

I wish to submit the following observations in respect of the appeal against the refusal of planning permission by Wrexham County Borough Council in relation to the construction of an egg barn at Talwrn Farm, Talwrn Road, Legacy.

The development appears to be contrary to policies set out within Wrexham Council's Planning Guidance EC3 and Technical Advice Note 6 issued by the Welsh Government.

Policy EC3 states that the construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape. The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening. Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development.

TAN 6 meanwhile relates to sustainable rural communities and requires that any development should be 400 metres or more from protected buildings which include residential dwellings. The statement which accompanies the application clearly states that the residential properties are within 150 metres of the proposed unit. It would appear that the technical note is suggested in order to deal with accompanying issues of odour, noise, dust, vehicle movements and vermin.

It should be noted that the original planning application would have involved construction of the egg barn nearer to the existing farm buildings and further away from neighbouring residential properties.

There has been no assessment of flooding risk. I am aware of increased instances of flooding on the adjoining B road from Rhosllannerchrugog to Legacy which will have been documented by the Wrexham County Borough Council as the highways authority. The situation has further worsened over the last 18 months due to works carried out opposite to the adjacent site for which permission was granted by the planning authority without any accompanying flood risk assessment. It is also surprising that the Council planning report appeared to accept the statement by the planning consultants that the development is not within 20 metres of a watercourse without further investigation when there are at least two watercourses within the curtilage of the development which feed into the Pentre Bychan brook.

Natural Resources Wales acknowledge that the development is likely to increase the surface area of impermeable ground increasing rapid surface run off. This will certainly be the case following the construction of the new access road across the field.

The ecology survey dated July 2014 relies on a walkover survey in respect of great crested newts and the planning report contained no evidence from the Council's ecologist as to the adequacy or otherwise of the survey and the period in which the assessment was undertaken. Local residents state that there are bats, owls and other bird life present which are not referred to in the report. Although the report then goes on to say that further surveys would be required and that the implementation of reasonable avoidance measures would be required by condition, no such conditions were imposed within the report and surely surveys should have been completed before planning approval was considered in any event.

The Council's Highways Department acknowledge that the roads are not ideal for use by HGVs and are sub-standard and suggest that conditions would need to be imposed for traffic management. No such conditions were sought in the planning report despite the road being described as being too

dangerous recently for police officers to undertake radar speed checks. None of the approach roads to the site have pavements and yet traffic movements will be significant.

The Highways Department also confirmed in the original application that was refused that the application only provided visibility splays of 2.4m x 20m to the south west and 2.4m x 10m to the north. The applicant then took steps to increase the width of the access to the site by cutting down an established tree. The report on the second application refers to improved visibility splays because of this but it does not confirm whether this provides for visibility splays of 2.4m x 43m as required by the Council particularly in the northerly direction.

Many residents object to the location of the egg barn which will have a significant visual impact from both Allt Ty Gwyn and Talwrn Road. This appears to run contrary to UDP policy where new buildings should not be permitted which would have a detrimental impact on environment and landscape. The whole farm is located within a Special Landscape Area but there is another site available on the farm to the north west of the farmstead which would not be so exposed but the application states that this land cannot be used because it is more suitable for crops and grazing.

No evidence is contained in the report that the farm has been used for the production of such crops or even for grazing during the last 10 years. Local opinion is clear that the farm has not operated as a going concern for a number of years yet one of the planning officer's main reasons for allowing the application appears to be that the development is required to allow diversification of the farm business. Local residents contest the contention that the farm has been used for making hay and grazing sheep for many years. No attempt appears to have been made by the planning authority to establish the contention that the farm is a going concern through the provision off arm accounts in support of diversification