

Report of the Chief Officer Economy and Planning

Application Reference

P/2022/0840

Applicant

MR MULKH MEHTA

Agent

CASSIDY AND ASHTON MR GUY EVANS

Site Address

MAELOR POULTRY PICKHILL LANE CROSS LANES WREXHAM LL13 0UE

Description of Development

ESTYNIAD I WAITH TRIN DŴR GWASTRAFF, CYNIGION LLEIHAU SŴN
CYSYLLTIEDIG A GWAITH CYSYLLTIEDIG / EXTENSION TO WASTE WATER
TREATMENT WORKS, ASSOCIATED NOISE MITIGATION PROPOSALS AND
ASSOCIATED WORKS

Ward

Marchwiell/Marchwiell

Community

Sesswick/Sesswick

Recommendation

Grant

Officer Report

Site Description

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



Proposal

Planning permission is sought for the extension of the existing Wastewater treatments Works (WwTW) that is situated within and serves the wider Maelor Foods site. The extension comprises of:

- A micro-bioreactor plant housed in a building approximately 32m in length, 16m wide x 4m in height;
- Two buildings to house de-watering plant. Building 1 would be approximately 26m in length x 12m wide x 10m in height and building 2 would be approximately 26m in length x 12m wide x 15m in height;
- 2 chemical scrubbers comprising of external pipework and ducting with an overall height of approximately 15 metres;
- A new water treatment tank with a diameter of 16 metres and overall height of approximately 8 metres; and
- A concrete bund approximately 2m high to enclose the WwTW.

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In addition, planning permission is sought for the erection of acoustic fencing around the perimeter of the site.

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

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.

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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/2022/0820 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. Pending

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

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.

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Bangor on Dee Community Council (adjoining Community Council):

Objects and raise the following concerns:

- Do not see any reason to double the number of birds processed;
- Air pollution;
- Odour;
- Noise from the constant hum of the factory;
- Water pollution and the risk this poses to the River Dee SSSI; and
- Traffic on the A525. The junction to the site is not the easiest to navigated, slow heavy lorries increase the risk of accidents.

Local Member:

Notified, no response received.

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 than the lane a mere country one;
- Cheap agency labour being used; and
- Odour, especially in summer months.

Natural Resources Wales:

Raises no objection to subject to planning conditions being imposed in respect of measures to protect groundwater from contamination and a Construction Environment Management Plan in respect of measures to protect the River Dee and Bala Lake SAC from pollution during construction and to require the implication of a scheme of mitigation if any contamination found during construction.

Dwr Cymru Welsh Water:

Raises no objection. Notes that the development would not utilise mains drainage.

Highway Officer:

Recommends that a Construction Traffic Management Plan be submitted. Confirms that the site access provides adequate visibility.

Contaminated Land Officer:

No comments to make.

Public Protection Officer:

Raises no objection.

Ecology Officer:

Raises no objection subject to conditions to secure a Construction and Environment Management Plan and a scheme of net benefit to biodiversity.

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Publicity Undertaken:
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

This application was submitted in tandem with application Reference No. P/2022/0820. The latter proposes to vary a condition imposed on the existing planning permission permitting the use of the site as a poultry processing plant (Reference No. P/2017/1032). If application Reference No. P/2022/0820 is permitted, it would allow for an increase in the number of birds that could be processed at the plant from 1 million per week to 2 million per week.

Representations have been received expressing concern about the potential impacts of arising from the proposed new production limits. However, those concerns are not directly relevant to this application. This application proposes extensions to the existing wastewater treatment works (WwTW) that treats foul water from the site. Granting planning permission for an extension to the WwTW would not, by itself, permit an increase in the number of birds that can be processed at the plant. In dealing with this application, only the impacts arising directly from the erection of the buildings and structures required for the extension to the WwTW should be considered.

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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 but this judgement is currently subject to an application to the Supreme Court by the Welsh Ministers to challenge.

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 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 is the starting point for the determination of planning applications until the Court orders to the contrary.

The Maelor Foods site is located outside of a defined settlement limit and in open countryside. Policy EM4 allows for new employment developments on sites located outside of settlement limits where it involves the extension of an existing employment site. No extensions to the poultry processing plant itself are proposed, nor would the proposed development extend beyond the established curtilage of the site. The application proposes additional development within an established employment site and in that context, can be considered as an extension to an existing employment site. The proposed development accords with policy EM4 and the principle of development is therefore acceptable.

Design

Views of the proposed development from Pickhill Lane would be largely obscured by the existing Maelor Foods buildings as well as existing landscaping along the side frontage. However, some limited views into the site are possible from Pickhill Lane at the north-eastern corner of the site. The two buildings proposed to house de-watering plant together with the proposed concrete bund would also be largely hidden from view by existing water treatment tanks and would not be unduly prominent within the wider landscape. The proposed buildings, additional water treatment tank and concrete bund would be of an industrial appearance, consistent the appearance of structures within the existing WwTW, as well as the industrial character and appearance of the wider site.

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The most visually prominent structures would be the exhaust stacks associated with the proposed chemicals scrubbers. These would be approximately 4 metres higher than the tallest building on the site and have a diameter of approximately 1 metre. There is an existing chemical scrubber on site that has a similarly sized stack. From nearby vantage points they would be viewed in the context of and in keeping with the industrial character of the site. Although they would be visible from more distant vantage points within the wider landscape, these views would be limited. Limited views of the existing buildings and chemical scrubber stack are also possible from more distant vantage points. The proposed additional stacks would therefore also be viewed in the context of an industrial site.

The site is enclosed by palisade fences approximately 2.5 metres in height. These are supplemented by a hedge along an approximately 200m long section of the 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 behind the palisade fences. Soft landscaped buffers would be maintained between the acoustic fences and the existing fences. The acoustic fence enclosing the south-western boundary would be viewed against the backdrop of the Maelor Foods buildings.

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 provide a degree of additional screening. 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 additional development would be approximately 200m from the nearest dwellings. This is far enough to ensure there would be no adverse impacts in respect of visual over dominance. The Council's Public Protection Officer raises no objection in respect of noise nuisance.

The proposed acoustic fence to be erected along the north-western boundary would be 30m from the front elevation of the nearest dwelling on Pickhill Lane. The separation distance would be sufficient to avoid any significant loss of daylight to habitable rooms or prove visually overbearing.

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The acoustic fences would provide some benefit to the occupiers of the nearest dwellings by mitigating plant and other operational noise emitted from the site.

Having regard to the above, the proposed development would not harm the living conditions of the occupiers of nearby dwellings and therefore accords with policy DM1.

Highway Considerations

The application is accompanied by a Construction Traffic Management Plan (CTMP). This confirms that the existing site access onto Pickhill Lane would be used. The Council's Highway Officer has confirmed that the existing access provides adequate visibility. The use of the access by construction traffic would therefore not give rise to any highway safety concerns.

The CTMP indicates that construction traffic is expected to be in the region of 10 vehicles per day. This would be in addition to operational HGV traffic to/from the site in conjunction with the processing of poultry, as well as staff arrivals and departures. The Transport Assessment accompanying application Reference No. P/2022/0820 indicates that average number of HGV movements in conjunction with the processing of poultry is around 98 per day. Construction traffic would therefore represent a relatively modest increase in vehicle movement for a limited period of time.

The Council's Highway Officer has recommended that the CTMP be updated to provide further information, including the maximum size of vehicles likely to visit the site, contractor parking and measures to prevent vehicles waiting on the highway to enter or leave the site. However, the site is already used by HGVs, without any restriction on size. The wider Maelor Foods site is approximately 8ha in area and contains substantial areas of hard standing. These provide sufficient areas for construction vehicles to park, load and turn, as well as space for any construction operatives to park without impeding access, loading, unloading and turning space for HGVs visiting the site in conjunction with the processing of poultry or space available for staff parking and turning. Construction traffic is therefore unlikely to impede the free and safe flow of traffic along Pickhill Lane or give rise to wider highway safety concerns.

The proposed acoustic fences would not obstruct the visibility splays from the site access and would therefore not prejudice the safe movement of vehicles to/from the site.

Having regard to the above, the proposed development accords with policies DM1 and T1.

Natural Environment

The proposed development would take place within the established operational curtilage of the wider Maelor Foods site. The application is accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that the application site is unlikely to support protected or proprietary species or habitats. NRW and the Council's Ecologist raise no objections to the application. However, the application site is within 100m of the River Dee, which forms part of the River

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Dee and Bala Lake Special Area of Conservation (SAC). NRW has recommend that a Construction Environment Management Plan (CEMP) be implemented during the construction phase of the development to ensure measures are put in place to protect the integrity of the SAC.

The PEA outlines a number of ecological enhancements within the site, including tree planting and nest and bat boxes. The proposed measures would deliver a net benefit to biodiversity, however a more comprehensive landscaping scheme is required in order to provide some more substantive screening of the proposed acoustic fences, as discussed above. The submission and implementation of an amended scheme of NBB could be secured by a suitably worded condition.

The WwTW discharges into the River Dee and Bala Lake Special Area of Conservation. The proposed development would improve the quality of treated waste water discharged from the site. NRW's response to application P/2022/0820 notes that phosphorus discharges from the site would be lower than they presently are even if the number of birds processed were to increase from 1 million to 2 million birds, including accounting for additional staff numbers. Having regard to this, the proposed extension to the WwTW, is unlikely to have a significant effect on the SAC.

Having regard to the above, the proposed development accords with policies NE1 and NE6 of the LDP and, subject to a suitably worded conditions to secure the implementation of schemes of planting and NBB measures, Planning Policy Wales 12 paragraph 6.4.5.

Conclusion

The proposed extension to the WwTW and the erection of acoustic fences would not give rise to visual amenity, residential amenity, highway safety or ecological concerns and therefore accord with the relevant LDP policies.

Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):
 - MFW-CAA-XX-XX-DR-A-1000 Revision P2
 - MFW-XAA-XX-XX-DR-A-1200 Revision P4
 - MWF-CAA-XX-XX-DR-A-4000

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- MWF-CAA-XX-XX-DR-A-4100
- MWF-CAA-XX-XX-DR-A-4101
- MWF-CAA-XX-XX-DR-A-4102
- 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
- Ultrasound Reduction Barrier Data Sheet 3401-06
- WWTP compound concrete bund details

3. No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures;
- Soil Management: details of topsoil strip, storage and amelioration for re-use;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details

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of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill;

- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

4. Within three months of commencement of the development hereby permitted, a scheme of landscaping, include a timescale for implementation, shall be submitted for the written approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme. Thereafter, any trees or hedgerows that are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. Within three months of commencement of development a scheme to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped, together with a timetable for the implementation of the NBB measures, shall be submitted for the written approval of the Local Planning Authority. The measures shall be implemented in accordance with the approved scheme and thereafter maintained for the lifetime of the development.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
3. The protect the environment from the effects of pollution during construction in accordance with policy DM1 of the Wrexham Local Development Plan.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to ensure the development delivers net benefit to biodiversity in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan and paragraph 6.4.5 of Planning Policy Wales 12.
5. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.