

Report of the Chief Officer Economy and Planning

Application Reference

P/2022/0820

Applicant

MR MULKH MEHTA

Agent

CASSIDY AND ASHTON MR GUY EVANS

Site Address

MAELOR FOODS PICKHILL LANE CROSS LANES WREXHAM LL13 0UE

Description of Development

AMRYWIO AMOD 07 O CANIATAD CYNLLUNIO APP/H6955/A/18/3216187
(P/2017/1032) I CANIATAU PROSESU 2,000,000 O ADAR YR WYTHNOS / VARIATION
OF CONDITION 07 OF PLANNING PERMISSION APP/H6955/A/18/3216187
(P/2017/1032) TO PERMIT THE PROCESSING OF 2,000,000 BIRDS PER WEEK

Ward

Marchwiel/Marchwiel

Community

Sesswick/Sesswick

Recommendation

Pending

Officer Report

Site Description

The application site lies in the south-east corner of the wider Maelor Foods site, which is situated on southern side of Pickhill Lane, Cross Lanes.

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Proposal

The application seeks permission to vary condition 7 of planning permission APP/H6955/A/18/3216187 (WCBC Ref. P/2017/1032) to enable the limit on the number of birds processed per week to increase from 1,000,000 to 2,000,000. The application is also accompanied by plans proposing some changes to the layout of the car park and the erection of acoustic fencing around the perimeter of the site. However, the acoustic fencing already benefits from planning permission under Ref. P/2022/0840.

Reason for Committee Determination

Objection received from the Community Council; and

Individual letters of objection received from the owners/occupiers of 3 or more properties.

Site History

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P/2011/0750 DEMOLITION OF EXISTING FACTORY BUILDINGS AND CONSTRUCTION OF NEW CHEESE CUTTING AND PACKING PLANT INCLUDING OFFICES TOGETHER WITH NEW CHILL STORAGE WAREHOUSE. Granted 4.12.2012

P/2014/0781 CHANGE OF USE TO POULTRY PROCESSING FACILITY. Granted 2.3.2015

P/2015/0838 EXTENSION, ALTERATION AND UPGRADING OF EXISTING FACILITIES AND BUILDINGS. Granted 1.2.2016

P/2017/0165 EXTENSIONS AND UPGRADING OF FACILITIES AND BUILDINGS. Granted 25.4.2017

P/2017/0204 APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION CODE NOS P/2014/0781: CONDITIONS 2, 3, 4, 6 AND P/2015/0838: CONDITIONS 3, 4, 6. Approved 18.4.2017

P/2017/0626 APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITION IMPOSED UNDER P/2014/0781: CONDITIONS 5, 7 AND P/2015/0838: CONDITIONS 5, 7. Approved 24.8.2017

P/2017/0811 APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2015/0838 TO AMEND DETAILS OF SITING AND DESIGN. Approved 12.10.2017.

P/2017/0899 APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION P/2017/0165: CONDITIONS 5 AND 6. Approved 20.11.2017

P/2017/1032 APPLICATION FOR REMOVAL OF CONDITION NO 14 OF PLANNING PERMISSION P/2014/0781, TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK. Refused 1.10.2018. Appeal allowed 6.6.2019. Costs awarded.

P/2017/1037 APPLICATION FOR REMOVAL OF CONDITION NO. 11 OF PLANNING PERMISSION P/2017/0165 TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK. Refused 1.10.2018. Appeal allowed 6.6.2019. Costs awarded.

P/2017/1038 APPLICATION FOR REMOVAL OF CONDITION NO. 11 OF PLANNING PERMISSION P/2015/0838 TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK. Refused 1.10.2018. Appeal allowed 6.6.2019. Costs awarded.

P/2022/0840 EXTENSION TO WASTE WATER TREATMENT WORKS, ASSOCIATED NOISE MITIGATION PROPOSALS AND ASSOCIATED WORKS. Granted 7. 4.2025.

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Adjoining Site

P/2018/0591 CHANGE OF USE FROM TRANSPORT LOGISTICS DEPOT (SUI GENERIS) TO USE ANCILLARY TO ESTABLISHED NEIGHBOURING POULTRY PROCESSING FACILITY. Granted 1.10.2018

Development Plan

Local Development Plan

SP2 - Location of Development

SP13 - Health and Wellbeing

SP14 - Natural Environment

SP19 - Green Infrastructure

DM1 - Development Management Considerations

EM4 - Employment Development Outside of Settlement Limits

NE1 - International and National Nature Conservation Designations

NE6 - Waste Water Treatment and River Water Quality

T1 - Managing Transport Impacts

T2 - Active Travel

Relevant National Policy

PPW12

Future Wales

Technical Advice Note 5: Nature Conservation and Planning.

Technical Advice Note 18: Transport

Consultation Responses

Community Council:

- Objects and raises the following concerns (single letter of objection sent in respect of applications P/2022/0820 and P/2022/0840):
- Vehicles parked in roadside laybys before being admitted to the site;
- Birds are not provided with sufficient ventilation when being transported to the site;
- Additional phosphorous levels entering the River Dee;
- No evidence of action in respect of complaints against Maelor Foods;
- The A525/Pickhill Lane junction is on a dangerous downhill bend where many unreported accidents taken place. The proposed access would reduce the time for vehicles to slow down when a HGV is turning right into Pickhill Lane, presenting an even greater danger than at present; and
- Additional light and noise pollution.

Local Member:

Raises the following concerns:

- Increase of Heavy Goods vehicles travelling throughout the night every 15 minutes disturbing the sleep of residents. Some of these vehicles are likely to be refrigerated. Local residents also have concerns this is going to have a large impact on WCBC carbon policy;

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- Reports regular issues regarding noise from the existing plant, which is likely to increase;
- A waste treatment tank has corroded and has been leaking and the contents are now being removed regularly from the site. This is a concern regarding phosphates;
- Traffic problems on a country road that is used regularly by horse riders, cyclists, and pedestrians. An increase in traffic increases the risks to these users;
- Requests NRW are contacted regarding the number of complaints reported to them and the waste treatment tank that does not seem capable to cope with the waste from the site;
- Requests consideration is given to the health and wellbeing of all residents; and
- Odour complaints reported to WCBC and NRW, which is an important factor when considering an increase in production of this scale.

Cllr Robert Ian Williams (adjoining Local Member):

Expresses the following concerns:

- Increase in effluent into the River Dee;
- Logistic of the road system. The exit onto the A525 is an accident blackspot;
- Cheap agency labour being used; and
- Odour, especially in summer months.

Natural Resources Wales:

Raises no objection. Comments that despite the increased loading from the increase to 2 million birds per weeks, there would be a reduction in phosphate concentration as a result of the proposed changes to the waste water treatment plant at the site.

Dwr Cymru Welsh Water:

Raises no objection.

Highway Officer:

Raises no objection. Comments that although there would be a substantial increase in HGV movements and a corresponding increase in staff trips, the existing highway network would be able to cater for this staff, especially with the widening works at the A525/Pickhill Lane junction.

Recommends that an updated Travel Plan and Service Management Plan be submitted and suggests that a parking bay be amended in size to aid manoeuvrability.

Public Protection Officer:

Raises no objections. Comments that the impact of additional traffic is predicted to increase noise by +1dB, which would be so limited as to be unperceivable and would be sufficiently low as to comply with World Health Organisation guidelines.

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Comments that the submitted Noise Assessments demonstrate reductions in noise emissions from a number of noise abatement measures. Recommends that such noise measures be implemented prior to production increasing from 1,000,000 to 2,000,000 birds per week.

Comments that the Odour Impact Assessment indicates that the impact of the proposed increased in production would be negligible.

Publicity Undertaken:

Site Notice

Notification Letters

Responses to Publicity:

19 letters of objection expressing the following concerns:

- Junction improvements are not achievable;
- Highway safety;
- Lack of suitably road infrastructure;
- Volume of traffic;
- Pedestrian safety;
- Noise of traffic during the night/early hours;
- Air pollution;
- Odour;
- Light pollution;
- Animal welfare;
- Development does not comply with TAN18;
- Maelor Foods should be located within the Industrial Estate;
- Additional phosphorous in the River Dee;
- Unsuitability of the site; and
- Need for more trained jobs in the area, not basic wage jobs.

27 letters of support making the following comments:

- Good for the local economy – significant investment and additional job opportunities;
- Secure long term security of a poultry producer;
- Proposal will secure improvements to the junction onto the A525;
- Will ensure the supply of sustainable, ethically farmed and locally sourced poultry to national retailers and restaurants; and
- Supports other businesses in the agricultural sector – poultry farming, animal feeds.

Background

Planning permission was granted for the change of use of the site to a poultry processing plant in March 2015 (Ref. P/2014/0781). The planning permission was subject to a condition limiting the number of birds processed at the plant to 400,000 per week. The condition was imposed to limit the number of HGV movement to/from the site in order to protect the living conditions of occupiers of nearby properties, in particular the dwellings on the opposite side of Pickhill Road to the site. Planning permission was subsequently granted in 2015 (Ref.

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P/2025/0838) and 2017 (Ref. P/2017/0165) for extensions to the original buildings.

The applicants applied to vary the condition limiting production in 2017 (Ref. P/2017/1032) to permit production from 400,000 to 1,000,000 birds per week. The application was refused by Planning Committee contrary to Officer recommendation. The subsequent appeal was allowed in June 2019 with an award of costs made to the appellant.

Principle of Development

Current Status of the Local Development Plan

The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2023, which had concluded to the contrary.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act and further legal process, which is currently underway, is required to 'unadopt' it. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

The LDP therefore remains adopted at this point in time and therefore the starting point for the determination of planning applications.

The Maelor Foods site is located outside of a defined settlement limit in open countryside. The LDP does not have any policies that set out specific criteria for proposals to intensify the use of a site by varying limits imposed upon its operation by an extant planning permission. However, policy EM4 allows for new employment developments on sites located outside of settlement limits where it involves the extension of an existing employment site. Although the application does not proposed any physical extensions to the site, it would, if granted, extend production beyond its existing limits. Policy EM4 is therefore considered applicable and also establishes that the principle of what is proposed is acceptable, subject to compliance with other relevant LDP policies relating to general development management matters.

Design

The application does not propose any alterations or extensions to the existing buildings. Some changes are proposed to layout of the staff and visitor parking area as detailed in the Highway Considerations section of this report. However, the alterations to the parking area would take place within existing hard surfaced areas and would not materially alter the appearance of the site.

The site is presently enclosed by palisade fences approximately 2.5 metres in height. They are supplemented by a hedge along an approximately 200m long

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section of north-western boundary. The proposed acoustic fences would be approximately 3.5 metres in height and would enclose the north-western, northern, north-eastern and part of the south-western boundaries. Although 1m taller than the existing fences, with the exception of the south-western boundary, the acoustic fences would be set into the site, with soft landscaped buffers maintained between them and the existing fences. The acoustic fence enclosing the south-western boundary would be viewed against the backdrop of the Maelor Foods buildings, and opportunities exist to enhance existing soft landscape areas.

Although the fences would be readily visible from vantage points along Pickhill Lane, they would be viewed in the context of and reflect the industrial character of the wider site. Additional planting could take place within the areas of soft landscaping sitting forward of them that would assist in softening the view of the site frontage. The fences would not be unduly prominent or visible from vantage points within the wider rural landscape.

Having regard to the above, the proposed development would not materially alter the character and appearance of the site or result in a significant, harmful intrusion into the wider rural landscape. It therefore accords with policy DM1.

Impact on Neighbouring Amenity

The operation of the site is subject to an Environmental Permit issued by Natural Resources Wales in July 2024 permitting the processing of up to 2,000,000 birds per week. This requires the operator to put measures in place to regulate matters such as noise and odour. Permits are only issued if NRW are satisfied that, subject to appropriate controls and mitigation being put in place, a particular use will not have a significant impact on the local environment. NRW are able to take enforcement action if the requirements of a Permit are not complied with. This can include revocation.

In granting the Permit, NRW have assessed the odour management measures that the applicant intends to put in place. Having regard to this, appropriate provisions are in place to manage odour and it is therefore unnecessary to these controls via planning conditions. The Council's Public Protection Officer also raises no objection and has commented that the Odour Impact Assessment accompanying the application demonstrates that the impact of the proposed increase in production would be negligible.

The application is supported by Noise Assessments. The proposed increase in production has the potential to generate noise from two sources; additional traffic to/from the site and operational noise from plant and equipment within the site.

In respect of traffic noise, the Council's Public Protection Officer has commented that the Noise Assessments predict noise from would increase by +1 decibel. This is considered to a limited increase that would not be noticeable.

With regards to operational noise from the site itself, the Noise Assessments have outlined a number of noise attenuation measures, including the erection of

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acoustic fencing around the perimeter of the site and cladding of plant. The Council's Public Protection Officer raises no objection to the application subject to the implication of the attenuation measures and a limit being imposed on day and night time noise levels as measured from a residential property situated opposite the site access onto Pickhill Lane.

Having regard to the above, and subject to suitably worded conditions in respect of noise mitigation and day and night-time noise levels, the proposed increase in production accords with policy DM1.

Highway Considerations

Staff Parking

The applicants presently employ 253 people in two shifts, with the maximum number of staff (including office staff, cleaners, engineers) on site at any one time being approximately 130. The application is accompanied by a Transport Assessment (TA) which provides the results of a staff travel to work survey. This found that 73% of staff arrived by car, either single occupancy or with passengers and 3% arrived by motorbike. This would equate to a demand for 99 parking spaces for cars and 4 parking spaces for motorbikes. There are 200 carparking spaces on site at present, which is sufficient to cater for staff parking demand whilst leaving a considerable surplus of spaces.

The proposed increase in production would result in an additional 125 staff being employed, increasing total staff employed to 378. When the shift pattern outlined above is taken into account, this would result in around 190 staff being on site at any one time or an increase of 60. Assuming the travel to work patterns identified in the TA are replicated, this would equate to demand for 145 spaces for cars and 6 spaces for motorbike throughout the day. Given the rural location of the site, it is not unreasonable to conclude that the travel to work choices made by the additional staff members would be similar to that observed in the staff travel survey referenced in the TA.

The application is accompanied by a plans proposing changes to the layout of the car park. This would not result in any net loss of parking spaces. However, the proposed changes would result in 10 parking spaces with EV charging points, 10 spaces for people with disabilities, 10 spaces enlarged to the same size as the spaces for people with disabilities and the provision of 10 spaces specifically staff who car share. In addition, 10 dedicated motorbike parking spaces are also proposed along with two separate bicycle parking areas providing 15 cycle parking spaces. Finally, a 2m wide continuous footway would be provided between the site access and the main entrance to the building.

Having regard to the above, on-site parking provision would be adequate to cater for the likely level of demand for spaces, plus with some surplus to cater for visitors and/or demand during shift changeovers. The proposed changes to layout of the parking areas would also support staff to make some more sustainable travel choices. It is noted that the Council's Highway Officer has suggested one parking space be amended in size to aid manoeuvrability, however the parking space would have adequate behind it to enable vehicles to enter and leave. It would adjoin another parking space on one side and would be

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unobstructed on the other side. Vehicles would therefore be able to manoeuvre in and out of the space without undue difficulty, particularly as it is likely there would be regularly be a surplus of spaces within the car park. The implementation of the proposed parking layout could be secured by a suitably worded condition.

Operational Traffic

The TA explains that there are 588 HGV movements per day over a 6 day period, equating to an average of 98 per day. During the day time, there can be up to 14 HGV movements per hour and up to 3 during the night time. This would increase to 1206 HGV movements per 6 day week, equating to an average of 201 per day. The TA suggests that there would typically be 29 HGV movements per hour during the daytime and up to 6 during the night time.

Access

The increase in vehicle movements to/from the site would utilise the existing site access at the north-western end on the side, before travelling to/from the A525 via Pickhill Lane.

Condition 5 of the extant planning permission required the necessary visibility splays to be provided prior to production increasing from 400,000 birds to 1,000,000 birds per week. These splays are in place. A suitably worded condition would require the splays to be maintained should production increase to the proposed 2,000,000 birds per week.

Condition 4 of the extant planning permission required improvements to be carried out to the A525/Pickhill Lane junction, including some localised widening of the carriageway to improve the passage of HGVs. The condition required the works to be completed prior to prior to production increasing from 400,000 birds to 1,000,000 birds per week and these improvements have already been undertaken. However, the TA sets out proposals for further improvements to the junction. The proposed works include the re-alignment the junction and an increase the kerb radii. These measures would further aid the movement of HGVs when traversing the junction. A suitably worded condition could require the junction improvements to be implemented should production increase to the proposed 2,000,000 per week.

The Highway Officer has commented that the highway network and, subject to the (already completed) improvement works, the A525/Pickhill junction, are able to cater for the additional traffic that would be generated.

Having regard to the above, the proposed increase in production would not give rise to highway safety concerns and therefore accords with policies DM1, T1 and T2.

Drainage

The WwTW discharges into the River Dee and Bala Lake Special Area of Conservation. The proposed development would increase the volume of waste water generated by the site. Waste water is treated in an on-site wastewater treatment works (WwTW) prior to being discharged into the river. Without

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improvements, the proposed development would increase the amount of phosphorous entering the SAC. However, the site operators have recently obtained planning permission (Ref. P/2022/0840) for an extension to the WwTW. The additional treatment infrastructure that would be installed as part of the extension would enable a greater volume of water to be treated. However, it would also improve the quality of the treated water discharged from the site. Once the improvements are operational, phosphorus discharges from the site would be lower than they are presently. This would also be the case if production increased to 2 million birds per week as proposed. A suitably worded condition could limit production to its present volume until the proposed works to the WwTW have been implemented and made operational.

The proposed increase in production has been subject to an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This concludes that the proposed increase in production would not result in adverse impacts on the SAC. A copy of the Assessment is appended to this report.

Subject to the condition discussed above, the proposed increase in production would not increase the amount of phosphorus entering the River Dee and is therefore unlikely to have a significant effect on the SAC. The proposals therefore accord with policies NE1 and NE6.

Conclusion

Subject to the conditions discussed above, the proposed increase in production would not give rise highway safety or ecology concerns and would not unacceptably impact upon the living conditions of the occupiers of nearby dwellings and therefore accords with the relevant planning policies.

Conditions

1. The mechanism put in place for the management of surface water run-off in accordance with the details received on 26 July 2017 and approved on 24 August 2017 (under planning permission P/2017/0626) shall be retained and maintained in an operational condition.
2. No more than 1,000,000 birds shall be processed each week until the car parking and motorbike parking and turning areas shown on drawings Nos. 410.066138-DR101 Revision C and 410.066138-DR102 Revision C having been laid out, surfaced and drained and, in respect of the motorbike parking, the secure storage facilities installed. Thereafter, they shall be permanently retained and be available solely for the parking and turning of motor vehicles at all times.

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3. No more than 1,000,000 birds shall be processed each week until the secure cycle parking facilities and pedestrian walkways shown on drawings Nos. 410.066138-DR101 Revision C and 410.066138-DR102 Revision C have been installed. Thereafter, they shall be permanently retained and solely available for the parking of bicycles and pedestrian access at all times.
4. The main (south-western) vehicular access shall provide visibility splays of 2.4 metres x 121 metres to the north-east and 2.4 metres x 110 metres to the south-west measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
5. Any facilities above ground provided for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be discharged into the bund.
6. No more than 2,000,000 birds shall be processed each week at the site subject to this permission.
7. The existing vehicular access located close to the north eastern corner of the site shall only be used under the direction of an officer of the emergency services attending an emergency incident on the site.
8. There shall be no movements of Heavy Goods Vehicles to or from the site on Sundays.

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9. Prior to the first weekly production exceeding 1,000,000 birds, a Travel Plan shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage employees to travel to and from the site by non-car means, to promote car sharing and details of annual monitoring. Annual monitoring reports shall be submitted to the Local Planning Authority following the first anniversary of the first increase in production hereby approved, and every year thereafter up to and including the fifth anniversary.
10. No more than 1,000,000 birds shall be processed each week until the acoustic barriers shown on drawings Nos. MFW-CAA-XX-XX-DR-A-1200 Revision P5, Ultrasound Reduction Barrier Data Sheet 3401-01, Ultrasound Reduction Barrier Data Sheet 3401-02, Ultrasound Reduction Barrier Data Sheet 3401-03, Ultrasound Reduction Barrier Data Sheet 3401-04, Ultrasound Reduction Barrier Data Sheet 3401-05 and Ultrasound Reduction Barrier Data Sheet 3401-06 have been erected. The acoustic barriers shall be retained thereafter.
11. No more than 1,000,000 birds shall be processed each week until noise mitigation measures have been implemented in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter.
12. No more than 1,000,000 birds shall be processed each week until the alterations and extensions to the on-site waste water treatment works granted planning permission under Reference No. P/2022/0840 have been implemented and made operational.
13. The operational noise level from the operational site shall not exceed the following:
 - a) 43 dB LAeq (1 hour) (free field), for any period of one hour at a position on the boundary of the property Marlbrook House, Pickhill Lane (Site A as shown in figure 2.4 of the Supplementary Noise Assessment: Environment Permit EPR/AB2591ZQ Application for Variation, Issue 1.1 dated 27 October 2023) between the hours of 07:00 – 23:00 hrs on any day; and
 - b) 39 dB LAeq (15 min) (free field), for any period of fifteen minutes at a position on the boundary of the property Marlbrook House, Pickhill Lane

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(Site A as shown in figure 2.4 of the Supplementary Noise Assessment: Environment Permit EPR/AB2591ZQ Application for Variation, Issue 1.1 dated 27 October 2023) between the hours of 23:00–07:00 hrs on any day.

14. No more than 1,000,000 birds shall be processed each week at the site subject to this permission until the improvements to the junction shown on drawing no. VN222301 D102 within Appendix D the Vectos Transport Assessment dated September 2022 have been implemented in full.

Reasons

1. To reduce the risk of on- or off-site flooding in compliance with Policy DM1 of the Wrexham Local Development Plan.
2. To provide for adequate off-street parking and turning in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
3. To provide for non-car modes of travel in accordance with Policy T2 of the Wrexham Local Development Plan.
4. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.
5. To prevent pollution of the water environment in accordance with Policy DM1 of the Wrexham Local Development Plan.
6. To protect the amenities of the occupiers of nearby properties and highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

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7. To ensure that a safe means of access is provided to/from the site in accordance with Policy DM1 of the Wrexham Local Development Plan.
8. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
12. To ensure there adequate provision for the treatment of foul water in the interests of protecting the River Dee and Bala Lake Special Area of Conservation in accordance with policies NE1 and NE6 of the Wrexham Local Development Plan.
13. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
14. To protect highway safety in compliance with Policy DM1 of the Wrexham Local Development Plan.

**APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT
ON A EUROPEAN SITE**

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017



PART A: The Proposal

1. Type of permission: Full	2. Consents and ROMP references: P/2022/0820	3. National Grid reference: 338510 346705
4. Map of Application site with Permission reference(s) Map Attached No	4. Brief description of consents and options To amend condition 7 of APP/H6955/A/183216187 which limits processing at the facility to 1,000,000 birds per week, and increase to 2,000,000 birds per week.	
6. European site name(s):	RIVER DEE AND BALA LAKE	
7. List of interest features: H3260. Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; Rivers with floating vegetation often dominated by water-crowfoot S1095. <i>Petromyzon marinus</i> ; Sea lamprey S1096. <i>Lampetra planeri</i> ; Brook lamprey S1099. <i>Lampetra fluviatilis</i> ; River lamprey S1106. <i>Salmo salar</i> ; Atlantic salmon S1163. <i>Cottus gobio</i> ; Bullhead S1355. <i>Lutra lutra</i> ; Otter S1831. <i>Luronium natans</i> ; Floating water-plantain		

APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

PART B: Identification of effects being considered and relevant features affected			
Significant effect being considered (attribute affected)	Affected qualifying feature(s)	Favourable condition target(s) for relevant feature(s) based on conservation objectives set for SPA/ Ramsar	Contribution of attribute(s) to site integrity (ecological structure and functioning of site)
1. Pollution – risk to the aquatic environment through increase in effluent from the site.	Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation Sea lamprey Brook lamprey River lamprey Atlantic salmon Bullhead Otter Floating water-plantain	<i>Taken from Core Management Plan Including conservation objectives for River Dee and Bala Lake version 3 2022.</i> Water quality Lower limit – Chemical GQA class: A Biological GQA class: A Targets for Chester Weir to Ceiriog Management Unit Total Ammonia (90%ile, mg l-1) 0.25 Phosphorus 50ug/l Trophic diatom index equivalent to WFD High	Water quality is essential to maintain populations of all the SAC features of interest. The Dee Chester Weir to Ceiriog is now showing a failure for phosphorus with mean value of 56.5ug/l up from 49.6ug/l.

APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

PART C: Assessment				
Significant effect being considered (attribute affected)	Adverse Effect of proposal alone on attribute and/or feature and in relation to conservation objective for the feature.	Adverse Effect of proposal in combination with other plans or projects, on attribute and /or feature	Adverse effect on the integrity of the site? : Long term/ short term Yes/ Uncertain No	What mitigation could prevent an adverse effect on the integrity of the site?

Pollution risk – particularly potential to increase Phosphorus and Ammonia levels in the River	High concentrations of phosphorus and ammonia lead to the process of nutrient enrichment, also known as eutrophication, and can alter the balance of plant species in our rivers causing significant ecological damage to all aspects of the ecosystem..	No specific in combination projects identified. However, approximately 48% of phosphorus within the catchment comes from rural land use which is outside the planning process.	Long term – no Short term – no	A previous permission was granted by the LPA in April (P/2022/0840) for a new treatment plant and new permit issued by NRW. The new permit will result in an overall improvement of the discharge <table><tr><th></th><th>Current Limits</th><th>New Permit Limits</th></tr><tr><td>Maximum Daily Volume</td><td>1500 m³/day</td><td>3120 m³/day</td></tr><tr><td>Mean Daily Volume</td><td>1200 m³/day</td><td>2400 m³/day</td></tr><tr><td>Phosphate as P</td><td>2.5 mg/l</td><td>1 mg/l</td></tr><tr><td>Calculated Maximum Phosphate</td><td>3.75Kg/day</td><td>3.12Kg/day</td></tr><tr><td>Calculated Mean Phosphate</td><td>3Kg/day</td><td>2.4Kg/day</td></tr></table> There will be a planning condition on this proposal to the effect that production cannot increase above 1,000,000 birds per week until the works granted permission under P/2022/0840 have been completed and made operational.		Current Limits	New Permit Limits	Maximum Daily Volume	1500 m³/day	3120 m³/day	Mean Daily Volume	1200 m³/day	2400 m³/day	Phosphate as P	2.5 mg/l	1 mg/l	Calculated Maximum Phosphate	3.75Kg/day	3.12Kg/day	Calculated Mean Phosphate	3Kg/day	2.4Kg/day
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APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

PART D: Wrexham County Borough Council's Conclusion

CAN IT BE ASCERTAINED THAT THE PLAN OR PROJECT WILL NOT ADVERSELY EFFECT THE INTEGRITY OF THE EUROPEAN SITE(S)?

Direct Effects

Provided that the condition effectively prevents the increase of bird processing until the new treatment plant is in operation, and the factory remains in compliance with its new permit levels, there will be no direct increase in the levels of biological or chemical pollution in the River Dee.

Indirect Effect

None identified.

In Combination Effects

No in combination projects have been identified.

Conclusion

The increase in production will not result in adverse impacts to the SAC provided the limits of the new permit issued by NRW are not exceeded. Compliance with this separate permitting regime must be assumed.

Name of Assessing Officer:
Emma Broad

Name of Supervising Officer:
Matthew Phillips

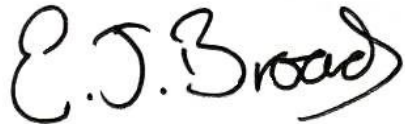
Job Title:
Ecology and Biodiversity Officer

Job Title: Head of Planning Development Management

Signed:

Date:

10/04/25



Signed:

Date:

17/04/2025



APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

PART E: Consultation with NRW on Part D

Natural Resource Wales comment on conclusion:

RE: FW: Maelor Foods - NRW ref CAS-213648-G0B2 and CAS-213582-W5J - FAO Sion Williams NRW:03290777 - Message (HTML)

FileMessageDeveloperMimecastTell me what you want to do...

IgnoreXDeleteReplyReply AllForwardMore▼

MeetingMove to: ?To ManagerTeam EmailDoneReply & DeleteCreate New

Rules▼OneNoteActions▼

MoveMark UnreadCategorizeFollow Up▼TranslateFindRelated▼Select▼

ZoomSend to OneNote

Tue 29/04/2025 13:49

North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>

RE: FW: Maelor Foods - NRW ref CAS-213648-G0B2 and CAS-213582-W5J - FAO Sion Williams NRW:03290777

To Matthew Phillips

If there are problems with how this message is displayed, click here to view it in a web browser.

Good afternoon Matthew,

Thank you for consulting Natural Resources Wales (NRW) on your Habitats Regulations Assessment for the above development, which we received on 17/04/2025.

Our response should be taken as NRW's formal representation, as the appropriate nature conservation body, to your appropriate assessment (AA) (referenced/dated) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Dee and Bala Lake Special Area of Conservation.

Kind regards,

Siôn M. Williams
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Gwasanaeth Cynghori Cynllunio Datblygu / Development Planning Advisory Service
Fo/Fe / He/Him

Cymraeg