

Appeal Statement.

Talwrn Farm, Talwrn Road, Legacy, Wrexham, LL14 4ER

## GROUND OFS OF APPEAL

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE VARIATION OF  
CONDITION 7 OF PLANNING PERMISSION P/2017/0053 TO SEEK AN EXCLUSION TO VEHICLE  
MOVEMENTS TIMESCALE FOR BIRD DELIVERY AND BIRD COLLECTIONS TO ENABLE THIS  
OPERATION TO BE UNDERTAKEN 24 HOURS PER DAY AND RELAXATION OF THE BANK  
HOLIDAY RESTRICTION

AT

TALWRN FARM, TALWRN ROAD, LEGACY, WREXHAM LL14 4ER

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### **Introduction**

Talwrn Farms Ltd operate a fertile egg production business at Talwrn Farm. The business extends to 2 No. linked egg production units. The buildings accommodate 14,500 hens and 1,200 cockerels, with 15,700 birds per building and 31,400 birds in total.

The business produces fertile eggs which are then used as a culture medium for the manufacture of the flu vaccine.

### **Background Information**

The planning permission for the development P/2017/0053 includes a restrictive condition regarding vehicle movements. Condition 7 states:

“Subject to the exceptions detailed separately in this condition, all works in relation to the implementation of this permission, including deliveries too or from the site shall be undertaken only between the hours of 0730 – 1800 Monday to Friday and 0800 to 1400 on a Saturday and at no time on a Sunday, Bank or Public Holiday. Vehicles associated with the delivery or collection of birds shall be allowed to be on site from 0630 hours with loading / unloading to take place from 0700 hours. The removal of manure from the site shall not take place on Saturdays, Sundays, Bank or Public Holidays”.

This appeal relates to the refusal of planning permission to vary condition 7 to allow for the delivery and collection of birds to be undertaken 24 hours per day. The application also seeks to remove the bank holiday restriction from the condition.

The birds are housed within the buildings at Talwrn Farm for approximately 48 weeks, with a 4 week period at the end of the flock cycle for cleaning and preparation of the buildings for the next flock of birds. Consequently, the flock cycle from birds in to birds in extends to 1 year. At the beginning of the flock cycle, the birds are delivered and this equates to 4 lorries, and the birds are collected 48 weeks later, again with 4 lorries.

With regard to the bank holiday restriction, this essentially relates to the specialist end use of the eggs produced on the farm. The fertile egg is used as a culture medium for the flu vaccine and must be delivered to the factory within 3 days of laying to ensure the product can be used effectively. The inclusion of a restriction of bank and public holidays causes an occasional problem with the shelf life, where there is a long weekend, such as Christmas and Easter.

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### **Reason for Refusal**

The application to vary the condition was refused, contrary to the officer recommendation for the following reason:

1. The proposals will result in traffic entering and leaving the site during the night and early hours of the morning to the detriment of the standard of amenity afforded to the occupiers of nearby residential properties. The proposal therefore conflicts with Policy GDP1(f) of the Wrexham Unitary Development Plan.

### **Case for the Appellants**

The request to relax the requirements of condition 7 essentially only relates to 4 bird deliveries, and 4 bird collections per annum and the reasoning for the change relates to animal welfare requirements. This operation is best undertaken at night or in the early hours of the morning for animal welfare purposes. The RSPCA Information Sheet on poultry catching suggests that the birds are quieter at this time as they are resting and this helps to reduce stress during the process.

The number of vehicles associated with this operate is only 4 lorries for delivery, and 4 lorries for collection every year. This is a negligible volume of traffic, and will be indistinguishable from normal levels of traffic.

The approved route from the A483 to the application site follows B5098 and the B5097 and the distance is 2.1km from the A483 to the site entrance. Travelling an average speed of 20 mph, it takes the lorry around 4 minutes to reach the application site from leaving the A483 dual carriageway, and 4 minutes to return to the A483 following the route in reverse. There will be 4 lorries to deliver the birds and 4 lorries to collect the birds, therefore, the maximum collective time that these vehicles will be on minor road network from the A483 to the site is 32 minutes, twice per annum.

### **Conclusions**

The proposal represents an extremely minor and unnoticeable change to the operation of the development, through the amendment to the hours of operation for the collection and delivery of birds.

The proposal also seeks the removal of the bank holiday restriction, due to the limited shelf life of the eggs and will result in a collection on a bank holiday approximately twice per annum.

Given the extremely minor nature of this application, it is considered that the refusal was unreasonable, and it is respectfully requested that the appeal is allowed.

**Ian Pick, November 2018**