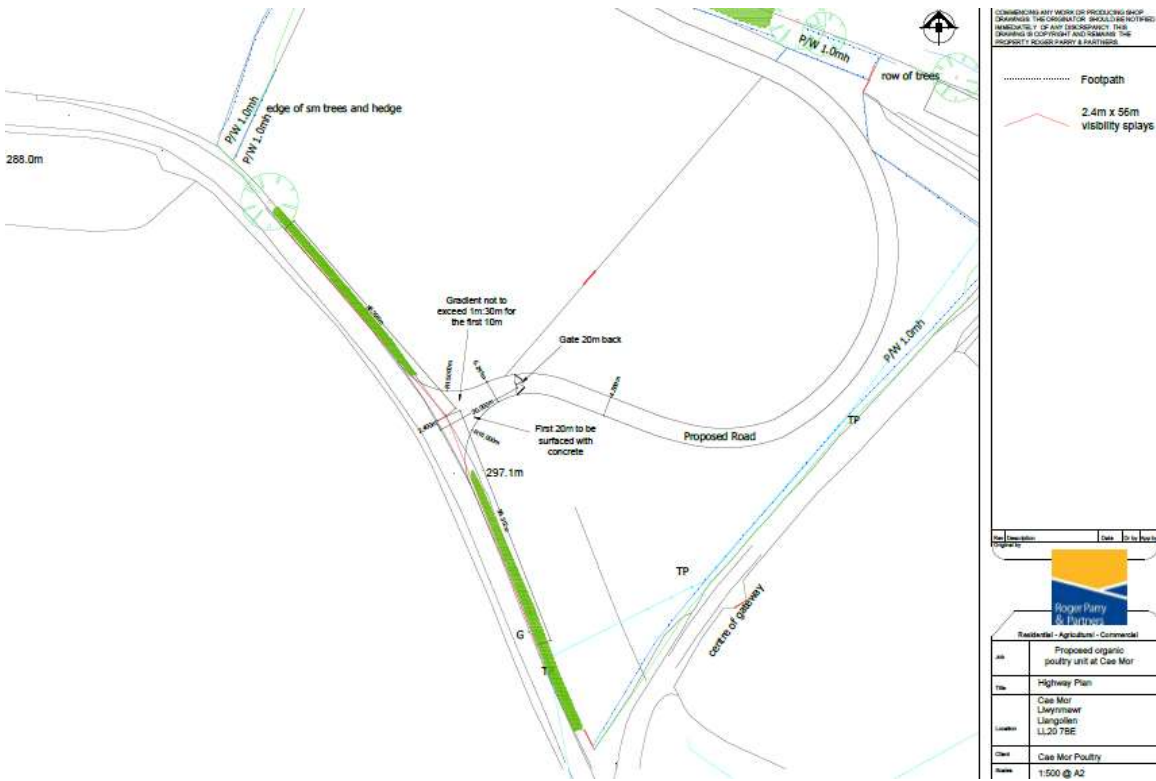


Block Plan

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Block Plan



Proposed access

[illegible]

Architectural drawings of a packing room. The drawings include four elevations and a floor plan.

Elevations:

- West Elevation:** Gabled roof, height 4.16m, width 12.00m.
- South Elevation:** Gabled roof, height 4.16m, width 18.00m.
- East Elevation:** Gabled roof, height 4.16m, width 12.00m.
- North Elevation:** Gabled roof, height 4.16m, width 18.00m.

Floor Plan: Rectangular room, dimensions 18.00m by 12.00m. The plan is labeled "Packing room".

Scale: 1:100

Architect: Roger Parry & Partners

Client: Case Mor Poultry

Project: Proposed organic poultry unit at Case Mor - Packing Room

Location: Case Mor, Llangollen, LL20 7BE

Drawn by: RS-MC255-04

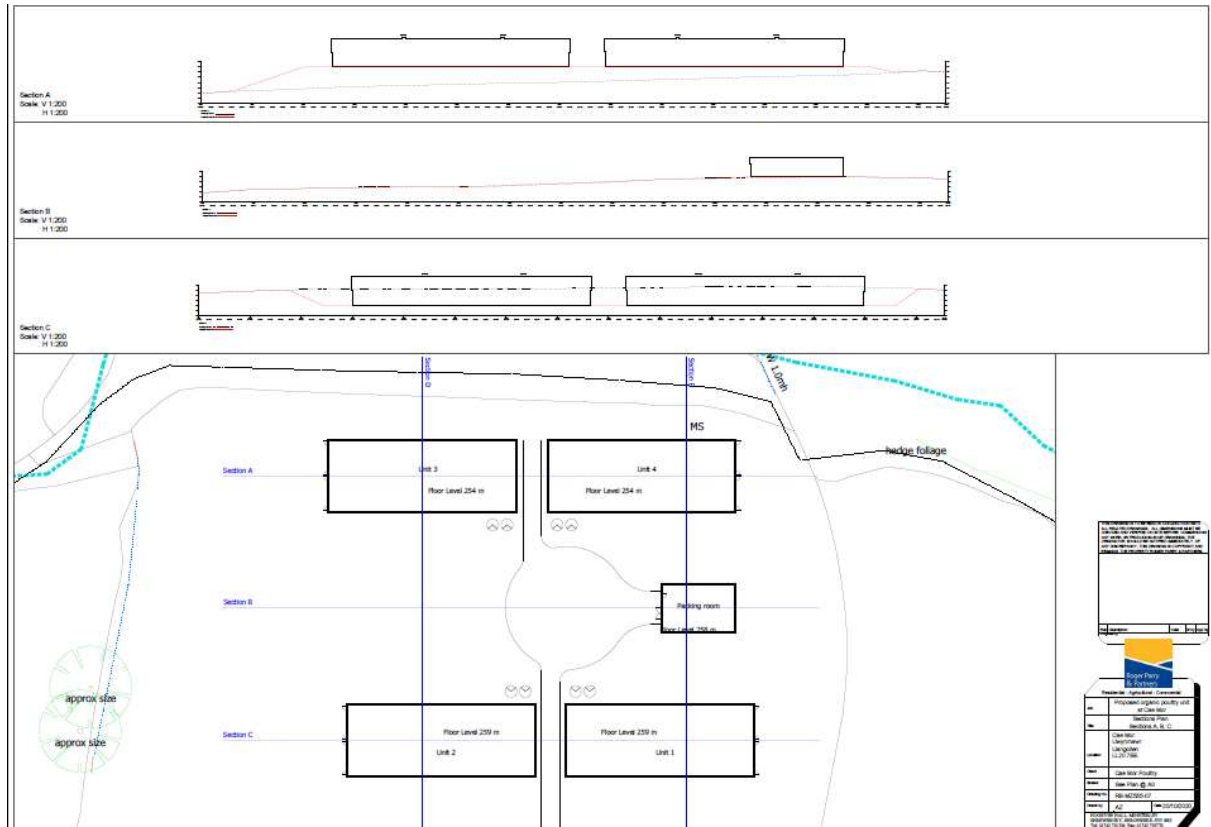
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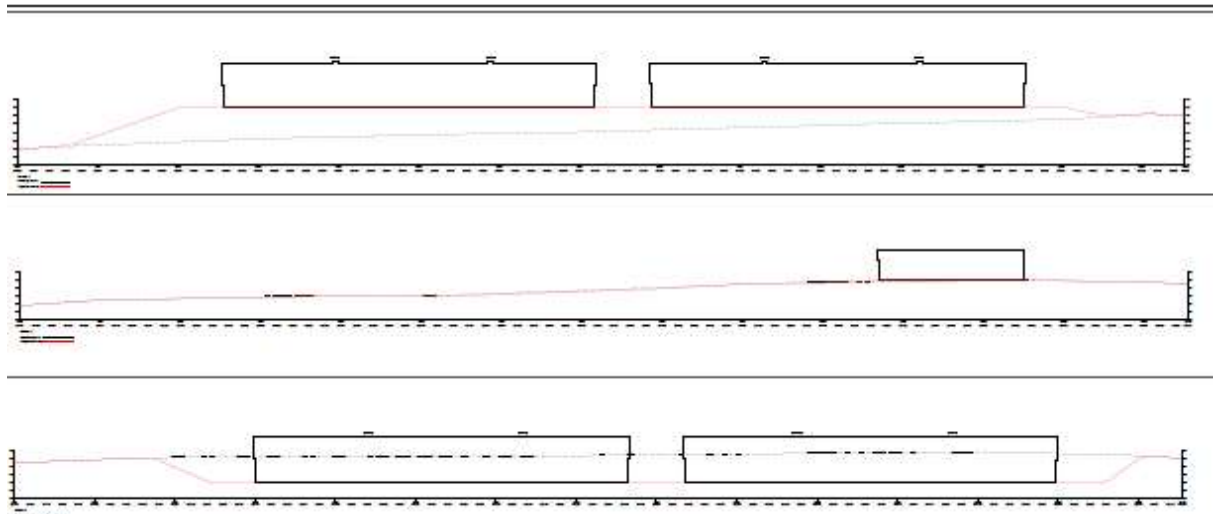
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Proposed Elevations and floor plan – Packing Room

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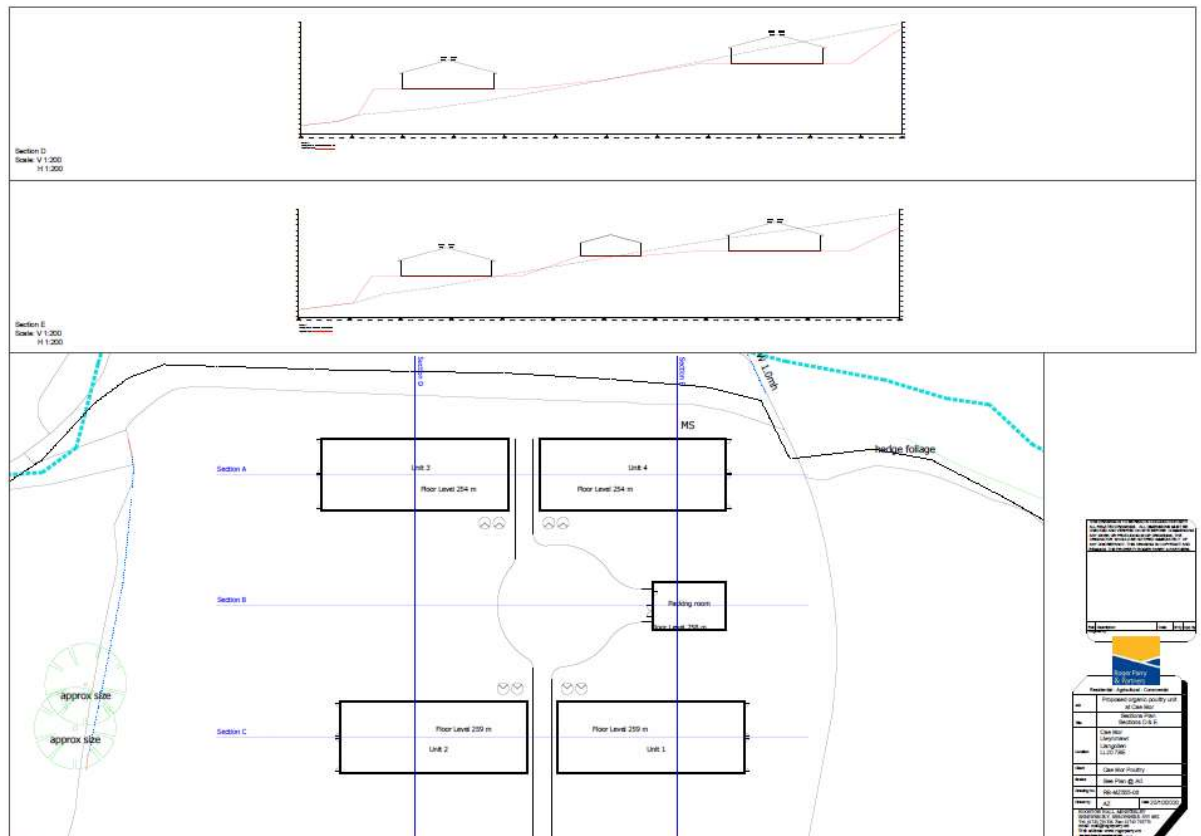


Proposed sections East-West

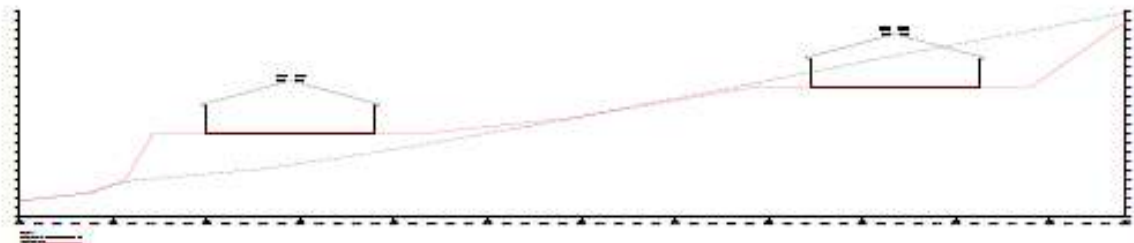


Proposed sections East-West

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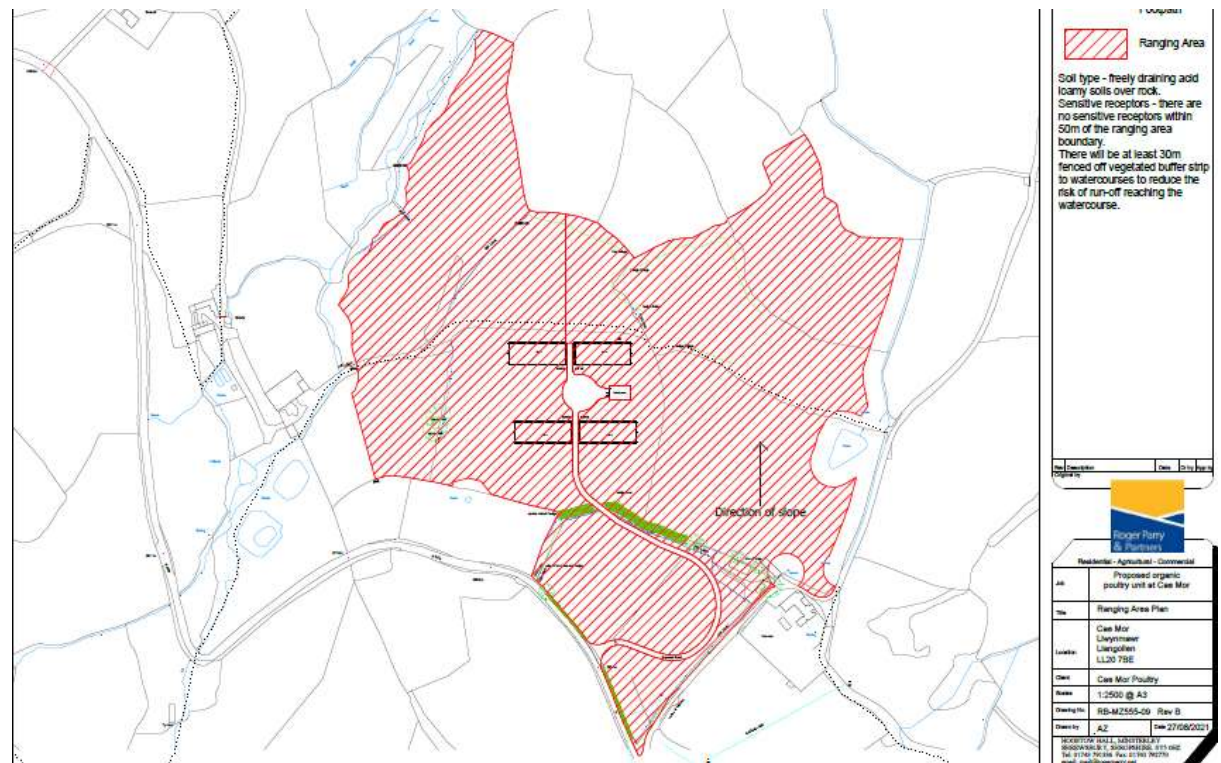


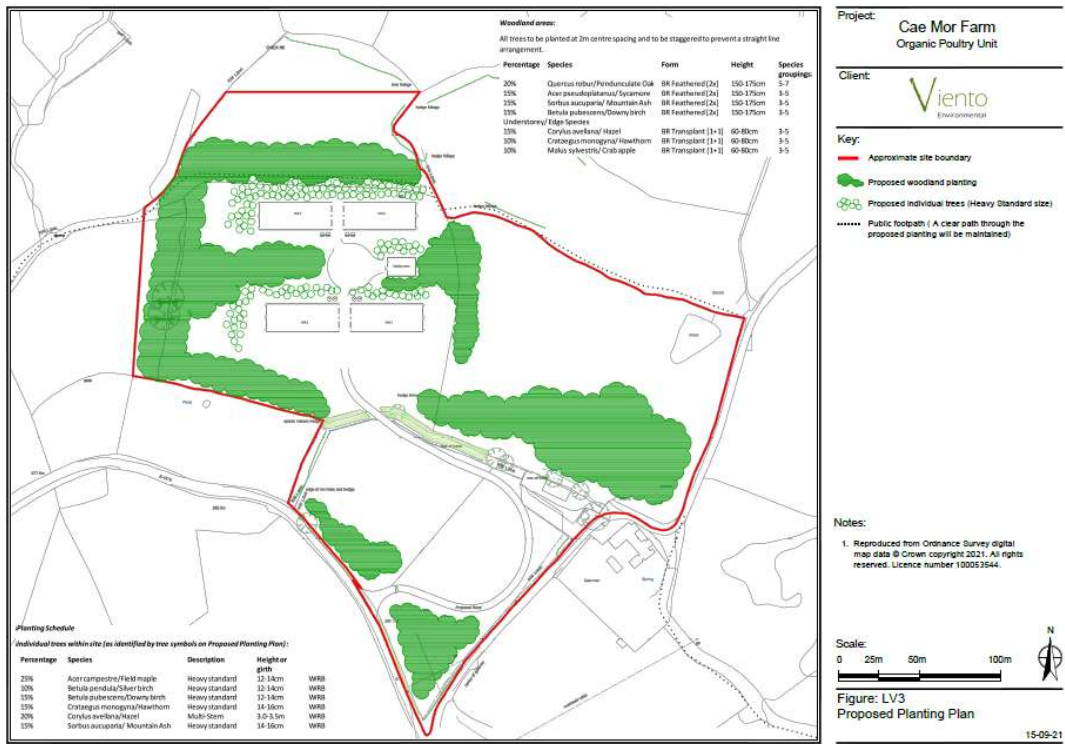
Proposed sections North-South



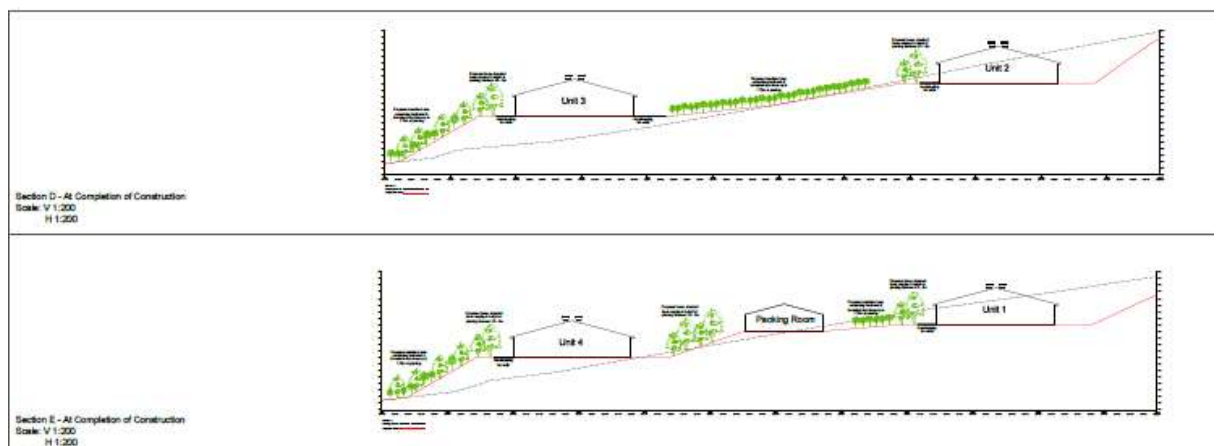
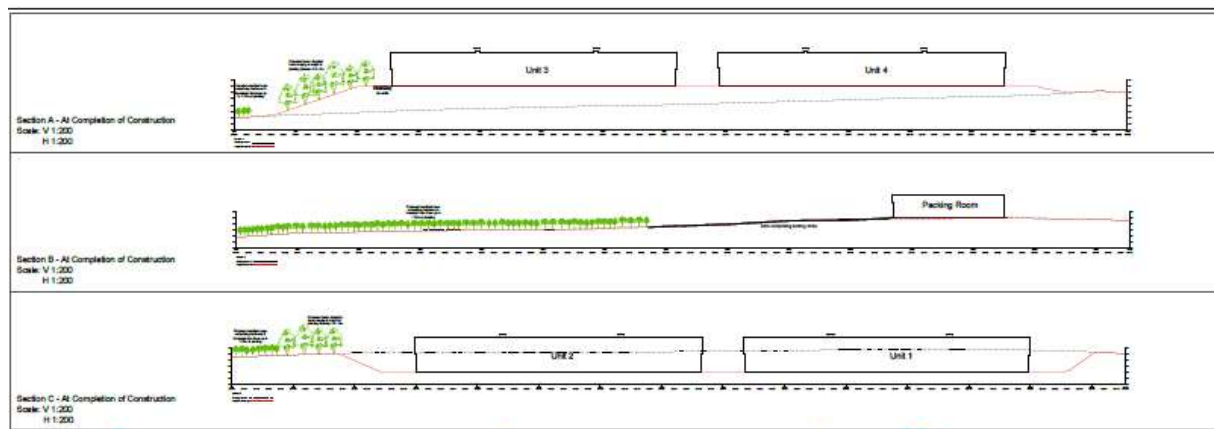
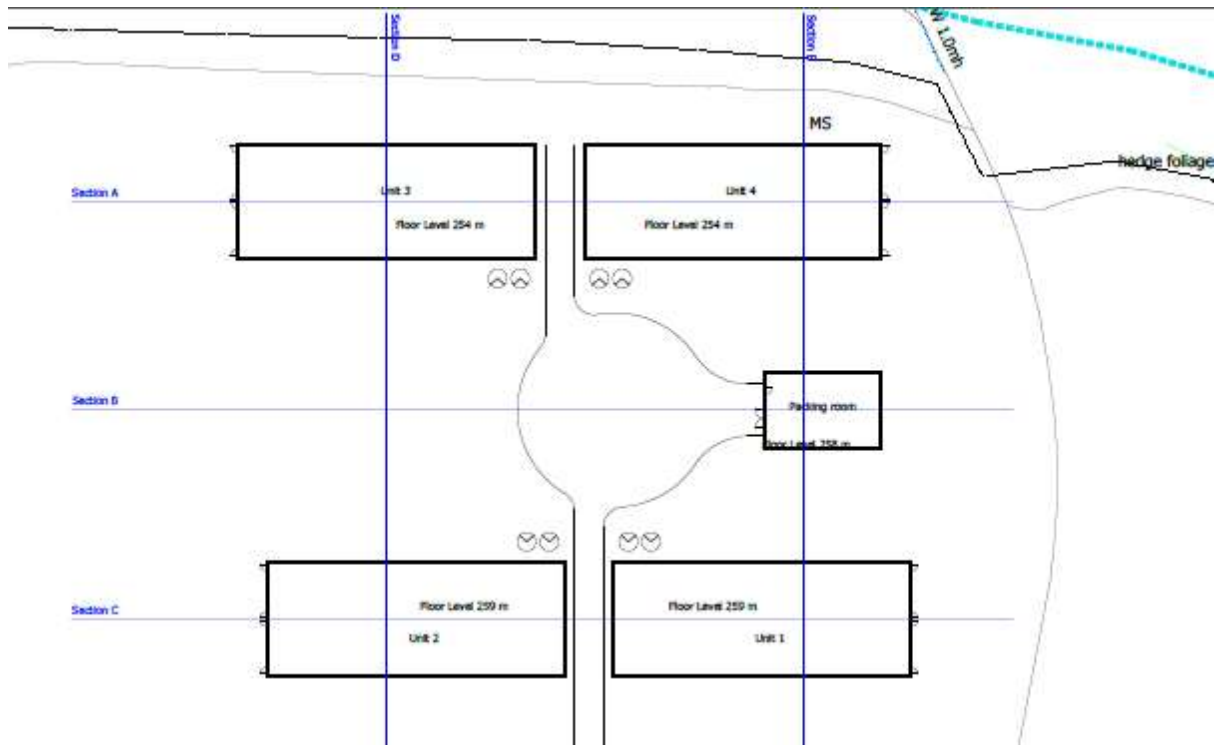
Proposed sections North-South

Ranging Area



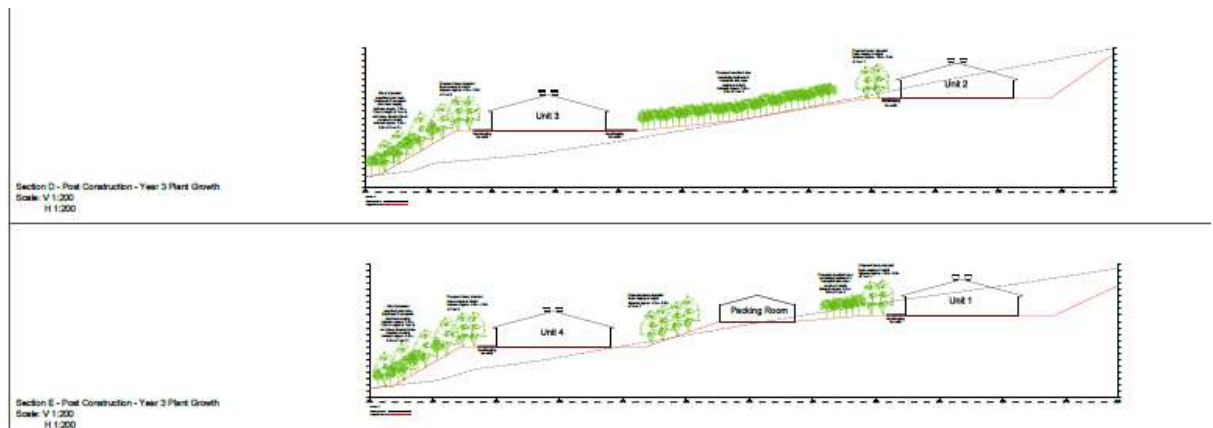
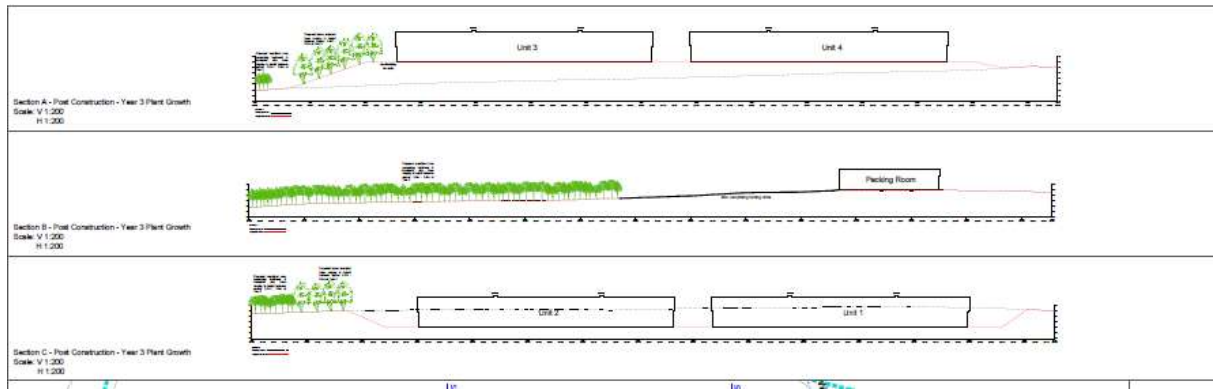


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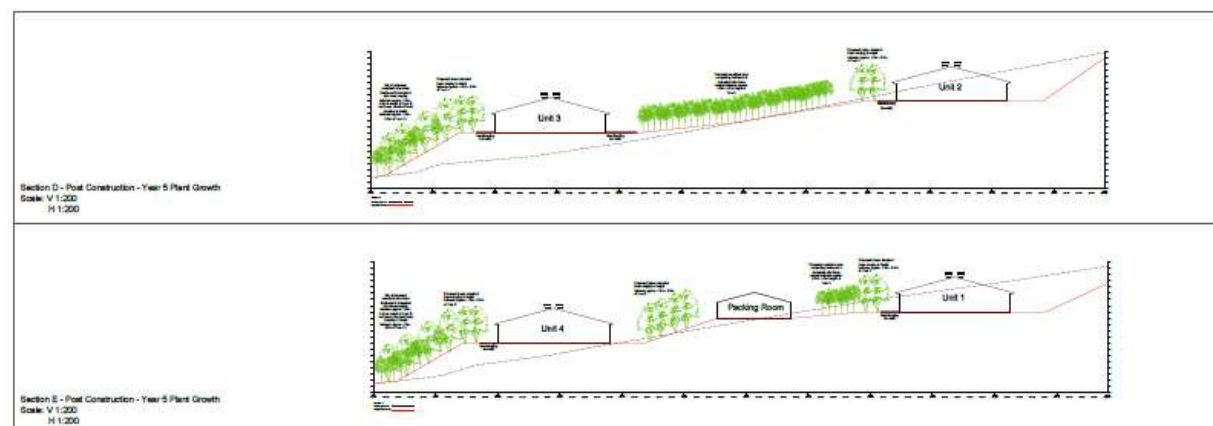


Sections at completion of construction

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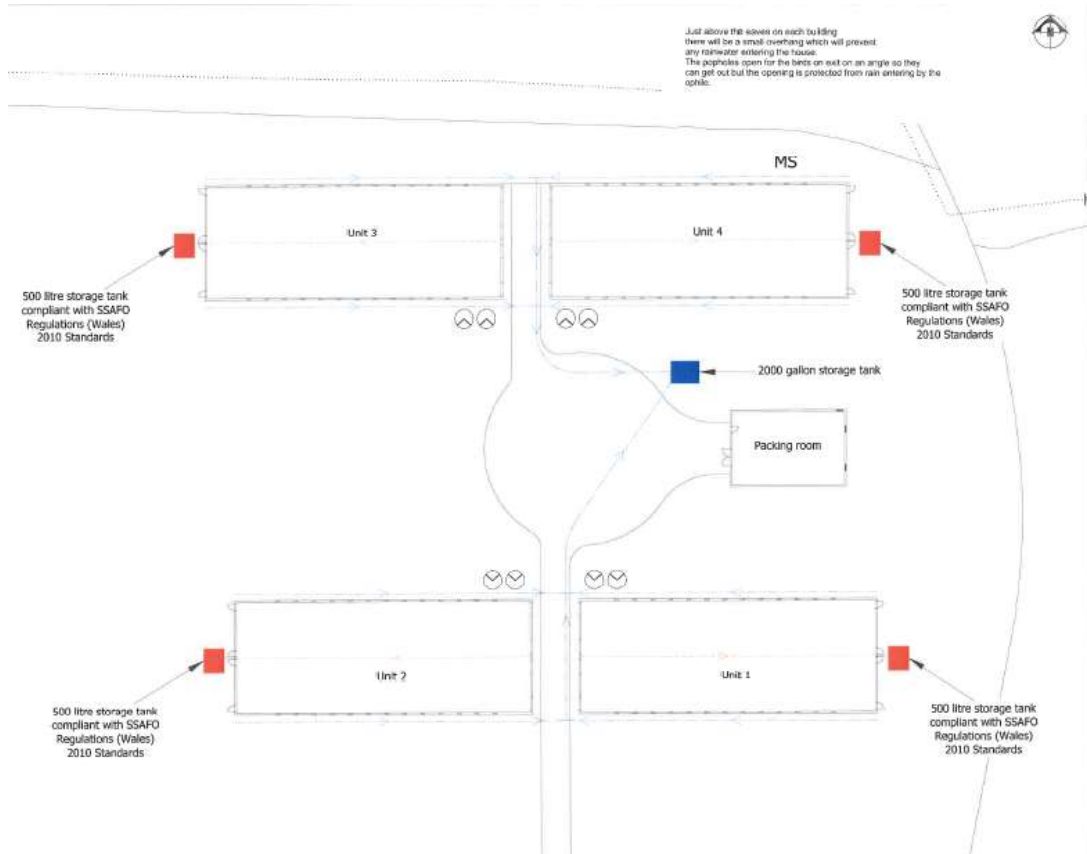


Sections at year 3

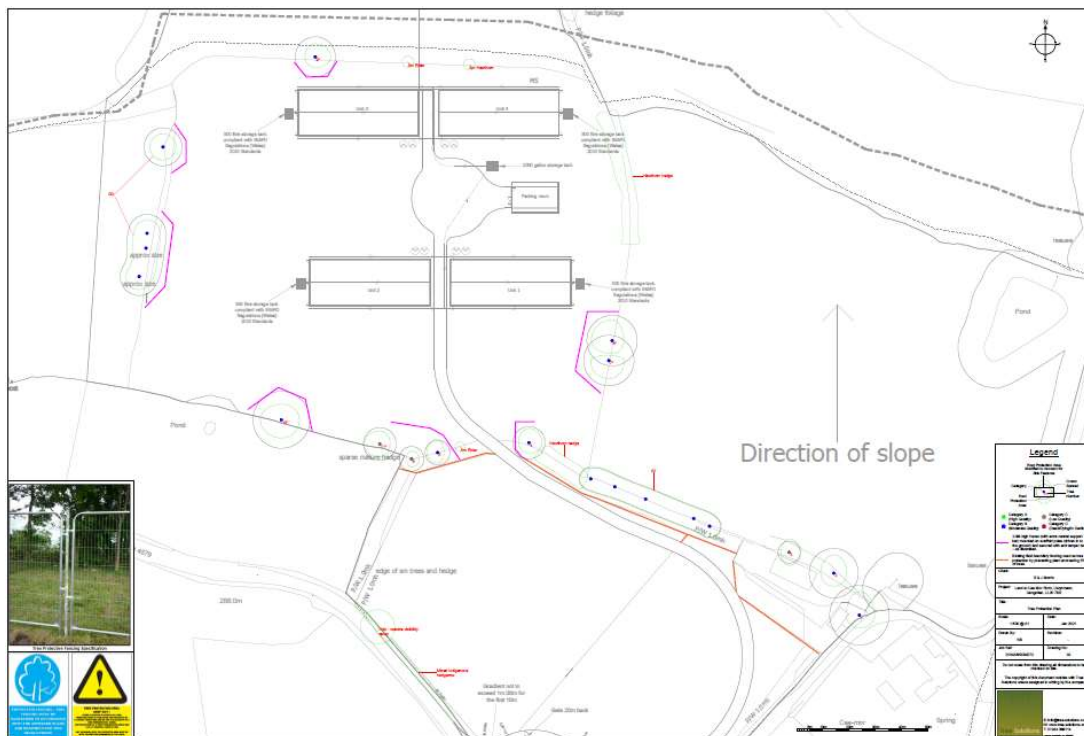


Sections at year 5

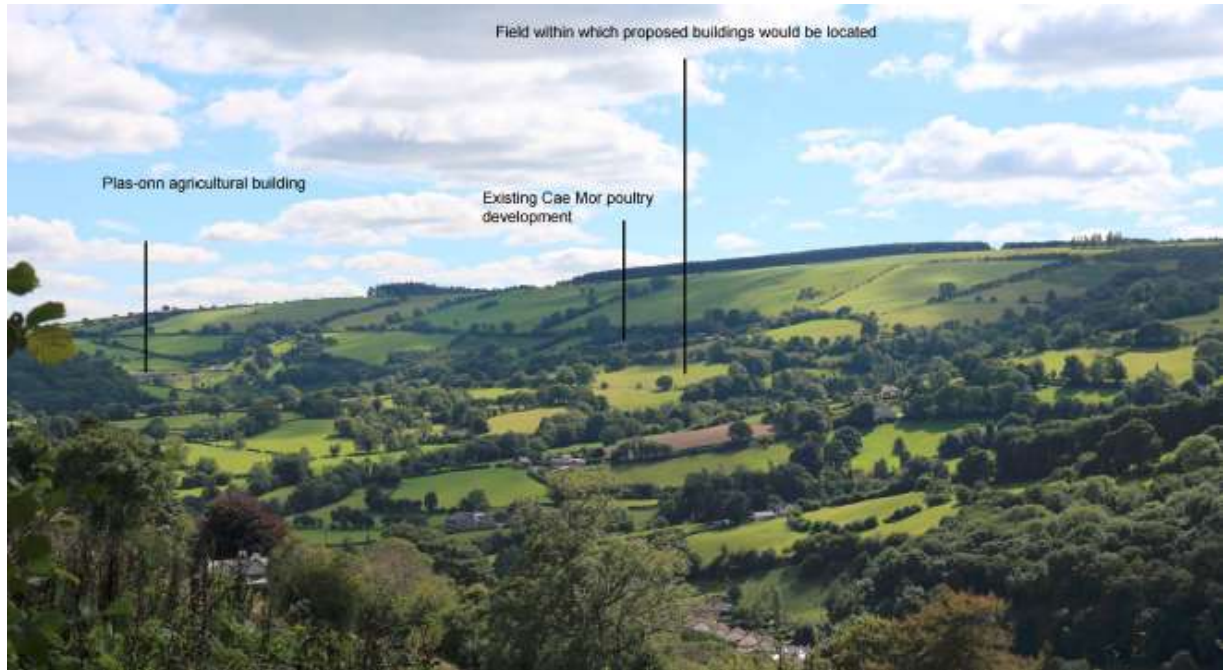
REPORT OF THE CHIEF OFFICER PLANNING AND ECONOMY – 5 FEBRUARY 2024



Drainage scheme



Tree protection plan



Viewpoint from Landscape assessment

HISTORY

None on application site.

P/2015/0810 Egg production unit to South East Refused 7/3/2016, Appeal allowed 10/2/2017

Subsequent applications for discharge of conditions and a wash house.

DEVELOPMENT PLAN

The site is outside settlement limits and with a Special Landscape Area as defined in the Wrexham Unitary Development Plan.

Policies GDP1 PS2 EC3 EC4 EC5 EC6 CLF6 T8 and EC13 are relevant, together with adopted Local Planning Guidance Notes 7 Landscape, 17 Trees and 32 Biodiversity.

Welsh Government policy TAN6 Planning for Sustainable Rural Communities, TAN5 Nature Conservation and Planning Policy Wales 11 are relevant.

The site is within an identified as sub area 4: Ceiriog Valley in the Council's adopted LANDMAP Special Planning Guidance.

CONSULTATIONS

- Glyntraian Community Council: Raise concerns:
1. The assessment of visual impact has not taken into account the community occupying the Old Road directly to the north of the proposed site, at approximately the same altitude. The images shown in the assessment do not represent any of the effects to be seen from that position, probably the most impacted of all the aspects of the site.
 2. Errors in the application
- Section 7: Materials
The plans as submitted do not include any contamination control building such as was deemed an essential extra for the original Cae Mor site (Cae Mor 1). This indicates that the plans as submitted are incomplete and do not represent a true description of the eventual site layout.
- Section 13: Foul Sewage
The plans make no mention of any welfare facilities (specifically washing and toilet facilities) on site, for which there will be a need for sewage and fresh, potable water supplies.
- Section 18: Employment
The application specifically states that no staff will be employed, The Design and Access statement says that only family members (Julian and Emma Morris) will be employed. Mr Morris has told the Council that 3 staff will be recruited to run the operation on site. The planning application must take into account the Welfare, Health and Safety of any staff and so this incongruity must be resolved.
- Section 23: Neighbour and community consultation
No residents of the Old Road have been consulted about this proposal despite being in direct line of sight of the site and at most risk of loss of visual amenity.
3. The successful appeal to allow Cae Mor 1 (P/2015/0810 ref RJC/RB/M/1845)
It is important to review the appeal document which identifies the reasons why Cae Mor 1 should be permitted, many of the mitigations (principally on the grounds of

visibility and access) are not so mitigated in this proposal.

4. Document 4776781 Screening Opinion
Question 1(d): The opinion is concerned only with construction phase, no interest is exhibited concerning the ongoing storage and disposal of solid waste from the birds themselves.

Question 1(e) iii: The opinion only concerns the immediate vicinity and not the wider environmental implications.

Question 2(c) iv: The opinion does not take into consideration visual amenity from directly across the valley.

5. Document 4767669: Odour Management
The assessment document is inconsistent. The waste trailers are outside the buildings and only covered when full, leaving them open to rainwater ingress. Only when being moved off site are they covered, carcasses are kept in the same waste trailers until removal.

6. Document 4767670: Waste/Manure Management
There is no indication of the compliance intended with the waste/manure once it is transported off the site. Currently, waste from Cae Mor1 appears to be bulk dumped in fields at the top of the hill to the south of the site c. 52.9084, -3.1542.

7. Document 4767668: Location Plan
This plan along with all of the other plans (with the exception of Document 4767665) and drawings, whilst it includes Cae Mor Farm and other buildings does not include any reference to Cae Mor 1 so no comparative assessment on size, proximity or aggregate impact is possible.

8. Document 4767666: Drainage plan
The drainage plan deals with water from the wash down process and the clean water from the roof surfaces but does not consider the run-off from all hard standing or ranging areas (which includes the hard standing). It is this run-off that will contain manure contaminants.

The “fresh” water tank is 2000 Gallon whereas the foul storage are only 500 litres. If the first is used in the washdown process to fill the latter, this is inconsistent.

9. Document 4767665: Design and Access Statement

Section 6 At present the specific site for the buildings is devoid of hedgerow or tree screening, this will therefore indicate the need for significant planting to provide any screening. This will require years to be effective.

Section 7 Experience of Cae Mor 1 shows that although the buildings themselves are suitably coloured, the elevator machinery is shiny steel and consequently very visible.

Section 10 The calculations of vehicle movements are misleading and palpably wrong. If a vehicle is needed every 3 days to remove the eggs from a 16 000 flock, the requirement for a 40 000 flock would be 150% higher i.e. c. every day. The requirement for removal of waste and manure trailers would be equally greater. Mr Morris has corrected the labour force requirement to 3 extra members of staff.

The site appears to contain no welfare facilities or mains/sewer connections.

Section 26 Though the water supply is private, it is extracted from boreholes which share their source with other properties on the same hillside, there is a concern that this extraction will result in loss/interruption of supply for other land and house holders.

10. Document 4767660: Landscape and visual assessment

Page 4, Section 11 Earthworks: This document states that the detail for the earth movement during construction is included in document 4767665. This is not so.

During construction of Cae Mor 1, a great deal of site traffic left the site to remove spoil, with the need to cut heavily into the hillside for this proposal, these movements are likely to be much greater. The roads in the vicinity are in a perilous state as they stand. During various construction projects over the recent past, much concern was voiced by local residents and Councillors about the consequent damage to roads and the compromising of drainage and flooding issues due to debris and mechanical failure of the infrastructure. This must be addressed.

Section 26 Viewpoint analysis. This contained no reference to or appreciation of the visual impact the construction and later operational procedure will have on the residences directly opposite the site on the north side of the Ceiriog valley. It would appear that planting and landscaping will have little or no effect on this impact in the foreseeable future. Were similar criteria be applied to this aspect as have been to the other viewpoints, the outcome may well be very different. As such a view has not been taken it is impossible for the proposers to know whether or not the site will significantly impact them.

11. Document 4767652 Proposed Sections D and E would seem to indicate that the northern most of the buildings would be built on outcrops making them exceedingly difficult to screen from a northern viewpoint. This needs clarifying as the narrative here and elsewhere identifies landscape and vegetation screening.

12. Document 4767650 Proposed Elevations

The drawings do not show the position or aspect of the elevator or other equipment which, in Cae Mor 1 is the tallest and most prominent part of the structure.

13. Document 4767645 Location plan
The location plan does not show the position of Cae Mor 1. The inclusion of this would have given some comparative indication of the size of the new proposal.

14. Document 4767640 Tree Report
As can clearly be seen from the photograph, there is no existing vegetation coverage to the north of the proposed site screening it from the houses on the Old Road (LL20 7AG). As this is also downhill from the site, any planting would take decades to reach an effective height.

15. Conclusion

It is the belief of residents and Glyntraian Community Council with responsibility for planning matters, that all of the above concerns and clarifications should be satisfied before any consideration is given to this application. We also note all of the responses and reports from authorities

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	included in this application portfolio and fully concur and support them.
Local member:	Consulted 15/2/2021
Llansantffraid Glyn Ceiriog CC:	Consulted 1/3/2021
Highways:	No objection subject to conditions
Natural Resources Wales:	No objections providing detailed conditions are imposed referring to the submitted and amended documentation
Welsh Water:	No objection subject to conditions to protect drinking water
Public Protection:	No objection subject to comments and conditions
Contaminated Land:	No comments
Flood Risk:	SAB approval will be required
AONB Committee:	No observations in principle subject to comments
Woodland Trust:	Object in view of detrimental impact on ancient woodland in the area from ammonia pollution.
Rights of Way:	Consulted 1/3/2021
Ramblers:	The development is close to footpaths GLY24, GLY23 and GLY27 which should not be diverted or blocked by the development, nor during its construction.
CPRW:	Object to the application on grounds of: • Adverse visual impact on Ceiriog valley • Risk of pollution from ammonia • Adverse impact on wildlife
Tree Officer:	No objection subject to conditions
Ecology Officer:	Objects- further information required
Conservation Officer:	No objections
Site Notices expired:	26/3/2021
Press advert expired:	26/3/2021
Adjoining occupiers notified:	1/3/2021
Representations received:	36 Objections • Inadequate time for comments • Inadequate pre-application consultation and consideration of responses • Adverse impact on Ceiriog Valley in terms of landscape, biodiversity and noise • Industrial scale development out of character with the area • LVIA demonstrates that that there would be a major/moderate impact for 10 years • LVIA states that no trees would be removed. • Trees have been removed after submission of the application

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- Adverse impact on setting of listed farmhouse
- Inadequate details of mitigation planting
- Adverse impact on residential amenity
- Detrimental to Special Landscape Area valued by visitors and walkers for its unspoilt beauty.
- Development will have greater visual impact than previous scheme due to inappropriate location and large scale
- In allowing the previous appeal the Inspector stated that it did not set a precedent
- This proposal would set a further precedent
- Creation of a large industrial production factory
- Additional water abstraction detrimental to adjoining pasture and farming
- Smell and run-off from poultry manure likely to affect adjoining land and dwellings
- New access is on a hill and bend in road and is very dangerous
- Increased traffic on the B4500 will require investment in road maintenance and speed limits
- Hedge already grubbed up to make the access
- Loss of outlook from adjoining properties but not the applicant's
- Animal welfare issues (not planning)
- Detrimental impact on wildlife and biodiversity
- Development does not make a positive contribution to the locality
- Adverse impact on local tourism
- Disposal of chicken manure would create issues in a proposed Nitrogen Vulnerable Zone
- Inadequate land for scale of development- 12 ha required
- Detrimental impact on Ancient Woodland
- Solar panels will reflect light and be intrusive
- Issues which are not properly addressed in the documents despite last minute changes in the details.

- The applicants are premature in changing a further large part of their farm to development which has the strong appearance of an industrial undertaking.
- Granting a permission would have a long term impact upon this sensitive landscape.
- The previous grant (on appeal) has so far failed to show that a development of this type can be carried out without major harm to the beautiful and special landscapes.

22 Letters of support:

- There are not enough organic farms. We must support organic produce.
- Create local employment and boost local economy
- Diversification of sustainable farming at well run farm
- In-keeping with the area
- Reduce demand for imports
- Beneficial to health

CONSIDERATIONS

Isolated Position

As mentioned above, UDP Policy EC3 confirms that new isolated buildings require special justification based on essential need, and requires that alternative sites have been examined. There has been a limited assessment of alternative sites.

This essential need has been partly explained, but the chosen flock size of the venture seems to be determining the scale of the buildings and the range size. The need does not investigate or explain why the flock must be 24,000 for the farm as opposed to a smaller number – which could result in a smaller buildings within the landscape; or why the flock size cannot be divided – to allow separated ranges by smaller buildings. This option may or may not be possible for a variety of justified reasons, but scope to have smaller farm building(s) closer to the existing farmhouse should not be ruled out without clear evidence.

It should be noted that Cae Mor does not have many farm buildings associated with the agricultural holding at this location, and earlier ones (which was nearer the house) were removed when renovation works to the house were undertaken.

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It has been confirmed by the applicant that the use of nearer locations around the house are not good for this agricultural use because of the geometry of the approach roads, and other constraints.

Importantly, it should be noted that Cae Mor is a Grade 2 listed building, and that status would need to be carefully assessed if any new buildings were to be allowed closer to the building.

In terms of alternative sites, none were examined in the submitted application, and the Landscape assessment only refers to the submitted scheme. An assessment of alternative locations has been received with supplementary information dated July 2021.

The conclusions of the Landscape assessment are that, in combination with the planting proposals, the proposal would be a suitable fit within the context of its immediate surroundings and would result in limited changes to views and landscape character. It is important to note that the application proposes 15,000m² of new tree planting. This is a very significant proposal and in itself is broadly welcomed, and an assessment has now been received of the time taken for this planting to reach a level where it provides effective screening of the development, including management measures and failure rates. Slow-growing native trees will be preferred to fast-growing species from ecology points of view. My conclusion is that, without the planting proposals and before they reach maturity, the development would not be a suitable fit.

The proposed buildings are isolated and will have their own independent access, and so could operate quite separately. However there is an on-site linkage / operational link with Cae Mor via an existing farm track to the east.

Landscape Impact

AONB

The Joint Committee notes that the application site is approximately 4 km outside the AONB but, having regard to the large size of the proposed building complex (3371sqm), it will be visible in distant views from the higher ground of the AONB to the north. The visual impact is more pronounced as a result of the sporadic siting of the unit in open countryside away from the main farm complex or other existing buildings. Siting as a logical extension of the existing farm complex would be preferable, but it is assumed that the current siting is a necessity for such a potentially 'bad neighbour' development and to conserve the setting of the Listed farmhouse.

Although it will be visible in distant views from the AONB, the specification of Juniper green walls, roof and silos, coupled with the relatively low profile of the buildings and extensive landscape planting will help mitigate its visual impact. In this context, it will appear as a small element in the wider landscape and will not have a significant adverse impact on the AONB and the Joint Committee therefore has no observations to make on the application in principle. The Committee notes however that whilst the impact on the AONB is limited there will be more significant impacts on the immediate locality.

If permission is granted, the Committee would emphasise the need to secure the earliest possible implementation of the full landscaping proposals. All new planting should be native local species and must be suitably protected from stock. The committee would also recommend that a 5 year landscape management plan is required to ensure the proper establishment and long term continuity of the landscape mitigation measures.

The lighting design scheme submitted with the application is noted, but the committee would recommend a condition requiring submission of precise details of the proposed luminaires, including their outputs, colour temperature, and operational timing to ensure the lighting is the minimum necessary for safe operations and is designed to conserve the AONB's dark sky and nocturnal wildlife.

Special Landscape Area

Policy EC3 of Wrexham UDP confirms that new agricultural buildings in the countryside are acceptable in principle, but they must not be materially detrimental in terms of their impact upon the landscape. Isolated buildings are only allowed for *exceptional circumstances* where there is an essential agricultural need and no reasonable alternative.

In this instance, the building will not be directly adjacent to the existing farmstead building, and it will have separate and independent access to the adjoining road network. Accordingly the exceptional circumstances need to be investigated.

UDP Policy EC5 also confirms that within areas of special landscape value, although the principle of agricultural development is allowed, buildings are required to conform to a high standard of design and landscaping, and special attention must be paid to minimising visual impacts from both nearby and distant viewpoints.

In addition to the UDP policies, PPW Edition 11 is also a relevant document, and this should also be considered together with Welsh Government guidance from TAN 6: Planning for Sustainable Rural Communities.

The Council has adopted a SPG called Wrexham LANDMAP, and this document describes this area as: "*scenic, tranquil and steep-sided valley enclosed by spurs of the Berwyn mountains, with hillside farms, wooded and farmed slopes, and small villages along the River Ceiriog*". The SPG also explains the visual character of the area – e.g. upland pastoral valley with small mosaic of fields with hedgerows and woods, and scattered stone built farms reached by steep winding lanes, and high quality landscape, sense of peace and tranquillity as well as the scenery. In terms of management, the guidance recognises the need to retain its distinctive rural character, and to avoid visually intrusive development that is not in keeping.

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Para 5.6.8 of PPW also confirms that the Council is required to adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices.

Para 3.1.2 of TAN 6 confirms that Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. However para 3.1.3 confirms that expansion of businesses that are currently located in the open countryside can only be provided if there are no unacceptable impacts on local amenity.

Para 3.7 of TAN 6 refers to farm diversification projects and the need to take a proportionate approach to public transport and the need for improvements to the local highway network. Buildings are required to be sensitively located and new buildings can be considered. Para 3.10 also states that farm plans can be useful to help support applications for farm diversification.

As a result of the above, it is considered that there are a number of matters that are relevant, and these are raised below under separate headings.

It is considered that this application has been submitted as an agricultural diversification project rather than a non-agricultural one. Therefore the issues for this application is principally the position of the building, its scale (size of new building and associated work), and how this impacts the visual character of the area, and any other material planning considerations, including those raised by policy GDP1.

The application includes a Landscape and Visual Impact Assessment report (dated September 2020) and supplementary information (dated July 2021) and this provides useful additional information regarding the potential landscape impacts.

The main landscape report does not examine alternative sites or smaller buildings, but focuses upon the location and scale of the proposed buildings. A supplementary assessment of 3 alternative locations has been submitted.

The report considers 7 viewpoints at various points along public roads, and bridleways and footpaths. The sensitivity of some viewpoints has been assessed in relation to receptors, to assess whether the current experience of the landscape will be significantly altered by this development. A matrix to assess the magnitude of change has been used to judge this, to see if the effects are ranging between high to low degrees of sensitivity.

Based on the LVIA report, receptors such as LANDMAP, motorists and walkers/horse riders have been identified, and a number of relevant viewpoints have been considered.

The results are shown below:

Receptors

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- a) Landmap – all viewpoints were seen to have impacts of high/medium sensitivity. Some had a magnitude of moderate adverse, and others had a magnitude of between slight adverse/negligible adverse. The individual effects were either moderate adverse/moderate/minor adverse
- b) Motorists – all viewpoints had medium sensitivity, and a magnitude of slight/negligible, medium or moderate. The individual effects were minor or moderate
- c) Walkers and horse riders – all viewpoints had high / medium sensitivity. The magnitude was slight / negligible, and individual effects were moderate / minor.

The LVIA also confirms that these impacts do not consider the proposed landscaping scheme or any potential screening that this may provide.

Accordingly the applicant has confirmed that some of the visual impacts will be off-set by carrying out some tree planting at various locations within the site, to reinforce the long established planted northern edge to the field, and also by the new areas by the turning area/building. It is also proposed to allow existing roadside hedgerows to be supplemented, and/or allowed to grow higher.

External walls and roofing materials has been indicated to be dark green, but this choice of colour does not appear to have been informed by any assessment of the colour pallet of the area when viewing the site from any relevant viewpoints, and this potentially requires further examination to consider seasonal variation. This could be examined further if all other matters regarding the scheme are acceptable.

The assessment acknowledges that there will be some adverse on landscape fabric during the construction phase. This is principally seen as the result of trimming back and/or removal of the field boundary hedgerow to improve visibility; and it is considered that those impacts might be less because this might be achieved by trimming back the existing hedge. Additionally the lack of vegetation within the field area to be disturbed is also a benefit for the existing landscape.

For the operational phase it is considered that there will be no further alterations to the landscape fabric.

In relation to the LVIA, it is observed that these viewpoint locations do not consider the possibility of cyclists or walkers using the some of the surrounding highways. Not all persons visiting this area are limited to cars along on the roads. Some will use the roads for walking, particularly if they are used to connect between existing public footpaths or bridleways. Cyclists will also visit the area since the valley area is promoted for outdoor recreation and it has a high scenic value.

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It is also noted that not all the viewpoints have been have been assessed for their sensitivity to the receptors, but this is not thought to be significantly different.

Finally the view from footpath 24 which passes to the north of the 6 metre high embankment has not been assessed.

The LVIA also does not directly consider the impact of changes to the existing landform from the proposed 'cut and fill' method of construction. The buildings will have a very large footprint, and given the need for the buildings and operational areas to have a level platform area, those areas will result in the existing field slope being disturbed over a wide area. Whilst it is useful that the development will utilise a 'cut and fill' method of construction to minimise some impacts (e.g. waste material), the submitted cross sections indicate that existing land levels will be vertically altered by between 6 and 9 metres north and south of the buildings, and the existing sloping ground will be adjusted from its current 10 degree slope (mostly) to allow proposed sloping ground sections of over 45 degrees. It is unclear how those slopes will be managed as they might be more sensitive to erosion, particularly if used as part of the range.

It is further noted that the proposed track leading to the building from the B road will also require a degree of 'cut and fill' work in order to allow HGVs near the building.

Removal of the hedge to form the access has already taken place after submission of the application and any replacement hedgerows (behind the visibility splays) will take a long time to become more effective landscaping measures. It will remain difficult to soften visual impacts of such a large scaled buildings and developments on sloping ground, particularly within an area that is not typically containing large agricultural buildings.

The LVIA mentions that the buildings will be similar to other farm buildings in this immediate area, and therefore the landscape character is not considered to be dissimilar. However, the proposed development will be significantly larger, and those buildings have a different form, and their context is different - see below:

Plas-onn is a well-established farm within 700m of the site, and its main agricultural building is measuring 41 x 24m, and together with an attached structure, this has a floor area of 1170m². However this building is still 20% smaller than the proposal, and the ridgeline is just over half the length of the proposed ridgeline for the proposed agricultural building.

Cae Mor Ucha farm is located directly above the site, and this is the closest farm (just 70m away), and their main farm building is 38 x 18m, representing a floor area of 550m². This is two thirds smaller than the proposal, and the ridgeline of the building is about 50% shorter than the proposal

Existing unit east of Cae Mor Farm. This development has now been operating for a few years and planting is beginning to take effect.

External walls and roofing materials have been indicated to be dark (juniper) green, but this choice of colour does not appear to have been informed by any assessment of the colour pallet for the area based upon further examination to consider seasonal variation. This matter could be resolved by planning condition if all other matters are acceptable.

Despite the justification as submitted, there are still concerns regarding the likely visual impact of the buildings upon the established landscape character of the area. Whilst some visual impacts can be controlled or mitigated, this will take time. There is also concern that if this type of development is allowed, the same visual arguments could be used for further development, and it will have potential to erode the character of the area. Whilst the buildings represent a relatively small part of the Council's defined landscape character for the Ceiriog Valley, Area 4 of Wrexham's LANDMAP, the significance of these buildings could become more substantial if repeated at other locations within the valley. It is important to understand why an exception should be made in this particular instance.

The detailed assessment of landscape impacts recognises that this development would involve the formation of two level platforms on a sloping site, together with a new access road and splayed junction. The work would create a 6 metre embankment (fill) at the northern end with the ridge height of the northern buildings 11 metres above existing land levels, and a 7 metre embankment at the southern end (cut) with the proposed buildings 3 metres above existing land levels. The reports recognise that this would be very apparent when viewed from various points across the valley. The carrying out of such operations within a Special Landscape Area can only result in a very significant change to the landscape.

The mitigation offered in the application is the planting of 1.5 hectares of woodland in 5 areas. Whilst this is welcomed, I have two concerns:

1. The length of time taken for the planting to reach some level of maturity, to afford screening, which I would estimate to be 10 years for broadleaved species.
2. The scale of the planting (which is larger than the developed area) is such that it could be regarded as going beyond what is reasonably necessary for the development under the tests for planning conditions as set out in Circular 16/2014. Therefore, an appeal against a condition could succeed.

In response to these concerns the applicant has supplied amended landscape proposals, including the planting of individual extra heavy standard trees between the units and along the route of the public footpath to the north. In addition cross-sections have been supplied showing the impact of the planting after construction and at years 3 and 5 after planting. My concerns over the impact of the development and the limitations of the tree screening remain.

Scale/Size of site:

Based upon the flock size of 24,000 birds, the applicant will require 12 hectares of land for this flock to range outdoors. As a result, the range area indicated is limited to is not just limited to the area of the application site area (as edged red) because that field area only measures 8 hectares. The applicant will therefore need to use adjacent agricultural land which is currently within the control of the applicant (i.e. the areas edged blue), and the scale of that land holding is large enough for the flock size.

AMENITY CONCERNS:

A number of residents have raised a number of amenity concerns regarding the development, and these are raised below:

a) Odour:

Although this has been raised as an issue, odour impacts are not likely to be significant, and this can be effectively managed if other matters are acceptable.

b) Noise:

Noise is not likely to be significant subject to appropriate controls. It is not necessary to have motorised fans on the outside of vents, and typically they can sit well within the building to prevent external noise from machinery. Further details of mechanical equipment can be controlled by planning condition, if required.

c) Manure management:

Manure management for the building will be controlled by Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations). This will control on-site disposal and storage, including capacity of the wash down tank facility. It is confirmed that dirty water will be collected within an underground tank, no information regarding its size, or precise position has been submitted, and further information could be required to confirm this by condition if all other matters regarding the proposal is acceptable. It is also noted that NRW has not raised any objections to the principle of development, and this is despite the use of land externally for the birds to scratch. The management of those outside areas could have implications for ecology and existing drinking water supplies, and more details will be required to firm up those arrangements.

If manure exceeds the amount that can be accommodated on-site or at the adjacent farm –alternative off-site disposal is subject to separate controls. Planning can only be concerned if the disposal needs to be more frequent than that confirmed by the application because this could have traffic implications. This will be examined in the highway section below

d) Water supply:

Welsh Water would require conditions regarding spreading near watercourses.

e) Surface water drainage:

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Detailed design of the soakaways will need to be controlled by planning condition. Its precise design and on-going maintenance of this soakaway system is not mentioned, and those details would need to be submitted for approval, and this is important to ensure that private water supplies are not affected.

Part of the surface water drainage system might need to collect water for use by the flock, and details of this can be verified and controlled by condition if required.

Trees

Officers would agree with the BS5837 classification of the trees present on site and have no objections to the removal of the individual hedgerow rowan tree (G2) to facilitate the access point.

There are a considerable number of category 'B' trees on site presented with low risk from construction damage providing appropriate protective measures are agreed in advance through the submission of an arboricultural method statement.

In accordance with WCBC Tree & Woodland Strategy and PPW there will be a requirement to increase tree canopy cover across the site and to provide for a net gain in biodiversity. Should consent be granted then a landscape scheme and management plan should be subject to a planning condition.

No arboricultural objections are raised subject to conditions.

Ecology:

Protected Sites (Aerial emissions)

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

The detailed atmospheric modelling report submitted in support of the proposal (A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken Houses at Cae Mor, near Llwynmawr in Denbighshire by AS Modelling & Data Ltd. dated 13th March 2021, table 5a) indicates that the poultry unit will exceed the 1% process contribution for Afon Dyfrdwy SAC/SSSI.

The background ammonia concentration (annual mean) in the area around the poultry houses at Cae Mor and the wildlife sites is 1.45 µg-NH₃/m³. The background nitrogen deposition rate to woodland is 33.32 kg-N/ha/y and to short vegetation is 21.98 kg-N/ha/y. (APIS, March 2021).

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The use of ammonia critical level ($3 \mu\text{g-NH}_3/\text{m}^3$) for this section of the Afon Dyfrdwy SAC/SSSI has been updated further to our previous comments.

The applicant has submitted an in-combination assessment and a search of Wrexham County Borough Council's website for planning applications since 18th March 2020 found no other developments that would be a source of ammonia that could affect the site. In this instance the in-combination assessment can be considered complete.

As there are no other sources to consider, and in line with Guidance Note 20, we are satisfied that the process contribution and background levels do not exceed the critical level ($3\mu\text{g-NH}_3/\text{m}^3$) for Afon Dyfrdwy SAC/SSSI.

Protected Sites (River SAC catchment)

The application site is within the catchment of the River Dee and Bala Lake SAC. On the 21st January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

Manure Management Plan

NRW has reviewed the Manure Management Plan (Roger Parry & Partners, dated March 2021) submitted in support of this proposal. They note the manure management plan states that no manure from the poultry units (existing and proposed) will be spread on site as the farm will be using all of its land for ranging areas. All manure will be exported off site by Gamber Logistics Ltd. The manure management plan includes a contingency plan that manure can be exported to an Anaerobic digester (AD) plant. It is important that operators take responsibility to ensure the manure or slurry exported is being managed appropriately by others.

The manure management plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Ranging Plan

NRW are satisfied with the level of detail provided in the ranging plan (drawing no. RB-MZ555-09). The ranging plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Drainage Plan

The drainage plan (drawing no. RB-MZ555-06) shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards. The drainage plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Pollution Prevention Plan

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NRW note submission of the Method Statement Pollution Prevention Plan and are satisfied with the level of detail. The pollution prevention plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Should the Local Planning Authority conclude that the proposed development is likely to have a significant effect on the SAC and is considering permitting the development, consultation would need to be carried out with NRW on the required Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

The ecological appraisal submitted in support of the above application (Stirling, P (2020) Cae Mor, Llangollen. Preliminary Ecological Appraisal. Arbor Vitae) has identified that protected species were not using the application site. NRW advise the implementation of recommendations listed in the ecological report. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Ecology Conclusion

The details supplied have met the requirements for a development of this scale in terms of impacts on biodiversity. Based on the information supplied, an appropriate assessment would be required if permission is recommended. As it is not possible to carry out such an assessment at this time a reason for refusal based on the phosphates issue is recommended.

Listed Building setting

The proposal will not have a significant adverse impact on the setting of the listed building to the east due to the landform and vegetation.

Drainage

Comments have been included in the ecology section above. If permission is granted then detailed conditions would be required.

Highways

The application is for an additional egg production unit at Cae Mor Farm, where a similar unit already operates, and has been the subject of previous pre-application discussions.

New Access Junction

The unit is to be served by a new access from the B5479. The junction diagram provided shows 2.4m x 56m visibility splays and junction radii of 15m, which are appropriate to allow the safe movement of HGVs into and out of the site. The position of the gate 20m back from the junction will avoid the need for vehicles to wait on the B5479 to gain access.

A Stage 1 Road Safety Audit will be required before construction commences.

Traffic Generation

Food deliveries and egg collection will be carried out by vehicles already visiting the existing egg production unit, therefore the additional HGV trips generated by the unit will be minimal and on routes already used by HGVs serving the site. As the unit is staffed by residents of the adjacent farmhouse, employee trips are not expected to use the public highway. It is considered that the number of car trips to the site for inspections and other visits will be low and have a minimal impact on the highway network. Should any future employees reside off site then any trips generated on the highway network associated with their travel to/from work would also be very low.

Construction Traffic Management

Proposals for managing construction traffic have been submitted as part of the Design and Access statement and include a commitment to provide parking within the site for all vehicles as well as storage. An appropriate route has been proposed for construction traffic.

Highway Conclusion

Although the local highway network is substandard, the additional traffic generated by the development will be negligible. An appropriate design has been provided for the new site access. There are therefore no highways reasons why the development should not be granted permission subject to the following conditions:

1. A Stage 1 Road Safety Audit will be required before construction commences.
2. The Construction and Operational Traffic Management Plan provided in the Design and Access Statement must be implemented when construction begins.
3. A restriction on selling the eggs direct to the public from the farm as this would generate an unassessed increase in traffic volumes which may conflict with the increased HGV movements associated with this development.

CONCLUSION

The principle of new agricultural buildings in the countryside is supported, but there is concern that the scale of development at this location is not fully justified at this time, and it is important to minimise visual impacts since these will be long lasting for this area. Wrexham LANDMAP has identified this area as being scenic and tranquil, and the large scale of the buildings and associated development does not respect this special character. Other matters cannot be specifically raised as issues because those matters can be controlled by planning conditions if the visual impacts of this substantial development could be supported. I therefore recommend accordingly.

RECOMMENDATION: That permission be REFUSED

REASON(S)

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1. Notwithstanding the agricultural purpose of the proposed building, insufficient information has been submitted to justify the exceptional need for such a large scale isolated building at this particular location, which will be located on an exposed area of sloping land, which is within a Special Landscape Area which is described to be scenic and tranquil. To allow the development will cause long term detrimental visual harm to the character area, contrary to Policies PS2, EC3 and EC5 of the Wrexham Unitary Development Plan.
 2. Insufficient information has been submitted to demonstrate that the proposed development would not result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation. The proposal is contrary to paragraph 6.4.18 of Planning Policy Wales and Policy EC6 of the Wrexham Unitary Development Plan.
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