

CHARTERED SURVEYORS & PLANNING CONSULTANTS

BURY ST EDMUNDS – EXETER – WOLVERHAMPTON – SCOTLAND

## STATEMENT OF CASE ON BEHALF OF THE APPELLANT

**APPEAL BY MR & MRS ELLIOTT FOLLOWING REFUSAL OF APPLICATION  
FOR THE ERECTION OF TWO BROILER CHICKEN REARING BUILDINGS  
(EACH MEASURING 101.019M X 23.365M) HOUSING UP TO 40,000  
CHICKENS EACH, TO BE SERVED BY 4 FEED BINS AND A WOOD CHIP BIN.  
ERECTION OF ASSOCIATED CONTROL ROOMS, FEED WEIGHING ROOMS  
AND MESS FACILITIES**

**ON LAND NORTH OF CROSS LANES ROUNDABOUT BETWEEN SESSWICK  
WAY AND BEDWELL LANE, CROSSLANDS, WREXHAM, LL13 0PA**



*Prepared for:-*

**K & N Elliott**  
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**March 2017**

*Prepared by:-*

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## **1. INTRODUCTION**

- 1.1 Acorus has been instructed by K & N Elliott to submit an appeal to the Planning Inspectorate in respect of the planning application as submitted to Wrexham County Borough Council.
- 1.2 The application was submitted to Wrexham County Borough Council in June 2016 and was refused on 12 January 2017.

## **2. EXPERIENCE**

- 2.1 I am Anthony William Atkinson. I hold a Bachelor of Science Degree from Harper Adams Agricultural College; I am a Member of the Royal Institution of Chartered Surveyors and a Fellow of the Central Association of Agricultural Valuers.
- 2.2 I am employed by Acorus Rural Property Services Ltd. Acorus Rural Property Services is a RICS registered company including Chartered Surveyors, Building and Planning Consultants providing technical, design and planning consultancy to national and local Government, corporate companies and individuals with an interest in land.

## **3. DEVELOPMENT PROPOSAL**

- 3.1 The application proposes the construction of two broiler chicken rearing buildings, each measuring 101.019m x 23.365m, with an eaves height of 2.714m and a ridge height of 5.681m. The buildings will be served by five feed bins. The application also relates to the erection of associated control rooms, feed weighing rooms and mess facilities for the catching team. The development also proposes the construction of an agricultural storage building and the temporary siting of 70m<sup>2</sup> mobile living accommodation for the applicants who will manage and operate the unit. Each of the two poultry buildings will house up to 40,000 chickens.

## **4. REASON FOR REFUSAL BY WREXHAM COUNTY BOROUGH COUNCIL**

- 4.1 The planning application (ref: P/2016/0533) was refused by Wrexham County Borough Council for the following reason:-

*Insufficient information has been submitted to justify the exceptional need for an isolated building at this particular location, which will be located on in a stand-alone field parcel not associated with an existing farm complex or existing rural enterprise. To allow the development would be contrary to policy EC3 Wrexham Unitary Development Plan.*

## **5. STATEMENT OF APPEAL**

- 5.1 The appeal is submitted on the basis that it is considered that the proposal is not contrary to planning policy, specifically Policy EC3 of the Wrexham UDP, and hence the development should be allowed to proceed.

- 5.2 Through the planning application process a report was prepared (October 2016) specifically to address Policy EC3, which has been submitted as part of the appeal. However, given that the refusal and the appeal specifically relate to Policy EC3 the text of the previous report is provided below.

The points in respect of the development proposal in relation to Policy EC3 are as follows:-

- 1) The site for the poultry buildings is situated directly off Sesswick Way (A5156) immediately north of a roundabout. The site is bounded between Sesswick Way and Bedwell Road. Sesswick Way is a recently constructed road to by-pass Cross Lanes and thus provides easy access to the Wrexham Industrial Area. Bedwell Road serves a large slaughterhouse and a large knacker yard/fallen stock centre north of the application site. The location is not of high landscape value, and consequently the development proposed is not considered to be detrimental to the local environment or the surrounding landscape.
- 2) The Policy states that *'The development should form part of an existing farm complex'*. However, such a policy therefore automatically precludes the creation of any new farmyard complex. This aspect of the policy is contrary to progressive agricultural development and should have limited bearing when considering the proposed agricultural scheme. The proposal utilises the existing landform and the existing landscape features of the field boundaries screen the proposed buildings. In respect of the poultry buildings, although they cover a large floor area they are not tall buildings and therefore will not be prominent within the local landscape.
- 3) The Policy states *'Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development'*. As referred to above it is considered unreasonable not to expect new agricultural farmsteads to be established, and for new agricultural buildings only to be acceptable where they are located within an existing farm complex. In respect of the justification for the development of the poultry buildings at the site the following points are made:-
  - i) Access to the highway network is exceptionally good because the site is served directly by Sesswick Way. The Highway Engineer states that the local network can easily accommodate the extra traffic which the operation will generate. For efficiency and to reduce costs, the proposed operation will be served primarily by HGV articulated vehicles, i.e. for feed deliveries and the transport of the birds. Many sites in rural Wales are served by roads which cannot accommodate vehicles of this size and as such the number of appropriate sites for this type of development is limited.
  - ii) The site is exceptionally well sited in terms of minimizing the 'food miles' which the operation could generate. There are two large animal feed manufacturing mills situated 1.1 miles and 7.9 miles from the application site. A chick hatchery is situated 1.6 miles away. There are two large poultry processing plants locally; one of which is less than 2 miles away which is currently being fitted out (details below), and one 18 miles away. Therefore in conclusion of this point the site is very well situated for the operation of the agricultural activity and will have

limited impact upon the road network and the environment in general. In terms of 'food miles' expired, the proposed unit will be amongst the most efficient of broiler (chicken production) operations.

- iii) The chicken processing plant as referred to above is the Maelor Creamery site which was granted planning consent in March 2015 (ref: 2014/0781). The processing facility has a planning condition of 400,000 birds/week for processing (maximum throughput). The proposed poultry broiler unit at Black Rock Farm in weekly terms will produce 12,000 birds per week. Therefore the processing facility (Maelor Creamery site) will be looking to source birds from 33 poultry farms of a similar size to that proposed at Black Rock Farm. For the processing facility and the farms concerned (and more generally the environment) it is most beneficial when there is only a short transport distance between the two sites (i.e. the producer and the processor).
- iv) The buildings as proposed are specifically designed and fitted-out for chicken production. It is not the case that an existing traditional farm complex could be adapted or modified to accommodate the enterprise. For broiler units modern buildings are required, which are efficient to run, to ensure a good supply of chicken for an ever increasing share of the meat market. Details are provided below in respect of bio-security and the need to have such sites segregated from other farming operations.
- v) An Environmental Permit was issued by Natural Resources Wales on 4 February 2016 for the poultry enterprise. A copy of this has been submitted to the planning department.
- vi) The Wrexham Unitary Development Plan (1996-2011) was adopted in February 2005, albeit the consultation prior to adoption would have taken several years, and hence the document policies can soon become outdated and effectively superseded by other legislation. The UDP plan has been superseded by the Well-Being of Future Generations Act 2015 and the Wales Animal Health and Welfare Framework. Lesley Griffiths, Cabinet Secretary for Environment and Rural Affairs, made a written statement on 28 July 2016 which said:-

*The "Wales Animal Health and Welfare Framework – Achieving High Standards Together" sets out the approach we are taking to achieve continued and lasting improvements in standards of animal health and welfare. Our vision is captured in a number of shared outcomes: that Wales should have healthy productive animals with a good quality of life; that people trust and have confidence in the way our food is produced and the way public health is protected and that Wales has a thriving economy and a high quality environment. These outcomes contribute to the seven well-being goals set out in the Well-Being of Future Generations Act 2015. Animal health and welfare makes a major contribution to the sustainability of the livestock sector, to the wider food and farming industry and more broadly to the countryside, the environment, communities and the economy.*

- vii) As mentioned above bio-security is a key reason and justification for the proposed poultry unit to be located where it is, i.e. not part of an existing farm complex and remote from other farming operations. For

effective and the best levels of biosecurity, such poultry units need be secure and separate from any other buildings holding livestock, animal feed, bedding material, machinery and from any yard or circulation areas associated with other animals. Vehicle and pedestrian movements should be restricted to those which are essential to service the needs of the poultry unit. Machinery should be dedicated to the unit. The risk of cross contamination cannot be avoided unless strict protocols are followed.

viii) The Wales Animal Health & Welfare Framework – Implementation 2015-2016 - at page 8 refers to biosecurity in detail:-

#### *Biosecurity*

*What is this and why is action required? Implementation of good biosecurity practices is the first line of defence against serious notifiable infectious diseases like Foot and Mouth disease or Bovine TB. It also is, or should be, a vital part of daily farming life, helping to ensure that animals stay healthy and businesses remain profitable. Diseases can spread through the movement of animals, people and machinery between and within farms. This can include farm visitors both people and vehicles, the introduction of new animals, contact with neighbours livestock, shared farm equipment, contamination by vermin and wild birds and animals drinking from contaminated rivers and streams.*

*In summary, biosecurity needs to be considered on farms because:*

- It helps protect the health of animals by preventing the spread of infectious animal diseases between farms and within farms; less disease means healthier animals and a better profit margin*
- It helps to protect the health of people*
- It helps industry to control and eradicate costly disease.*

*The Wales Animal Health and Welfare Framework Group are working in partnership with Welsh Government to raise awareness of good biosecurity practices and the benefits these can bring.*

*What are we going to do?*

*The key delivery milestones for 2015/16 are to:-*

- Work in partnership with Welsh Government on raising awareness of biosecurity through a dedicated campaign for 2015/16. Key elements of the campaign will include; a survey to indicate farmers' awareness and understanding of biosecurity, what biosecurity practices they currently use on their farms, the ways they seek and receive information about biosecurity*
- Promote the cattle keepers handbook and produce other material to promote key messages and good practice*
- Promote farm health planning*
- Ensure that good biosecurity is a core element of the overarching strategies such as the Agriculture Strategy, the Rural Development Plan for Wales, successor Farming Connect Service*

- *Ensure that biosecurity is central to any proposals developed by the Group during 2015/16 such as the proposal to develop a scheme to eradicate BVD in Wales.*

At section 2: Welsh Government Priorities on page 19, Dr Christianne Glossop, Chief Veterinary Officer for Wales, says:-

*We are also working in partnership with the Wales Animal Health and Welfare Group and the Farming Connect Service to raise awareness and provide training on areas such as biosecurity.....so that farmers have the knowledge and information needed to apply this principle on farm. I would like to see each farm applying strict biosecurity protocols.....*

ix) The supporting text to Policy EC3 (para. 5.4) states:-

*'The Council is aware of the need for continuing investment in modern farm building, slurry stores and equipment. Farm businesses need to change and grow in response to market forces and legislation if they are to survive'.*

Broiler units are a key example of investment and changes in the market. Broiler units of the size proposed are now the norm and it will require an investment of £1.6 million. The size and type of buildings are necessary to meet legislation and industry standards (including an environmental permit), and ensure economies of scale can be achieved to produce a quality product for the market place. It must be accepted and appreciated that broiler units as per the proposal at Black Rock Farm cannot simply be located within or adjacent to an existing farming operation.

5.3 Additionally, the following points are made in respect of the delegated report of the application.

- There are no objections from the statutory consultees – as per the table of consultation responses (front page).
- The second table refers to the development being outside a settlement and not being acceptable. The proposal is agricultural development which ordinarily will be in the open countryside (outside a settlement) and as such is the most appropriate location for such development.
- The fourth table refers to the design not being acceptable. The design of the buildings is specific to the needs of the chicken rearing enterprise. These are standard design buildings for such an enterprise.
- The consultation response table refers to objections from the Community Council and neighbours (and neighbour consultation responses have been provided by the Council as per the appeal procedure). However, under the heading 'Amenity' the delegated report states; *'I therefore consider that the proposal will have limited impact upon the amenity of nearby residential occupiers and would not result in a reason to refuse planning permission on those grounds'.*

- The delegated report refers to the application not providing documentary evidence to justify the exceptional need (Policy EC3) for the proposal. As referred to above (and detailed) a report was prepared in October 2016 to specifically address Policy EC3 and the exceptional circumstances for the agricultural development.

## **6. CONCLUSIONS**

6.1 In summary the following points are made:-

- The proposed poultry unit should be accepted as a necessary and acceptable form of agricultural development within the countryside; the bio-security issues alone demonstrate the need for a new farm complex.
- The proposal as new isolated buildings in the countryside should be considered as exceptional circumstances in respect of Policy EC3.
- The proposal has not raised any issues through the statutory consultees and an Environment Permit for the enterprise has been issued by Natural Resources Wales.
- To conclude, it is considered that the proposal is not contrary planning policy, specifically Policy EC3 of the Wrexham UDP, and hence the development should be allowed to proceed.

**ANTHONY W. ATKINSON MRICS FAAV**  
Acorus Rural Property Services

March 2017