

Maelor Foods, Pickhill Lane, Wrexham
Application for removal of condition
Supporting Planning Statement

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1.0 INTRODUCTION

1.1 This statement is submitted in support of 3 no. planning applications for removal of condition to allow the processing in the region of 1 million birds per week at the Maelor Foods site, Pickhill Lane, Wrexham.

1.2 The applications and associated condition references are set out as follows:

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"

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"

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"

1.3 The applications represent resubmissions further to the refusal of planning permission made by Wrexham County Borough Council to planning applications P/2017/1032, P/2017/1037 and P/2017/1038. The decisions were made at Planning Committee on 01st October 2018 (the decision date).

1.4 The resubmission is made within 12-months of refusal and hence is made on the free-go basis.

1.5 The reason for refusal is the same for each application, as follows:

P/2017/1032, P/2017/1037 and P/2017/1038

The proposals would result in a significant increase in HGV movements to the detriment of highway safety and the amenity of

the occupiers of nearby properties thus being in conflict with policy GDP1(d) and (f) of the Wrexham Unitary Development Plan.

- 1.6 The three applications were submitted concurrently and were determined concurrently and presented as such at Planning Committee.
- 1.7 It must be highlighted that the applications were all reported to Committee with an officer's recommendation to grant. The refusal of the applications has only come about as a result of Members overturning the officer's recommendation.
- 1.8 This statement is to be read in conjunction with the following documentation, comprising the application pack:
 - Application form
 - Location Plan
 - Transport Note (plus appendices) – prepared by Vectos
 - Highways Agreed Statement - prepared by Vectos and signed up to by WBC Highways (TO FOLLOW)

CONTEXT OF THE APPLICATIONS

- 1.9 When the applications were submitted the operator was processing circa 700,000 birds per week. This means the Maelor facility only having slaughtering approval of 400,000 birds per week leaves a significant shortfall of supply of slaughtered birds to the business.
- 1.10 Following a series of food fraud, animal welfare issues and rising awareness of environmental matters, the British public have widely demanded transparency in supply chains in the meat industry. Accordingly, the market is increasingly swaying toward locally sourced, ethically and environmentally assured foods. The operator has benefitted from this and the demand for UK Red Tractor has been a key driver to the growth in the business.
- 1.11 Maelor Foods will need to address this issue and to facilitate the required increase in numbers of birds that will need to be processed each week they are left with no choice but to seek to remove the limiting planning condition on the facility. Removal of the planning

condition will enable the operator to take account of the significant growth of the business and the potential of retail customers.

2.0 SITE AND CONTEXT

- 2.1 The site is located south of the village of Cross Lanes off Pickhill Lane, a secondary road off the main A525. The operational part of the site extends to 7.0 ha, which is principally covered with buildings and hardstanding, however the total land ownership extends to 16.89 ha, which includes a large element of landscaping and open areas. The site is centred at grid reference 38621, 46710.
- 2.1 The site is located close to Cross Lanes and Bangor on Dee. The site itself is at the eastern side of Pickhill Lane, Wrexham and falls within the ward of Marchwiel. It is bounded on all sides by agricultural land, with a small number of dwellings opposite the site on the western side of Pickhill Lane.
- 2.2 The site is accessed from a single point of access on Pickhill Lane. This has been the principal point of access for commercial operations on site for the last 50-years or more. This access includes a security station and weighbridges, which is able to check vehicles in and out of the site and direct them to the appropriate area within the facility. All delivery vehicles use this entrance to enter and exit the site. All entrances and car parks have security gates, which can be closed as required.
- 2.3 There is a secondary access further east on the site frontage with Pickhill Lane. This access is for emergency use only.
- 2.4 The site benefits from a separate weighbridge located on the vehicle circulation route within the site itself, which offers the advantage of ensuring there is no potential 'backing-up' of vehicles at the main entrance point.
- 2.5 The site has historically been used as a creamery but has subsequently gained planning consent for a change of use to a poultry processing facility.

PLANNING HISTORY

- 2.6 The sites previous owners gained planning consent for the 'demolition of existing factory buildings and construction of new cheese cutting and packing plant including offices together with chill storage warehouse' (ref: P/2011/0750).
- 2.7 More recently (and since purchasing the site) the application has gained planning consent for the change of use of the entire site to a poultry processing facility (ref: P/2014/0781).
- 2.8 Since gaining the above consent, the applicant has taken the decision to make improvements to the overall proposed operation on site, with a view to operating at greater levels of efficiency and mitigate a number of potential conflicts with local amenities, most notably in respect of the lairage (delivery of live birds) element of the facility and odour management.
- 2.9 All pre-commencement conditions have been discharged and the site is operational.

MAELOR FOODS

- 2.10 The applicant, Maelor Foods Ltd., is a subsidiary company to parent company Salisbury Poultry (Midlands) Limited, who have been established for nearly 30 years.
- 2.11 The parent company, Salisbury Poultry (Midlands) Limited, established in 1989, pride themselves on family values and traditions. Currently they purchase all their raw product from independent slaughter houses and wish to invest to acquire their own prestigious facility. All to ensure full control of humane processing in a state of the art hygienic environment for the highest quality product with full traceability from 'farm to fork'.
- 2.12 Salisbury Poultry is a successful, progressive, caring and flexible company that works with its suppliers to provide total customer satisfaction. Using premium quality 'A' Grade chickens they have

gained an enviable reputation for a dynamic service ensuring that customer needs are always achieved.

- 2.13 Presently, Salisbury Poultry operates from three modern sites, having grown its turnover from £5 million in 1999 to in excess of £102 million in 2016 with a workforce of 550 full time employees. After years of successful growth, the Company has continued with strong values, an excellent customer base along with financial stability and a strong and knowledgeable workforce.
- 2.14 At the time of the initial planning application to change the use of the site, the business for the year end June 2014 had 367 employees and on average was processing 350,000 birds per week, hence could efficiently operate the business within the limited number assigned through Planning of 400,000 birds being slaughtered per week. However, for the year end December 2016 the turnover of the business had increased by 52% and the number of employees from 367 to 550. In the period to July 2017 there was further growth of 30% year on year and the Company has become a significant name in the UK Poultry Market.

3.0 MATERIAL CONSIDERATIONS

3.1 In summary, the reason for refusal is identical for all three applications

3.2 Summary of key issues raised in reason for refusal:

- Detrimental impact upon highway safety.
- Detrimental impact upon residential amenities.
- Conflict with Policy GDP1 (d)* and (f)** of adopted UDP

**d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.*

***f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.*

3.3 The key material considerations in relation to the resubmitted planning applications are as follows:

POLICY ASSESSMENT

3.4 With reference to the adopted Wrexham UDP (1996 – 2011) the Council cite two criterion from Policy GDP1 against which the proposals are deemed to be contrary. The policy lists eleven general development principles against which all new development is assessed and should comply. Of the eleven principles, the LPA adjudge the proposals are contrary to the following:

d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.

3.5 It is submitted that neither of the general development principles cited are applicable in this case. In respect of criterion d) the key

issue is one of highway safety, which this appeal concludes is not conflicting in this case. **In fact the position is quite to the contrary and the proposal actually represents a position of betterment in respect of highway safety.**

- 3.6 In respect of criterion f) the key issue is one of residential amenity. What is unclear is how this policy criterion relates to HGV movements associated with a commercial development. The policy criterion appears to specifically relate to matters of 'environmental protection' assessed against activities undertaken at industrial developments (or quarries), i.e. noise / odour / vibration / pollution. It is questioned as to whether this is applicable to the determination of the proposals, particularly in light of the separate controls that are applicable to the site via the regulatory body Natural Resources Wales and the Environmental Permit Regulations, as referenced below.
- 3.7 This aside, if the specific issue of HGV numbers is considered applicable in respect of criterion f) then the same principle and argument applies as per referenced for criterion d), i.e. **the proposal actually represents a position of betterment in respect of vehicle numbers and in turn potential impact upon residential amenity.**
- 3.8 In addition to the specific land use or locational policies of the Plan, all development proposals must satisfy certain general requirements, the regulation of which is a key function of the planning system (e.g. drainage/liability to flood, stability, natural hazard, energy efficiency, materials and design, etc.). Many of these matters are the **responsibility of statutory organisations** that are automatically consulted on development proposals. This is very much applicable in the case of this appeal as the site in question is the subject of an Environmental Permit (Pollution Prevention & Control (PPC), regulated by the statutory body Natural Resources Wales (NRW). Any concerns related to matters of environmental protection will be addressed by NRW accordingly.
- 3.9 Additionally, it is important to highlight at this stage that the Environmental Permit applicable to the site is for the processing of 1 million birds per week, the figure that the variation of condition applications seeks to bring the planning permission(s) in line with.

ACTUAL POSITION OF BETTERMENT IN RESPECT OF HGV MOVEMENTS AND ASSOCIATED HIGHWAY SAFETY AND RESIDENTIAL AMENITY

- 3.10 It is acknowledged that the application(s), if considered on a stand-alone basis, would increase the total number of operational vehicle movements (i.e. HGVs) to/from the site, with the average number of weekday movements increasing 2.5 times from 29 to 72. However, it must be highlighted that **the application(s) are not being determined in isolation**. If considered correctly, i.e. comprehensively with a separate change of use put forward for neighbouring Lloyd Fraser site, the actual position in respect of vehicle movements is one of betterment.
- 3.11 A separate planning permission (P/2018/0591) on the adjoining site (known as the Lloyd Fraser site) is now in place. The context and determination of which is integral to the determination of the 3 no. removal of condition applications. This was clearly set out in the officer's report for the 3 no. removal of condition applications and the associated suggested planning conditions, specifically no. 7 that reads as follows:
- No more than 400,000 birds shall be processed each week at the site subject to this permission until the use of the land subject to planning permission P/2018/0591 as a transport logistics depot has permanently ceased*
- 3.12 Planning application (P/2018/0591) was submitted to enable the site to be used for purposes ancillary to the poultry processing plant. Details submitted with that application indicate that the previous owners had a Vehicle Operator Licence for 46 vehicles and there were up to 140-160 daily HGV movements. The access to former Lloyd Fraser site is immediately adjacent to the main access to the applicant's own site, but will be closed off as a result of the applicant's proposals. Vehicular access to it will thereafter be via the Maelor Foods site only.
- 3.13 Whilst the change of use of the Lloyd Fraser site has now been consented, this permission would only be implemented subject to approval of the 3 no. removal of condition applications now submitted.
- 3.14 Background information was submitted in respect of the historic traffic generation associated with the previous use of the Lloyd Fraser

site, which in turn was not disputed by the Planning Officer or Highways Authority for the purpose of the determination of the planning application.

- 3.15 Whilst adjoining site is not currently in use, from a planning perspective the previous use remains lawful and could resume, as therefore could re-establish historic levels of traffic generation.
- 3.16 The proposed change of use of the adjacent site will effectively mean that it will no longer be a generator of traffic in its own right therefore delivering a significant net reduction in potential HGV vehicular movements. This is set out in the table below:

Use	Total Staff Numbers	Average Weekday Operational Vehicle Movements	Lloyd Fraser Traffic Generation	Total HGV movements
Historic	220	22	140-160	162-182
P/2011/0750 (not implemented)	230	26	140-160	166-186
Maelor Poultry with 400,000 bird limit (existing)	150	29	140-160	169-189
Maelor Poultry with 1,000,000 bird limit (proposed)	220-230	72	0	72

- 3.17 Pickhill Lane is a classified road subject to a speed limit of 60mph, however a recent speed survey determined vehicle speeds to be 41.2mph for north-east bound traffic and 43.9mph for south-west bound traffic (using 85h percentile speeds). Based on TAN18 requirements, visibility splays of 2.4 x 108m to the south west and 2.4 x 120m to the north east are required.
- 3.18 Visibility from the main access exceeds the above requirements to the northeast but is currently 2.4 x 60m to the south-west. However the acquisition of the adjacent site allows the applicants to carry out improvements to enable a splay of 2.4m x 110m to the south-west to be provided, thus exceeding the requirements set out above and **resulting in a significant improvement to highway safety.**

- 3.19 In addition to the above, the applicant is also proposing to carry out improvements to the Pickhill Lane/A525 junction. This will include some localised widening of the carriageway to improve the passage of HGVs from the A525 onto Pickhill Lane. Improved signage and updated road markings are also include as part of the proposed improvements.
- 3.20 Taking into account of the above, the impact of **the additional HGVs using the Maelor Foods access is more than off-set by the overall reduction in potential HGV movements along Pickhill Lane and the access and highway improvements discussed above**. Subject to conditions as well as the concurrent determination of application P/2018/0591, **it is strongly submitted that the development does not pose a risk to highway safety**.

4.0 OTHER MATERIAL CONSIDERATIONS

- 4.1 In considering a planning application, the council has a statutory duty to have regard to the provisions of the Local Plan and any other "material considerations". In this case we are of the opinion that the other material considerations applicable are as follows:

EFFICIENCY OF OPERATIONS : FINANCIAL IMPLICATIONS

- 4.2 The current estimated costs of completing the project is estimated to be double the original forecast. The number of jobs expected to be created at this site is estimated to be 200+.
- 4.3 The cost of the project has doubled from the initial planning process and this is primarily because of the following factors:
- Changes in the exchange rate since the 2016 Brexit vote.
 - The extension where planning was approved in February 2016 has added circa £2.5m to the initial cost and this will improve efficiency at the facility as well as animal welfare and the ability to control odour emissions.
 - The cost of the lorry park for the site has added £1.4m to the initial cost. This will ensure all vehicles have a parking facility and the supporting infrastructure at the site and prevent vehicles standing idle on the road network.
 - Borehole water tank and pumping station for borehole water has added circa £1.3m. This will ensure the plant is environmentally friendly and using natural resource from the ground.
 - Water treatment plant cost has added circa £1.2m. This will ensure that 40% water is being recycled and re used and ensuring less wastage.

4.4 Operational equipment:

- Starting from the initial intake process of the birds – where the latest gas stunning system has been purchased/installed. This will give energy efficiency savings compared to the current traditional plant being used by most Companies. This system has cost more initially but will have significant longer-term savings both in energy and in the welfare of the birds. In terms of welfare of the bird, gas stunning controlled atmosphere systems minimise pre-slaughter handling, removes the need for inversion and live shackling and avoids the problems associated with pre-stun shocks, missed stuns and inadequate stuns. This all puts less stress on the bird and as a result improves meat quality.
- Chillers/Refrigeration – the old chiller/refrigeration systems use an old inefficient gas system which is neither energy efficient nor carbon friendly. Maelor have invested in the latest energy and carbon friendly efficient chillers and refrigeration which initially costs more but will give a circa 30% saving on energy consumption. This saving is achieved by the use of the gas stunning and shock maturation chilling which allows you to cut up and debone faster and more efficiently. Traditionally if you mature your bird's offline for 8-24 hours you are taking up a large footprint and use all that energy during that period. The new process will reduce the time on the birds being in chillers/refrigeration and reduce these costs. Efficiency of process is critical.

4.5 All of the above has meant that the initial budget for the project has increased significantly from when the initial planning was granted for the 400,000 birds per week. This has meant that for the project to be commercially viable the planning will need to be increased to circa 1 million birds to be slaughtered per week.

SUPPLY CHAIN

- 4.6 Maelor Foods are working with local farmers to supply live birds to the site. Maelor have employed an experience local business specialist who is already liaising and planning with local farmers to ensure that the site has the birds available for slaughtering both for current operation and looking to the future.
- 4.7 The supply chain (bird suppliers) is located within a 50 mile radius of the poultry facility.
- 4.8 Maelor Foods are having discussions with local farmers in order to generate a supply chain (bird suppliers) within a 50 mile radius of the poultry facility. These discussions are ongoing and an additional number of potential suppliers are being identified on a daily basis. This provides support that Maelor will be able to get local sourced live birds to enable it to fulfil any increase in capacity. By being locally sourced this will ensure the miles covered by HGVs are greatly reduced and the travel time for the birds is minimal.
- 4.9 The current capacity of 400,000 has an impact by limiting the growers Maelor Foods are able to contract with. This will mean any larger growers within the area Maelor Foods are not able to contract with them they will be too large for them because of their limited capacity. These local large growers will therefore send their live birds to other slaughter houses that will be outside the region. This will mean the birds are travelling longer distances and the vehicles are on the road for longer journeys. By having local growers this cuts down congestion on roads and ensures the local area is benefitting and thriving.
- 4.10 Maelor Foods are looking to push the Welsh brand by having locally sourced birds slaughtered at Maelor and sold to retailers within Wales to promote this brand and origin. By extending the licence this will enable Maelor Foods to source local large growers where we will have the farm to fork story for the Welsh brand.
- 4.11 The increased operation of the site will also support the wider rural economy, particularly the agricultural sector as a result of a significant demand for live chickens. This is a material consideration that weighs in favour of the proposals. A series of letters of support from the wider supply chain are included as **Appendix 1**.

4.12 In summary, for a 12-month period alone, it is submitted that an increase in bird numbers from 400,000 to 1 million plus birds per week this will generate additional income in the region of **£101m for the local economy**, as summarised by the following table:

	400,000 birds per week	1,000,000 birds per week
Annyalla Chicks cost	£7,280,000	£18,200,000
David Lloyds Animal Feed	£18,714,176	£46,785,440
Growers	£39,104,000	£97,760,000
Catchers	£353,600	£884,000
Transport Cost Labour cost	£234,000	£585,000
Transport Cost Fuel Cost	£423,852	£1,059,630
Transport cost hire of tractor unit and trailer	£220,051	£495,115
In excess of 75 new jobs created for additional 600,000 birds		£1,935,648
	£66,329,679	£167,704,833

ENVIRONMENTAL PROTECTION MEASURES

- 4.13 It is clearly expressed that the site in question is the subject of an Environmental Permit (Pollution Prevention & Control) (PPC), regulated by the statutory body Natural Resources Wales (NRW). Any concerns related to matters of environmental protection will be addressed by NRW accordingly.
- 4.14 Many of these matters are the responsibility of statutory organisations that are automatically consulted on development proposals. This is very much applicable in the case of this appeal as the site on question is the subject of an Environmental Permit (Pollution Prevention & Control (PPC), regulated by the statutory body Natural Resources Wales (NRW).
- 4.15 Matters of 'environmental protection' assessed against activities undertaken at industrial developments and relate to emissions to air / land / water, i.e. noise / odour / vibration / pollution.
- 4.16 Whilst concerns have previously been raised by interested third parties and Councillors, it is questioned as to whether this is applicable to the determination of the proposals, particularly in light of the separate controls that are applicable to the site via the regulatory body Natural Resources Wales and the Environmental Permit Regulations. Any concerns related to matters of environmental protection will be addressed by NRW accordingly. Notwithstanding this, the site operator is very keen to exhibit the great lengths they are going to and the management processes they are putting in place to ensure these concerns are alleviated.
- 4.17 The main are of concern would appear to centre on odour. In respect of this it is submitted that the site has only been fully operation for 12-months. As with any major commercial development, a 'settling-in' period must be acknowledged. The site operator acknowledges there have been substantiated complaints within this first 12-month period but are of the view that all complaints have been addressed in an efficient and satisfactory manner, to the point that, as the site enters its second year of operation, appropriate upgrades have been undertaken and management systems put in place to ensure any associated environmental impacts are well below accepted tolerance levels.

- 4.18 One example of the new systems in place is the operator's odour complaints investigation procedure. Every complaint is logged and investigated and a report prepared to ensure a full traceable managed approach. An example of a report undertaken for a very recent odour complaint is included as **Appendix 2** to this statement.
- 4.19 Additionally, it is important to highlight at this stage that the site operator is in dialogue with the permitting body, NRW, on a regular basis to ensure the site is operating in accordance with the requirements of their Environmental Permit under the Environmental Permitting Regulations. A permitting officer from NRW attends on site (or the wider locality) in response to an odour complaint being made, subsequent to which a Compliance Assessment Report is issued and subsequently placed on the public register. Two of the most recent Reports are attached as **Appendix 3** to this statement, together with the responses to required actions from the site operator.
- 4.20 Finally, it must be understood that the Environmental Permit applicable to the site is for the **processing of 1 million birds per week**, the figure that the removal of condition application(s) seeks to bring the planning permission(s) in line with.

5.0 CONCLUSIONS

- 5.1 The planning condition limiting the operational capacity of the site to 400,000 birds per week was imposed on the initial and two subsequent planning permissions for additional works on site in order to protect the amenity of the occupiers of nearby properties, principally the 3 dwellings on the opposite side of the road to the site. The properties are situated south-west of the site access and are therefore passed by all HGVs travelling to/from the site. These properties will have experienced the considerably higher vehicle movements on Pickhill Lane historically, as some of the existing residents have been in occupation for over 20 years and some over 30 years.
- 5.2 There are no restrictions on the operating times of the site, indeed it operates on a 24 hour basis and always has done historically.
- 5.3 With the opportunity presented to secure a net reduction in potential cumulative number of HGV movements along Pickhill Lane, there will be an overall improvement to the standard of amenity afforded to the occupiers of nearby properties. Ensuring that production does not exceed its current limits until the concurrent proposals for the former Lloyd Fraser site have been implemented will be addressed by planning conditions.
- 5.4 Subject to appropriate conditions being imposed on this decision, as well as the other applications (P/2017/1037, P/2017/1038 and P/2018/0591) it is concluded that the level of production can be increased without adverse impacts to highway safety and residential amenity.

Appendix 1

Letters of support from supply chain

Appendix 2

Maelor Foods Odour Investigation Report (Example)

Appendix 3

Compliance Assessment Reports (NRW) plus Maelor Foods associated response to action points and Environmental Permit recording requirements

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