

COMMENTS ON APP/H6955/A/16/3154472: ERECTION OF FREE RANGE EGG PRODUCTION UNIT AT CAE MOR , LLWYNMAWR, WREXHAM Ffrom Audrey and Peter Watson, Craig yr Oryn, Llwynmawr

Dear Sirs

In addition to comments previously submitted by ourselves (November 2015 and March 2016) and enclosed once again, we wish to make the following observations on App02 "Grounds for Appeal" document.

Paragraph 2.1: *Cae Mor Farm is a former Welsh Hill Sheep and Dairy Farm. The land is now predominately sheep grazing extending to approximately 41 acres of owner occupied agricultural land.*

We would draw attention to the first line of this. Cae Mor is a FORMER...farm. It is now a substantial private dwelling with the surrounding farmland grazed by a local TENANT FARMER, not by the owners themselves, who do not live at the farm but, rather on their other property near Oswestry here they operate a camping and Christmas tree enterprise.

Paragraph 2.5. *The farm is managed day to day by Julian and Emma Morris.*

We refer to our comments ref paragraph 2.1. The owners do not manage the farm as a farm on a day to day basis. They live and operate at their property at Pentre Clawdd Farm near Oswestry. The fields are rented out to a farmer living in Pontfadog.

Paragraph 3.4 *From the outset, the process of the planning application and the design of the proposals have been carried out in an open and constructive manner with all interested parties*

This has not been the case. As local residents whose property sits directly below the proposed site, we received **NO PRIOR** notification, planning notice or consultation on the plans until they had been submitted, despite the fact that the proposal will have a significant impact on our property, both visually and, more critically, on our private water supply (see later).

Paragraph 6.1.1.3 *The proposed development will also create the employment of 2 local employees if the development is to go ahead, and it is envisaged that 3-part time roles for local people will be created once the unit is operational.*

The original application went to great lengths to point out that the business would be run by the two owners and that no additional dwellings etc would be needed. As they are both already in employment, we fail to see how they can be creating two new jobs.

Furthermore, as there is a statutory requirement for all poultry houses which rely on automated equipment for ventilation to incorporate an alarm which will give adequate warning of failure of the system to function properly and to have some form of back-up power supply (e.g. a battery), so that it will operate in the event of a failure of the mains supply, the assumption would be that there would be someone on site 24

hours a day or at very close quarters to (a) respond to any alarm and (b) to repair any malfunction. As the owners do not live at the property, how will they be able to respond to any alarm, or are they now going to provide ancillary accommodation for a “manager”?

Paragraph 6.1.2.7

“Some interested parties alleged that the land has not been farmed for a long time. However, during my site visit I observed farming equipment and hay bales consistent with the appellants’ evidence”

THIS PARAGRAPHS DO NOT REFER TO THIS APPEAL. IT IS LIFTED WORD FOR WORD FROM PARAGRAPH 20 OF THE APPEAL HEARING NUMBER AP/H6955/A/14/2228984 PERTAINING TO TALWRN FARM, LEGACY, WREXHAM AND SO WE FAIL TO SEE WHY THEY HAVE BEEN INCLUDED IN THIS APPEAL. THAT SITE IS VASTLY DIFFERENT FROM CAE MOR. THE LEGACY SITE SITS NEXT TO AN INDUSTRIAL SITE WITH WATER TOWER AND SCOTTISH POWER INFRASTRUCTURE.

However, that notwithstanding, to reiterate our above comments, Cae Mor property is NOT run as a farm. The fields are rented out for sheep grazing and a shed has been erected across the road. The storage of hay bales and a quad track across land does not constitute a working farm. Tenant graziers store materials near livestock to save carrying it from their own premises. We have done so ourselves on rented land.

Paragraph 6.1.3.3 *The building has been positioned in order to minimise and reduce visual impact to neighbours and the general public using the B4579.*

Paragraph 6.2.8 *Although the building would be larger than most others in the locality, overall I am satisfied that in the majority of views, the building would be effectively screened by the existing vegetation to the boundaries of the field. The effectiveness of this screening would increase over time as the existing younger planting and proposed additional planting matures. I accept that when there is no foliage on the trees there is the potential that the building would be glimpsed through the planting. However, the finish of the building would help assimilate it into its surroundings. On balance I therefore consider that the proposed development would have no adverse visual impact on the SLA and would not harm the special qualities of the AONB, in accord with Policy EC5 of the UDP and paragraph 5.3.6 of Planning Policy Wales.”*

THIS PARAGRAPHS DO NOT REFER TO THIS APPEAL. IT IS LIFTED WORD FOR WORD FROM PARAGRAPH 16 OF THE APPEAL HEARING NUMBER AP/H6955/A/14/2228984 PERTAINING TO TALWRN FARM, LEGACY, WREXHAM AND SO WE FAIL TO SEE WHY THEY HAVE BEEN INCLUDED IN THIS APPEAL. THAT SITE IS VASTLY DIFFERENT FROM CAE MOR. THE LEGACY SITE SITS NEXT TO AN INDUSTRIAL SITE WITH WATER TOWER AND SCOTTISH POWER INFRASTRUCTURE

Paragraph 6.2.11 *There would not be any significant effects on landscape fabric, the character of the landscapes beyond the site, or the visual amenity of residents, or walkers, equestrians and cyclists in the study area or motorists on any B and local road network within the study area*

We strongly disagree with these statements. We refer to the photographs below. The first is taken from the gate off the B4579 into the field where the shed site is proposed (Grid ref: SJ22720 35786). It clearly shows our property in the dip below and we can see the field from our property (photo 2 taken from the road running past our house and at GR SJ 23271 36069).



Craig yr Oryn

Photo taken from field gate by proposed shed location (access gate) SJ22720 35786



Proposed shed location

Photo taken from road adjacent to Craig yr Oryn GR SJ 23271 36069

All of the photos submitted as part of the Landscape Assessment refer to any potential impact on users of the roads or Public Rights of Way in the area. They ignore the most important people on whom there will be an impact, namely local

residents. Road and path users are transient viewers. Local residents are those whom will have to live with the visual impact, the noise and the smell if this development were to go ahead.

Paragraph 6.2.1 *The proposed agricultural buildings are not situated within any national landscape designation (being 3.9km distance from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty).*

Paragraph 6.3.5 *As noted above, the site is located within the SLA local landscape designation (in paragraph 6.2)*

The Ceiriog Valley has not been included in the AoNB designation but there are proposals to include it in the future. A number of reports have been written outlining its unique and special character and the need for this to be taken into consideration in any planning applications, including the most recent “Pathfinder Report” in 2012 outlining the appropriateness of including the area in the AoNB designation.

The area lies within the boundaries of the original conservation area as defined in the Hobhouse Report of 1947, the boundary proposed by the Countryside Commission on 1989 for Y Berwyn AoNB and the areas of search for the policy review of the Berwyn AoNB carried out by CCW in 1994. Indeed, it was first mooted as a National Park in 1945 based on its landscape assessment. The conclusion that must be drawn from this is that the landscape is of such high quality that it is in the national interest to protect it.

Wrexham CBC’s landscape assessment of 2007 drew the conclusions that the area’s visual and biodiversity aspects range from high to outstanding, and cites suburbanisation of farmsteads and rural dwellings, inharmonious development, afforestation, masts, wind turbines, and agricultural intensification as issues. These issues therefore need to attract particular scrutiny in the planning process. Thus, while the site does not lie within any **national** designation, its place in the Special Landscape Area means that any application that may impinge on that special character needs careful and full consideration **(and refusal)**.

Paragraph 6.3.2 *To the east, Plas-onn has a large agricultural barn which is approximately 700m from the proposed site. This Plas-onn barn is of similar proportions to the Cae Mor proposal.*

This is a wholly inappropriate comparison. The barns at Plas Onn, which is a fully operational family beef and sheep farm, sit in the bottom of a dip and not at the top of a hill as the proposed shed at Cae Mor is. They are thus not intrusive on the landscape.

Paragraph 7.4 *We also have the full support of Natural Resources Wales, with regards to flooding, manure storage, manure management, water resources and ammonia.*

This statement is somewhat disingenuous. The proposal does not have the **support** of NRW. Rather, they could not see any negative impacts on the River Dee SAC but they did not make any comments on the landscape issues (as evidenced in the NRW

response letter in the appeals documents). NRW did, however, make reference to the additional lighting proposed for the building and how this may impact on wildlife, including bats.

Paragraph 7.9 *We note that within the report the planning officer makes absolutely no reference to the photomontages that were produced as part of the landscape and visual impact assessment, nor to the very limited visibility of the proposed application that they illustrated.*

The appellant has complained that the photomontages taken as part of the application were not considered. A great many landscape photos have been submitted by the appellant, including some photos with a “Photoshopped” picture of the shed. We would ask why they have only done this on very “skewed” views from paths or roads and not looking directly up the hill to the site from our property? All of the photos submitted by the appellant have been taken at angles to the site and do not show the true impact.

Paragraph 7.16 *We believe that the proposed development complies with policy EC3 and EC5 for the following reasons:*

The development forms part of an existing farm complex, being located 150 metres away from the farmhouse and existing buildings at Cae Mor, with natural screening from trees and hedgerows. However, should it be considered by the Inspector that policy EC3 is applicable we would confirm that we have met exceptional circumstances with an essential agricultural need with no alternative location for the development being found.

As stated previously, it is NOT a farm complex. It is a substantial dwelling with associated garden sheds, garage and a timber shed across the road. We fail to see any “exceptional circumstances” or an “essential agricultural need”.

To reiterate our comments on this in our letter of November 2015 : In order to justify an isolated building under policy EC3 (paragraph 30 of the original Design and Access Statement), it is stated that the application “...confirm[s] the essential agricultural need for the development...” yet the very definition of diversification as given in the Diversification Statement is “...the use of farm resources for a non-agricultural purpose for commercial gain” and “...reflects the reduced dependence of farmers on agriculture as a source of income..”. There would thus appear to be a direct contradiction between the two statements of the application meeting an “agricultural need” and the need for “diversification”.

Paragraph 8.4 *Based on the findings in this appeal, it is considered that the proposal would result in no demonstrable harm to any interests of acknowledged importance.*

We strongly disagree with this statement and its arrogance in not considering the views of local residents to be “...any interests of acknowledged importance.”

A great many residents objected to the application, citing many reasons for their objections. High amongst these is the impact that this will have on our water supply and those of some of our neighbours. As we outlined in November 2015, our water

comes from a spring which is situated a few hundred metres from the proposed shed. The proposal states that there will be a scratching range in a dedicated paddock around the shed for the poultry and the boundary fence for this adjoins the woodland in which our spring is located (at SJ2319835712). 16000 birds scratching in this range will create a lot of manure on the land – which cannot be transported away as the manure within the shed is proposed to be. The “free range” manure will deposit nitrogen and ammonia on to the soil and, given the topography of the site, be washed into local watercourses. The accompanying documents show the impact on larger watercourses such as the Dee some km away but DO NOT address the impact on **local** water supplies. The location plans show the location of springs within the curtilage of the development. These springs feed our water supply in the adjoining field and so there will be an impact on this water. The original survey done by Geowater omitted our supply completely.

However, on a site visit by Charles Ruxton, from Geowater, to our water supply on 17th October 2016, he agreed that the scratching area is indeed very close to our spring and that it is likely that it WILL affect our water supply. He intimated that he would be submitting those comments to the landowner.

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As additional comments, relating to other documents submitted by the appellant as part of the appeal, and general observations, we wish to add the following:

The RSPCA Welfare Standards for Freedom Food chickens states that a flock should not exceed 15,000 birds for a free range system, in order to reduce the risk of disease and give sufficient space for each bird. The application states that egg producers will buy from flocks of a minimum size of 16,000, hence their choice of a flock size of 16,000. How, then can the applicant be adhering to Freedom Food standards, as mentioned in the original application?

DEFRA’s “The Welfare of Hens in Free Range Systems” states the following:

If possible choose free draining, south facing, pasture to minimise the build up of worms and coccidial oocysts. Such pasture should also better retain grass cover.

The proposed shed and ranging areas at Cae Mor are north facing.

Ideally, houses should be positioned in the centre of the land area so that a series of radiating paddocks can be created around the unit. In some cases this is not possible because of local planning constraints or because of the limitations of power or water supplies.

The proposed shed does not sit in the centre. Rather, it is at the top of the slope with much of the ranging area beneath it.

It is important to consider access, not just during good weather, but also during weather conditions when gradients may make lorry access difficult.

We refer to our previous comments from 16 November 2015 as below:

The proposed lorry movements will have an impact on a road that, while classified for heavy lorries, does not carry a great number in general. The proposal is for three extra lorries a week - twice for eggs and once for feed. The road is narrow in many

places and has some dangerous blind bends. Furthermore, the road does suffer from limited access in the winter and is subject to being difficult if not impassable at times of heavy snowfall as at Easter 2013 when we and surrounding properties (including Cae Mor) were effectively cut off for 10 days before being dug out by Hymac on Easter Sunday. How will the feed be delivered in this situation and eggs and muck removed? The application and later amendments states that increased feed storage will be built in to take account of this possibility but what about 16000 birds being unable to scratch outside the shed due to 6 inches of snow and thus being kept indoors for increased length of time? There must surely be a welfare issue to be addressed here? Also, does this imply that additional silos will have to be installed if increased feed is required?

Range areas bordered by dense woodland will be more prone to fox problems.

Predator control will be an issue as the site is bordered by woodland and so how does the applicant propose to ensure that foxes, badgers etc cannot access the ranging area when there is a public footpath on the site and also vehicular access to the sheds? Electric fencing is most effective against predators. Does the applicant propose to erect electric fencing across the PRoW?

We also have questions as to the security of the site as regards this public footpath that runs along the boundary of the proposed scratching area. The application states that they propose to use 1.5 semi-permanent fencing with netting. How do they propose that walkers will be able to use the public right of way without breaching that?

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**PAPER COPY. COMMENTS ALSO
SUBMITTED ONLINE**

16 Nov 2015

Dear Sirs

Application P/2015/0810

Proposed development of 16000 bird free range poultry unit at Cae Mor Farm, Llwynmawr

We have already objected to the previous application for this development and, having reviewed the newly submitted documents pertaining to the above proposed development, it is our opinion that this should **NOT** go ahead for the following reasons:

Firstly, it is questionable as to whether this is “diversification of an existing farm business”. As the first line of the application states, Cae Mor is a FORMER farm, which was sold a number of years ago and the land grazed by other local farmers. The farmhouse has been converted to a substantial private dwelling. The Christmas tree and tourism business run by the Morris family is situated some miles away near Oswestry and, while does indeed form part of their business, cannot be considered part of the farm complex for this proposal.

Additionally, page 3 of the Diversification Statement states that the farm is managed on a day to day business by the Morris family who “live there with their family.” This is not the case. As stated above, Cae Mor is not run as a farm: the land is tenanted and the family does not live there in the winter.

It is also, therefore, extremely questionable that the development of the large poultry shed fits the criteria outlined in Wrexham Policy EC3 **Agricultural Farm Buildings** which states that the development should form part of an existing farm complex. Cae Mor comprises the large dwelling house and associated garaging and garden sheds. The proposed building will sit some distance from the dwelling and we fail to see how it can even be deemed to be part of that complex, never mind part of a “farm complex”.

In order to justify an isolated building under policy EC3 (paragraph 30 of the Design and Access Statement), it is stated that the application “...confirm[s] the essential agricultural need for the development...” yet the very definition of diversification as given in the Diversification Statement is “...the use of farm resources for a non-agricultural purpose for commercial gain” and “...reflects the reduced dependence of farmers on agriculture as a source of income..”. There would thus appear to be a direct contradiction between the two statements of the application meeting an “agricultural need” and the need for “diversification”.

Page 3 of the Diversification Statement refers to their diversification into “..energy generation and Free Range Egg Production.” Clarification is sought please on the former. The application does not appear to mention any energy generation as part of the scheme.

The visible impact of the shed is to be reduced due to its external colouring – green. However, its very location in the landscape – at the top of a hill which overlooks our property – will have an impact of the surroundings and on our outlook, particularly in winter when the trees are bare. We can see Cae Mor house from our property, and vice versa, and not only will the shed itself be visible but the proposed external lighting will be highly visible at night and impact on the current tranquillity and non-urbanisation of the area. The application refers to the fact that the shed will not be visible from the Cae Mor Listed farmhouse. This is immaterial, given that the applicants own and sometimes live in the property. It is the visibility from surrounding properties that will have the greatest impact.

On a related note, the proposed lighting will have an impact on the ecology of the area. As professional ecologists ourselves, we are delighted with the range of habitats and species we have in the area and feel the impacts on these have been somewhat underplayed. The ecological surveys were, by their own admissions, not done at the optimal time of year to fully determine the range of species which may be impacted. The ecological consultants state they have no information from COFNOD regarding bats within 700m of the proposed development, nor of any roosts within 2km. This is due to the fact that not all records are submitted to COFNOD and, as an ecologist, I know that there are indeed both roosts and foraging bats within both of these stated radii. There are colonies of both pipistrelles and long-eared bats and there are a number of roosts in the immediate vicinity of the proposed development.

While it may be the case that any additional insects present arising from the presence of poultry will provide additional food sources for bats, the impact of large new lighting sources in the area should be questioned. Indeed, NRW also make comment on this aspect.

At a recent public meeting, the applicant seemed to suggest that ALL of the holding would be available for the birds to range over. However, the application states that the SBI sites to the east of the shed will NOT be available. Confirmation is sought on which is the case.

A public footpath runs across the proposed range. If the paddocks are to be fenced against predators, how does the applicant propose to keep the footpath open and still maintain the predator fence? Similarly with the access roads, areas around the house etc. We fail to see how a predator-proof fence can be kept intact with access roads, etc.

Page 16 of the Design and Access statement states that no hedgerows will be removed as part of the development. Given that there is a hedge running along the B road on which a new 86m wide visibility splay is to be constructed (drawing 2673351) , we fail to see how that can be constructed WITHOUT removing some of the hedgerow, if not all of it.

A major issue for us, however, is the impact on our water supply. We are fed by a spring which is situated a few hundred metres from the proposed shed. The proposal states that there will be a scratching range in a dedicated paddock around the shed for the poultry. None of the plans show exactly WHERE this extends to and where the perimeter fence will be located. The applicant

indicated at last week's public meeting that they will have access to the whole holding. 16000 birds scratching in this range will create a lot of manure on the land – which cannot be transported away as the manure within the shed is proposed to be. The “free range” manure will deposit nitrogen and ammonia on to the soil and, given the topography of the site, be washed into local watercourses. The accompanying documents show the impact on larger watercourses such as the Dee some km away but DO NOT address the impact on **local** water supplies. The location plans show the location of springs within the curtilage of the development. These springs feed our water supply in the adjoining field.

We also feel that there will be a noise implication from the development. The proposal is for four fans to operate 24 hours a day with a noise level quoted of less than 36dB, which is quoted as being less than background “rural levels” of 38-42dB. Have the actual noise levels in THIS area been measured? Sound does travel very well in this valley and we do not see how general values as quoted can be applied to a specific application.

The proposed lorry movements will have an impact on a road that, while classified for heavy lorries, does not carry a great number in general. The proposal is for three extra lorries a week - twice for eggs and once for feed. The road is narrow in many places and has some dangerous blind bends. Furthermore, the road does suffer from limited access in the winter and is subject to being difficult if not impassable at times of heavy snowfall as at Easter 2013 when we and surrounding properties were effectively cut off for 10 days before being dug out by Hymac on Easter Sunday. How will the feed be delivered in this situation and eggs and muck removed? The application states that increased feed storage will be built in to take account of this possibility but what about 16000 birds being unable to scratch outside the shed due to 6 inches of snow and thus being kept indoors for increased length of time? There must surely be a welfare issue to be addressed here?

We fail to see how the development would meet item (k) of the Wrexham UDP 1996-2011 Policy GP1 to “secure the development of sustainable communities, through the promotion of the economic, social and environmental wellbeing of the area”. The application states that enterprise is to be run by the two owners, and that it will safeguard two local jobs. Mr Morris is a builder, not a farmer and so how does this “agricultural” application safeguard his job? The two owners already claim they are very busy with their enterprise near Oswestry. We fail to see what economic benefit the facility will bring to the area long term. It may well be that local tradesmen and suppliers are used in the construction but what benefits accrue thereafter? There is no new large workforce moving in to spend money in the local businesses, and no tourism business or visitor attraction is being created. No new jobs are being created.

In overall conclusion, the social and environmental impacts will be negative. Likely risk of watercourse pollution, increased noise, light pollution, odour, landscape impact and increased lorry movements cannot be deemed to be of social benefit or environmental enhancement.

In conclusion, we do not feel that this is the appropriate location for such an enterprise and it should therefore be **rejected by** Wrexham Borough Council.

Yours faithfully

Peter and Audrey Watson

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**PAPER COPY. COMMENTS ALSO
SUBMITTED ONLINE**

19 October 2016

Dear Sirs

Application P/2015/0810

Proposed development of 16000 bird free range poultry unit at Cae Mor Farm, Llwynmawr

We have already objected twice to the previous applications for this development and, having reviewed the newly submitted documents pertaining to the above proposed development, it is our opinion that this should **NOT** go ahead for the following reasons (which are in addition to those submitted by ourselves in November and October 2015):

Report number 2813564 by Geowater purports to list all of the possible water supplies in the area which may or may not be affected by the proposed development. However, it **FAILS** to mention our water supply here at Craig yr Oryn!! This arises as the same spring - and is stored in a water tank adjacent to - that which serves Briwnant, the property which sits below ours. Indeed, the two supplies run in parallel down the hill to the properties from the tanks. The report mentions that Briwnant would possibly be affected. If this is the case, then ours will most certainly be affected also. Similarly, no mention is made of the water supply to Nantgwryd Uchaf which sits below the proposed development and opposite Llangwryd Uchaf, which **is** also mentioned.

A lot of new photos have been submitted which show distant views, views from Cae Mor farmhouse etc. The consultants have cleverly failed to take photos looking directly downhill from the proposed development. Below are photos taken from and towards our property which show how we will see the proposed shed and, similarly, how the shed sits on the skyline above our property. We will most certainly be adversely affected by the landscape impact.



Craig yr Oryn

Photo taken from field gate by proposed shed location (access gate)



Proposed shed location

photo taken from Craig yr Oryn back garden



Proposed shed location

Photo taken from road adjacent to Craig yr Oryn

The new landscape report refers to the existing agricultural buildings at Plas Onn and their impact on the landscape. The buildings at Plas Onn sit in a hollow and form part of an overall farming business (Livestock sheds and machinery stores). They do not sit on a prominent slope and so their impact cannot be compared with that which the proposed building will have on the surrounding area. Indeed, they can only be seen from directly above them, e.g. bridleway 511/63.

The new correspondence states that there will be economic benefits to the local area. We fail to see how eggs packed/distributed at Plas Madoc or feed brought in from Oswestry can be seen as of benefit to the Ceiriog Valley!! Similarly, the original application went to great lengths to point out that the business would be run by the two owners and that no additional dwellings or traffic etc would be needed as a result. The recent correspondence states that full and part time staff will be needed for egg packing and that locals can apply for these. Where did these jobs suddenly materialise from and are they just a “sop” to the locals (who already work elsewhere?). Where will the new money to be “spent in local shops, pubs, etc” suddenly come from if, using their own arguments, they encourage locals to apply for them? The economic argument STILL does NOT stack up.

Mention is made of the profit from the enterprise being ploughed back into future projects to benefit the valley. What are these proposed projects? Are we seeing the thin end of the wedge with this ongoing application?

In conclusion, we **OBJECT** to this application for the reasons given in both our previous letters of objection (including effect on water supply, smell, visual impact, hedgerow removal, other ecological impacts, lorry movements, lack of economic benefit) and those outlined again above.

Yours faithfully

Audrey and Peter Watson

PHOTOS TO ACCOMPANY OBJECTION LETTER BY WATSONS, CRAIG YR ORYN, LLWYNMAWR TO APPLICATION P/2015/0810 FOR CHICKEN FARM AT CAE MOR



Craig yr Oryn

Photo taken from field gate by proposed shed location (access gate) at SJ22720 35786



Proposed shed location

photo taken from Craig yr Oryn back garden



Proposed shed location

Photo taken from road adjacent to Craig yr Oryn at SJ23271 36069