

DESIGN & ACCESS STATEMENT

**PROPOSED GLASS BOTTLE STORE
AT
FIVE CROSSES INDUSTRIAL ESTATE
COEDPOETH
WREXHAM**

Statement Prepared By:

Haston Reynolds Ltd
Woodlands Barn
Walton
Telford
Shropshire
TF6 6AN

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Appendix 1 Wrexham Unitary Development Plan 1996 – 2011 Policies

1. INTRODUCTION

- 1.1 This Design and Access Statement has been prepared by Haston Reynolds Ltd on behalf of Tomlinson's Dairies Ltd which currently operates from Pen y Palmant Farm, Minera, Wrexham.
- 1.2 This Statement has been prepared in support of a planning application for the construction of a new building, at their newly developed dairy site on the Five Crosses Industrial Estate, Coedpoeth, Wrexham, which is to be used for the filling and storage of milk in glass bottles.
- 1.3 The Statement is intended to provide:
- ❑ a background to the dairy business operated by Tomlinson's Dairies;
 - ❑ an explanation of the need for the proposed building;
 - ❑ a description of the proposed building;
 - ❑ the planning policy context relevant to the determination of the planning application; and
 - ❑ an assessment of the proposed development.
- 1.4 The Statement is intended to meet the specific requirements of Section 42 of the Planning and Compulsory Purchase Act 2004 in relation to the provision of a Design and Access Statement and should be considered in conjunction with the following drawings:
- ❑ H0070-06-A1-PL-01 Topographical Survey
 - ❑ H0070-06-A3-PL-02 Location Plan
 - ❑ H0070-06-A1-PL-03 Proposed Site / Block Plan
 - ❑ H0070-06-A1-PL-04 Layout Plan and Elevations
 - ❑ H0070-06-A1-PL-05 Proposed Service Bridge Elevations
 - ❑ H0070-06-A1-PL-06 Site Section
 - ❑ H0070-06-A1-PL-07 Earth Moving Calculations
 - ❑ 1382.01 B Soft Landscape Proposals

2. PROPOSAL

2.1 Background to the Dairy Business

- 2.1.1 Tomlinson's Dairies Ltd was founded in 1983, when liquid milk from Pen y Palmant Farm was bottled and sold in the local area. This led to the operation of a full milk round and, after a short period of time, additional milk rounds were purchased and supplied with milk produced and processed on the farm.
- 2.1.2 Milk was originally processed in a converted farm building. However, due to the progressive expansion of the dairy business, a purpose-built dairy was constructed on a site adjacent to the Pen y Palmant Farm farmstead. At that the time, the business was processing around 1.5 million litres of milk per annum and the new dairy was planned to process up to 9 million litres of milk per annum.
- 2.1.3 Since 1996, Tomlinson's Dairies have operated from the purpose-built dairy at Pen y Palmant Farm and this has facilitated the expansion of the business. The processes operated at the Pen y Palmant dairy include the pasteurisation, separation and bottling of liquid milk (both conventional and organic) and the production of cream.
- 2.1.4 Milk is currently sourced under contract from 24 local Welsh farmers and Tomlinson's Dairies pay a premium for this milk which benefits not only the dairy farmers but the wider rural economy.
- 2.1.5 Tomlinson's Dairies Ltd is now a major local employer with 66 staff employed directly at the Pen y Palmant Farm site and many more jobs supported in the wider local economy.
- 2.1.6 The Pen y Palmant dairy has however not only reached, but has exceeded its original design capacity and now processes approximately 25 million litres of milk per annum through innovative shift management and production processes. The scope to substantially extend the existing dairy at Pen y Palmant Farm has however been restricted due to that site's location within the Green Barrier.
- 2.1.7 In order to facilitate the further expansion of the business, planning permission was sought for a completely new dairy processing facility on land owned by Messrs Tomlinson at the Five Crosses Industrial Estate in Coedpoeth. As part of the pre-application evaluation process, other siting options, including relocation to the Wrexham Industrial Estate, were considered, evaluated and ultimately discounted, principally due to the need for the dairy to be accessible to its dairy farm suppliers and to its existing skilled workforce, the majority of whom work outside of normal working hours and cannot therefore rely on public transport.
- 2.1.8 Planning permission for the new dairy at the Five Crosses Industrial Estate was granted by Wrexham County Borough Council on 31 July 2006. Construction of the main dairy building and associated delivery vehicle repair workshop is now complete, the workshop is operational and the commissioning of the internal processing equipment within the dairy will shortly commence.



- 2.1.9 Once the new dairy at Five Crosses Industrial Estate has been brought into operation, it will facilitate an increase in production from the current 25 million litres of milk per annum to 40 million litres of milk per annum (committed) over the next 12 months and will consolidate Tomlinson's Dairies' position as the largest processor of liquid milk in Wales.
- 2.1.10 The planned increase in production over the next 12 months will also mean that milk will be sourced from an additional 10 local dairy farmers and a total of around 85 staff will be directly employed at the new dairy site.
- 2.1.11 In this respect Tomlinson's Dairies is bucking recent trends in the Welsh Dairy Industry which has seen over 900 redundancies within the processing sector between 2005 and 2009 and the closure of the Dairy Farmers of Great Britain plant at Bridgend in June 2009¹.
- 2.1.12 The main customers of Tomlinson's Dairies are currently:
- ❑ Small to medium sized shops;
 - ❑ Hospitals across North Wales;
 - ❑ Local schools;
 - ❑ Wholesalers; and
 - ❑ Around 40 milk rounds run by other businesses.
- 2.1.13 The majority of milk is supplied to customers in plastic containers (poly bottles), although the dairy has recently invested in a pouching machine, which is one of only three in the UK and requires 75% less packaging than the equivalent size carton or poly bottle. This has the potential to make a significant contribution in reducing greenhouse gas emissions from packaging and landfill requirement. The balance of Tomlinson's Dairies' milk is supplied in returnable glass bottles and currently represents about 20% of output.

¹ National Assembly for Wales Rural Development Sub-Committee. Inquiry into the Dairy Industry. November 2009.

2.2 Need for the Proposed Development

Separation of poly and glass bottling processes and the ability to supply branded Welsh Milk to the major retailers which has been processed in Wales

- 2.2.1 The UK market for local food is expected to have reached £5.7 billion by 2012 and 69% of Welsh consumers believe that it is important to buy local and reduce food miles.
- 2.2.2 The top four multiple retailers have 81% of total liquid milk sales within the UK but are now tending to focus more on local sourcing. The total market size for locally branded milk in Wales is currently 37.5 million litres and this poses a significant problem for the major retailers in terms of the sourcing, processing, supply and promotion of local Welsh milk to the Welsh consumer. At present, milk produced on dairy farms in North Wales is transported in bulk to processors in England (e.g. Manchester, Leeds and Birmingham) and is then transported back to their supermarkets in Wales via their regional distribution centres (RDCs).
- 2.2.3 The processing of milk in Wales, which has been produced on Welsh Farms for sale through the Welsh stores of the major supermarkets, offers significant opportunities for reducing HGV food miles, congestion and associated carbon emissions.
- 2.2.4 Detailed discussions have taken place between Tomlinson's Dairies and a number of the major supermarkets. The new Five Crosses Dairy facility has been appraised by retailers to assess its suitability for the supply of branded Welsh milk to their stores. Feedback from retailers has been positive however, whilst not a statutory requirement, the major retailers are now requiring milk processing, poly bottling and storage of milk, which is to be supplied to them, to be completely isolated from any operation involving glass bottles, including storage of empties, washing of returns, filling and cold storage of full glass bottles. This is to obviate any risk to their consumers of broken glass getting into the plastic bottling line or wash system. This has been confirmed by way of a recent audit of Tomlinson's Dairies' facilities by Tesco.
- 2.2.5 In essence, this means that whilst all of the milk can be pasteurised and processed within a single building, a separate building on the same site is needed for the washing and filling processes and for the storage of both empty and full glass milk bottles.
- 2.2.6 There is no prospect of the major retailers relaxing their requirements in this respect. If anything, their requirements are likely to become more stringent and will be progressively adopted by the medium and smaller scale retailers.

Expansion of production and sales in glass

- 2.2.7 The current volume of milk processed into glass is currently in the order of 3 million litres per annum (5.2 million pints per annum). This equates to 9,500 households being supplied by Tomlinson's, of which the majority are in Wales. There is a latent

demand for more Welsh milk being supplied in glass, but due to the constraints on the existing Pen y Palmant Farm site, this demand cannot currently be met.

- 2.2.8 There is an opportunity to expand the volume of glass sales in North Wales, which is currently being supplied by dairies as far afield as Tewkesbury in Gloucestershire. There is also demand from the Wirral and border counties as Welsh milk is perceived as being produced from less intensively farmed land.
- 2.2.9 The combined potential from both Wales and the border counties is in excess of 10 million litres per annum. Tomlinson's target is to achieve just 20% (2 million litres per annum) additional glass sales over the next five years.

2.3 Location of the Proposed Development

- 2.3.1 The new dairy building and vehicle workshop have been constructed within the western portion of the original Five Crosses site which lies largely within the Coedpoeth Settlement Limit. The eastern portion of the original site lies outside of the Settlement Limit within open countryside and has been used for landscaping and the installation of a surface water attenuation pond. Notwithstanding its location outside of the Coedpoeth Settlement Limit, there is no scope to construct a new building to accommodate a separate glass bottling line within the eastern portion of that site. This is principally due to the alignment of overhead power lines across the site (National Grid Transco Legacy – Deeside 400,000 Volt Overhead Line).
- 2.3.2 In order to overcome this constraint, Messrs Tomlinson have acquired a small parcel of under-utilised agricultural land located immediately to the north of the new dairy building which, subject to the necessary consents, would facilitate the construction of the separate building needed to accommodate the glass bottling and storage operation.
- 2.3.3 An employment land allocation is currently being sought for this site which straddles the existing Coedpoeth Settlement Limit. The need for the new building is however more urgent than that afforded by the proposed timescale for the adoption of Local Development Plan.

2.4 Consultation

- 2.4.1 The views of the Local Planning Authority (LPA) on the proposed development have been sought by way of the formal pre-application consultation process.
- 2.4.2 Details submitted to the LPA as part of that process included:
 - ❑ Preliminary Site, Layout and Elevational drawings and 3-dimensional illustrations;
 - ❑ An Ecological Appraisal of the site; and
 - ❑ A written explanation of the need for the building, justification of its siting and scale and an outline of the benefits that would be delivered.

- 2.4.3 This was followed by an accompanied inspection of the site of the proposed building and the existing dairy development at the Five Crosses Industrial Estate on 19 January 2011
- 2.4.4 Following the meeting, the LPA provided written comments and recommendations by way of a letter dated 25 February 2011 in respect of a range of matters including building orientation, vehicular circulation areas, landscaping, benefit of providing site sections, highways, possible need for additional ecological surveys etc.
- 2.4.5 A site meeting with Sara Lomax (WCBC Ecologist) was held on 22 February 2011, during which a verbal recommendation was made in respect of undertaking a survey for ground nesting birds. In light of that recommendation a further ecological survey for badgers and ground nesting birds was undertaken by ECUS Ltd.
- 2.4.6 Whilst it has not been consulted prior to the submission of the planning application, Minera Community Council has expressed support for the allocation of this site for employment uses during the course of the Alternative Sites Consultation for the Wrexham County Borough Local Development Plan 2006 – 2021.
- 2.4.7 In early 2011, the Secretary of State for Wales visited the Tomlinson's Dairies site at the Five Crosses Industrial Estate and inspected the new dairy facilities. The Secretary of State commended the investment in Coedpoeth that is being made by Tomlinson's Dairies and expressed strong support for the proposed new bottle store which is the subject of this planning application.

3. DESIGN

3.1 Site Context

- 3.1.1 The application site for the proposed development straddles the Coedpoeth Settlement Limit at the north eastern edge of the Five Crosses Industrial Estate at approximate Ordnance Survey grid reference SJ 2770 5230.
- 3.1.2 The application site extends to approximately 0.95 hectares (2.35 acres) however the proposed building and associated hardstanding are restricted to the western edge of the site, adjacent to the existing dairy development. The rest of the application site will be utilised for landscape and biodiversity enhancements.
- 3.1.3 The northern / north western boundary of the application site abuts a disused railway line on an embankment. The eastern boundary of the application site is delineated by an existing gappy hedgerow with a grassland field and then Gwern y gaseg Road beyond.
- 3.1.4 The western and southern boundaries of the application site abut the existing Tomlinson's Dairies site with the existing vehicle maintenance workshop immediately to the west and the dairy processing building and associated circulation route immediately to the south.
- 3.1.5 Existing industrial development extends beyond the dairy site with Minera Roof Trusses to the south and The Village Bakery on a more elevated site to the west.
- 3.1.6 The application site generally slopes from the railway embankment at its north western boundary, down towards the south eastern part of the site where the gradient is less pronounced.
- 3.1.7 The application site is shown as lying within an area provisionally classified as Grade 4 agricultural land on the MAFF 1:63360 Provisional Agricultural Land Classification of England and Wales Sheet 109, 1970. The provisional classification indicates that the land would not fall within the definition of 'best and most versatile' (i.e. Grades 1, 2 or 3a).
- 3.1.8 An overhead electricity cable is aligned in a roughly north northwest to south southeast direction across the eastern portion of the application site.

3.2 Use

- 3.2.1 The building will be used for that aspect of the dairy process involving glass bottles, namely the storage of new glass bottles, the washing of returns, the filling of glass bottles with milk and the cold storage of milk in glass bottles prior to delivery. The areas associated with each of these functions are indicated on drawing H0070-06-A1-PL-04.
- 3.2.2 All of the processes associated with pasteurisation and processing of milk will be undertaken within the existing main dairy building. The processed milk will be transferred to the proposed glass bottling building via an above ground service bridge.

3.3 Layout, Scale and Appearance

- 3.3.1 The proposed building had, for operational and climatic reasons (a BREEAM requirement for the main loading doors to face away from prevailing winds), initially been designed so that the external loading bays faced to the east (in common with the loading bays for the existing dairy building) and the ridgeline was oriented in a roughly east to west direction.
- 3.3.2 However, during the course of pre-application consultations, the LPA expressed a preference for:
- ❑ the building to be re-orientated through 90 degrees so that its ridgeline would have a roughly north – south alignment so as to limit the height of the building along the exposed eastern edge of the site and to minimise visual impact; and
 - ❑ consideration to be given to the re-modelling of the circulation area to minimise eastward encroachment.
- 3.3.3 Both of these points have been considered and incorporated so that:
- ❑ the building has been realigned so that the ridge is orientated in a roughly north – south direction in common with the main dairy and the vehicle workshop building;
 - ❑ the internal layout of the building has been redesigned and a small retaining wall proposed between the existing and proposed yard areas to facilitate the presentation of the loading bays along the southern elevation of the building; and
 - ❑ the proposed yard area to the east of the proposed building has been drawn back so that it aligns with, rather than extends beyond the line of the yard area associated with the existing dairy.
- 3.3.4 In order to achieve a visually compact group, the new building will be located just seven metres from the existing vehicle workshop building and will be similarly proportioned with roof pitch of 6° and dimensions of 8.746 m to eaves and 10.126 m to ridge (both taken from the lowest loading bay level), an external plan area of 26.26m x 25.86m and internal floor area of 643m².
- 3.3.5 In order to position the existing vehicle workshop building at the northern end of the overall site, it was necessary to cut into the pre-existing levels by approximately seven metres in order to achieve workable finished floor and ground levels. The proposed bottle store will also require floor and ground levels which correspond with the adjacent areas and will consequently also have to be cut into the existing topography. However, the ground slopes away from the workshop and therefore, the proposed building will not require the same level of earth removal as was the case with the workshop building.
- 3.3.6 The existing timber crib walling to the rear (north) of the existing workshop building will be extended. This will run at first diagonally, to accommodate the step in the rear

faces of the existing and proposed buildings and then parallel with the bottle store at a distance of approximately 1.5 m from the building. The new section of crib wall will be between six and four metres in height to suit the diminishing ground levels along its length.

- 3.3.7 The adjacent concrete yard area will need to have two lengths of approximately 1.2 metre high concrete retaining walls, constructed to facilitate changes in ground levels from that at the workshop.
- 3.3.8 The ridgeline of the proposed building will be approximately 3.6 metres lower than the existing dairy building and will be within 0.6 metres of that of the adjacent vehicle workshop building. The proposed building's close relationship with the existing buildings, coupled with the elevated railway embankment and associated existing vegetation will serve to minimise any additional visual impact arising from this development as illustrated by way of the Site Section drawing H0070-06-A1-PL-06.



Winter view of vehicle workshop building through field gateway off Gwern y gaseg Road.

- 3.3.9 The excavated topsoils and subsoils will be carefully profiled within the landscaping area within the eastern part of the application site as shown on drawing H0070-06-A1-PL-07
- 3.3.10 The plan design of the building is intended to allow internal flexibility in the layout of production equipment, storage and ancillary areas, as these will inevitably be adapted over time and as the business evolves. To allow for this, a single clear span building is proposed, constructed of a steel frame with external cladding. The internal and external arrangement has been given careful consideration by company management and the design team in order to ensure that an efficient and flexible layout is achieved whilst maintaining the health and safety of staff.

3.3.11 Externally, the roof and upper walls of the building will be clad with colour coated steel roof sheeting with facing brickwork at lower level. The southern elevation will have six loading bays with colour coated sectional overhead doors and dock shelters to facilitate the loading and unloading of vehicles.

3.3.12 In order to reflect the nature of Tomlinson's Dairies' business it was important to select colours which would reflect the clean and cool environment in which the products are produced and complement the colours of the materials used on the existing buildings. However, in light of the LPA's suggestion concerning colours, a darker 'Pure Grey' colour will be used for the side cladding rather than the lighter 'Goosewing Grey' which was used for the existing buildings. The following schedule of colours has been prepared from the Tata (formerly Corus) colour coating range:

Area	Colour	BS Number	RAL Number
Roof panels	Merlin Grey	18B25	180 40 05
Verges and gutters	Merlin Grey	18B25	180 40 05
Side cladding generally	Pure Grey	NA	000 55 00
Windows and doors	Sargasso Blue	NA	5003
Drips and flashings	Merlin Grey	18B25	180 40 05
Brickwork	Buff / yellow	NA	NA

3.3.13 A service bridge is required to carry supply pipework (through which milk will flow) over the rear service yard from the main dairy building to the proposed bottle store. The height of the bridge has been determined by the need for adequate vehicular clearance and to allow pipework to pass from equipment housed at high level within the rear part of the main dairy building directly onto the bridge with the minimum of bends and changes in direction (this facilitates a better liquid flow and head). The pipework will exit the bridge at eaves level at the proposed bottle store building.

3.3.14 The service bridge will have two support towers, each being constructed from standard galvanised steel sections, having four legs constructed from steel channel sections, laced together by diagonal flat steel bracing. The bridge section will sit atop these towers and will be formed from two galvanised / painted, 1500mm deep, "Metsec" type trusses (lattice beams) which run parallel to each other, approximately 800mm apart. These are tied top and bottom by diagonal braces to form a box type section. Galvanised steel angles are threaded between the trusses to provide supports for the service pipework.

3.3.15 The service bridge will have an overall height of approximately 7.4 metres at the main dairy building. The bridge will be level for its 36 metre length and due to the rise in ground level adjacent to the vehicle workshop and proposed bottle store, it will then have an overall height of approximately 6.6 metres. A clearance of approximately 5.9 metres will be allowed for vehicles at the dairy building side.

3.4 Landscaping

3.4.1 The majority of the application site will be used for landscape and biodiversity enhancements which have been designed to complement the landscaping for the existing

dairy development, help minimise any visual impact on the wider landscape and maximise benefits for wildlife.

- 3.4.2 In order to provide a defensible visual envelope for the north eastern part of the Five Crosses Industrial Estate, a belt of native broadleaved woodland will be established along the full length of the eastern boundary of the application site, with the exception of the short length under the overhead power line. In order to enhance connectivity of existing wildlife habitats and provide additional wildlife habitat in its own right, the woodland will also extend along the northern boundary of the application site, adjacent to the disused railway line embankment.
- 3.4.3 The woodland mix will incorporate a range of major, minor and woody shrub species appropriate to the local area including oak (*Quercus robur*), ash (*Fraxinus excelsior*), wild cherry (*Prunus avium*), aspen (*Populus tremula*), field maple (*Acer campestre*), hazel (*Corylus avellana*) and hawthorn (*Crataegus monogyna*) as set out in the specification on the Soft Landscaping Proposals drawing 1382.01.
- 3.4.4 40% of the woodland mix will consist of pedunculate oak which is intended to be the climax species. Faster growing trees such as ash and aspen have also been included in the mix for short term effect, but these would be thinned out in due course to make way for the oak.
- 3.4.5 The open central area between the woodland belt and the proposed building and hardstanding will be gently contoured and reinstated with a wildflower grassland seed mix including species such as common knapweed, crested dogstail, tall fescue, slender creeping red fescue, lady's bedstraw, meadow cranesbill, ox-eye daisy, common flax, common birdsfoot trefoil, marsh trefoil, ragged robin, sainfoil, ribwort plantain, selfheal, meadow buttercup, yellow rattle, salad burnet, small scabious, betony, common vetch and wild pansy.
- 3.4.6 The woodland and wildflower grassland establishment and maintenance would be undertaken in accordance with the specifications set out on drawing 1382.01

3.5 Access

- 3.5.1 Pedestrian and vehicular access to the site is gained via the existing estate road and site access which was constructed at the same time as the dairy and workshop. A staff parking area will be provided within the area immediately to the east of the proposed building.
- 3.5.2 Pedestrian and cycle routes have been provided within the site and cycle storage facilities and showers are provided for the encouragement of these forms of travel to the dairy by staff.
- 3.5.3 Vehicular access into and within the building will be limited, with fork lift machine access facilitated via the loading bay door at the south west corner of the building. All other loading bay doors will operate conventionally with dock levellers and dock curtains i.e. the vehicles will be reversed up to the face of the building for loading and unloading.

- 3.5.4 Pedestrian access to the proposed building will be gained via pedestrian doorways which will be constructed to meet the Building Regulations 2010 and the Disability and the Equality Act 2010 (formerly included within the Disability Discrimination Act (DDA)).

3.6 Surface Water

- 3.6.1 The existing dairy facility is served by two attenuation ponds. The smaller of the two attenuation ponds is located adjacent to the main site access and deals with surface water run-off from the site access which would be unaffected by the proposed development. The larger of the two ponds deals with surface water from the roof areas and hardstandings around the two existing buildings and has a capacity of 1,068m³.
- 3.6.2 The existing attenuation ponds were designed to take rainwater volumes calculated from standard storm return periods and were designed to have spare capacity should any be required at a future date. The purpose of the ponds is to attenuate flows back to “Greenfield Discharge Rates” and these are set by the Environment Agency, i.e. 3 to 5 litres per second per hectare. This allows clean water to be conveyed safely back to surface drainage systems such as ditches and watercourses without overstretching capacity.
- 3.6.3 The Environment Agency-approved micro-drainage analysis provides for a 200 year return with a critical storm period of 6 hours duration at an intensity of 11.7mm/hour. On this basis, the storage requirement needed for the existing dairy facilities is 246.6 m³ with a controlled discharge rate via the hydrobrake device (located in the manhole on exit from the pond) at 5 litres / second. The time to discharge the critical event is 19.7 hours.
- 3.6.4 An additional 2,470m² of 100% run-off roof (680m²) and hardstanding (1,790m²) would require a further 173.6m³ of capacity based on the above criteria with no allowance included for time of concentration or pipe storage. The maximum discharge rate remains constant under the increased head at 5 litres / second.
- 3.6.5 The total storage requirement associated with the existing and proposed dairy developments (excluding the access road which is catered for by the smaller attenuation pond) equates to a volume of 420m³ (246.6m³ existing + 173.4m³ proposed). The main attenuation pond will therefore continue to provide a safety factor greater than 2, which provides the facility to protect the downstream watercourse from any potential pollution incident even during an extreme weather event.
- 3.6.6 The discharge period for the stored 200 year event would increase to 29.3 hours which still remains well below the 48 hour maximum.

3.7 Foul Drainage

- 3.7.1 The proposed building will accommodate the glass bottling operation which it had previously been intended would be accommodated within the main dairy building. The processes in the proposed building that will generate ‘white water’, such as washing

returns, are not additional processes, they are simply being accommodated within a separate building and have already been accounted for within the approved discharge licence to the foul main.

- 3.7.2 However, since the licence was granted, the dairy intends to install a Reverse Osmosis plant (white water recovery system) which will facilitate the recycling and re-use of waste water and will reduce the discharge of white water to the foul drainage system.
- 3.7.3 The additional toilet facilities within the proposed building will be connected to the existing site foul system which has an existing connection to the foul main.

4. PLANNING POLICY CONTEXT

4.1 Introduction

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.1.2 In this instance the development plan currently consists of the Wrexham Unitary Development Plan 1996 – 2011 (UDP).
- 4.1.3 What constitutes a material consideration is not defined in planning legislation however in the case of *Stringer v MHLG 1971* it was held that *‘In principle... any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend upon the circumstances’*.
- 4.1.4 Planning Policy Wales (PPW) confirms that material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Assembly Government and the UK Government. PPW goes on to advise that material considerations must also be fairly and reasonably related to the development concerned.
- 4.1.5 Accordingly, in addition to site specific circumstances, the guidance provided within Planning Policy Wales (Edition 4 February 2011), relevant Technical Advice Notes, any relevant Ministerial Interim Planning Policy Statement and relevant Local Planning Guidance Notes may constitute material planning considerations as may emerging Local Development Plan policies.

4.2 Wrexham Unitary Development Plan 1996 – 2011

- 4.2.1 A review of the UDP Proposals Map and Inset Map indicates that the application site straddles the Coedpoeth Settlement Limit with part lying within an undesignated area of the Five Crosses Industrial Estate and part lying within an area of open countryside.
- 4.2.2 As it currently stands, this position is not altered under the emerging Wrexham County Borough Local Development Plan (LDP), however the possible allocation of the site is to be the subject of the forthcoming Examination into the LDP.
- 4.2.3 From the UDP Proposal and Inset Maps, it is evident that the application site does not lie within an area subject to Special Landscape Area, Biodiversity Conservation or Green Barrier designations.
- 4.2.4 Having regard to the nature and location of the proposed development it is considered that the following UDP policies are of most relevance to the determination of the planning application:

- ❑ Policy PS1 (Broad Location of Development)

- ❑ Policy PS2 (Broad Location of Development)
- ❑ Policy PS3 (Broad Location of Development)
- ❑ Policy PS4 (Broad Location of Development)
- ❑ Policy PS10 (Waste)
- ❑ Policy PS11 (Biodiversity)
- ❑ Policy GDP1 (Development Objectives)
- ❑ Policy EC2 (Agricultural Land)
- ❑ Policy EC4 (Hedgerows, Trees and Woodland)
- ❑ Policy EC6 (Biodiversity Conservation)
- ❑ Policy EC13 (Surface Water Run-off)
- ❑ Policy E4 (Employment Development (of Unannotated Land) within Settlements)
- ❑ Policy T8 (Parking)

4.3 Planning Policy Wales

4.3.1 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Assembly Government and is supplemented by various Technical Advice Notes (TANs).

4.3.2 PPW Chapters of relevance to the determination of the proposed development to a greater or lesser degree include:

- ❑ Chapter 3 Making and Enforcing Planning Decisions
- ❑ Chapter 4 Planning for Sustainability
- ❑ Chapter 5 Conserving and Improving Natural Heritage and the Coast
- ❑ Chapter 7 Supporting the Economy
- ❑ Chapter 8 Transport
- ❑ Chapter 12 Infrastructure and Services
- ❑ Chapter 13 Minimising and Managing Environmental Risks and Pollution

5. ASSESSMENT

5.1 Employment & Economy

5.1.1 Section 7 of the UDP deals with employment and at paragraph 7.3 explains that the local economy faces a number of challenges:

- ❑ less mobile investment available, and greater competition from other parts of the United Kingdom and other countries;
- ❑ loss of all assisted area status;
- ❑ pockets of severe unemployment and deprivation, especially in the urban villages to the west of Wrexham;
- ❑ commuting to centres of employment outside the County Borough, leading to monetary leakage;
- ❑ low economic activity rates and increasingly dependent population; and
- ❑ over-reliance on manufacturing, leaving the economy increasingly vulnerable to external decision-making.

5.1.2 Tomlinson's Dairies Ltd is a local family business which was established in 1983. The company has been extremely well managed and as a consequence has progressively expanded from a small scale farm diversification enterprise at Pen y Palmant Farm operating its own milk round to a business which now:

- ❑ directly employs 66 members of staff;
- ❑ pays a premium to the 24 local dairy farms that now supply it with milk;
- ❑ processes 25 million litres of milk per annum; and
- ❑ supplies small to medium sized shops, hospitals across North Wales, local schools, wholesalers; and around 40 milk rounds run by other businesses.

5.1.3 Once the new Five Crosses Dairy has been commissioned and brought into operation and assuming the segregation of poly and glass bottling operations can be facilitated, the business expects to

- ❑ increase the direct workforce to 85 members of staff within 3 years;
- ❑ increase the number of local dairy farms supplying milk to the dairy to 34;
- ❑ process 40 million litres of milk per annum within the next 12 months;
- ❑ increase sales in glass by 2 million litres per annum within the next 5 years; and

- ❑ supply in the order of 5 million litres per annum of branded Welsh milk to major retailers in Wales within the next 5 years.

5.1.4 Tomlinson's Dairies is already assisting in meeting the challenges identified at paragraph 7.3 of the UDP. Despite the economic downturn, Tomlinson's Dairies will continue to assist the County Borough in meeting those challenges with the development of the proposed glass bottling facility by:

- ❑ continuing to make significant financial investments in Coedpoeth;
- ❑ successfully competing with dairies in England which currently process milk produced in both England and Wales for sale and consumption in Wales;
- ❑ consolidating its role as a major local employer, increasing its workforce and providing new employment opportunities for local people in Coedpoeth at a time when other parts of the wider business and industrial sector is contracting;
- ❑ providing the opportunity for local employment and reducing the need for commuting to centres outside of the County Borough;
- ❑ increasing economic activity, providing not only direct employment but also supporting employment in the wider local economy, such as that on the farms that supply the dairy with raw milk and other local manufacturers and suppliers; and
- ❑ reducing reliance on and vulnerability to external decision-making given that this is a well-established, locally based family business.

5.1.5 The proposed development would also meet the Assembly Government's objectives for economic development which are to:

- *enhance the economic success of both urban areas and the countryside, helping businesses to maximise their competitiveness;*
- *support initiative and avoid placing unnecessary burdens on enterprise;*
- *respect and encourage diversity in the local economy, for example in rural areas encouraging farm diversification and in urban areas promoting mixed use development;*
- *promote the exploitation of new technologies which can provide new opportunities; and*
- *ensure that development for enterprise and employment uses is in line with sustainability principles and respects the environment in its location, scale and design, especially so as to address climate change.*

- 5.1.6 Further support is provided at Section 7.3 of PPW which seeks to promote the diversification of the rural economy and states that:

‘In rural areas local authorities should prepare an integrated rural development strategy to facilitate diversification of the rural economy, seeking to accommodate both traditional rural industries and new enterprises. Many commercial and light manufacturing activities (for example the processing of agricultural products and woodland products) can be located in rural areas without causing unacceptable disturbance or other adverse effects. Small-scale enterprises have a vital role in promoting healthy economic activity in rural areas, which can contribute to both local and national competitiveness. New businesses in rural areas are essential to sustain and improve rural communities, but developments which only offer short-term economic gain will rarely be appropriate.’

5.2 Siting

- 5.2.1 There are only two potential options for the siting of the proposed glass bottling operation, namely the re-use of the existing dairy at Pen y Palmant Farm or adjacent to the new dairy facility on the Five Crosses Industrial Estate.
- 5.2.2 The re-use of the existing dairy at Pen y Palmant Farm for the glass bottling operation is not however a viable option for a number of reasons:
- (1) All liquid milk processing will in due course take place at the new Five Crosses Dairy and the milk needs to be capable of being piped directly from the processing building to the glass bottling building;
 - (2) The operation of liquid milk processing facilities on two separate sites would be inefficient and financially prohibitive;
 - (3) The milk processing equipment at Pen y Palmant Farm is at the end of its design life;
 - (4) It is proposed to use the Pen y Palmant Farm site for the production of yoghurt which requires different processing equipment to that used for liquid milk. This enterprise would in itself create direct employment for a further 10 full time employees;
 - (5) Yoghurt production should not be carried out at the same site as liquid milk processing given the cultures involved in yoghurt production. Yoghurt production could not therefore be entertained at the Five Crosses Dairy site, nor could the processing and bottling of liquid milk be entertained at the Pen y Palmant Farm site.
 - (6) Yoghurt production at the Pen y Palmant Farm site would also be precluded if the building is also used for the bottling of liquid milk in glass due to retailers’ concerns about glass contamination of yoghurt products.

5.2.3 Accordingly, the only realistic option is to accommodate the glass bottling operation within a dedicated new building at the Five Crosses Dairy site.

5.2.4 The application site straddles the Coedpoeth Settlement Limit and as a consequence the development partially accords with UDP Policies PS1 and E4. There is however no available viable alternative site given:

- ❑ the locational constraint posed by the need to convey processed milk from the main dairy building to the glass bottle store;
- ❑ the full utilisation of that part of the existing dairy site that is located within the Settlement Limit; and
- ❑ the absence of any suitable and available adjoining under-utilised brownfield sites within the Settlement Limit.

5.2.5 Furthermore, the siting of the glass bottling building immediately adjacent to the existing Five Crosses dairy facility will provide significant transport sustainability, accessibility and co-locational benefits when compared with either the do-nothing scenario or any other conceivable siting option and in that respect it complies with UDP Policy PS4.

5.2.6 Paragraph 7.3.2 of PPW also addresses this particular issue, advising that:

‘While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in parts of rural Wales. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprise in or adjoining small rural settlements. The expansion of existing businesses located in open countryside should be supported provided there are no unacceptable impacts on local amenity.’

5.2.7 It is considered that the proposed development accords with this policy guidance given that:

- ❑ the application site straddles the Coedpoeth Settlement Limit;
- ❑ it will facilitate the expansion of an existing rural-related business that cannot be located elsewhere;
- ❑ it would involve the construction of a modest-sized building with a floor area of just 643m²; and
- ❑ it would be positioned as close as possible to existing related buildings that are located on an existing industrial estate within the Settlement Limit.

5.3 Agricultural Land

- 5.3.1 Whilst UDP Policy PS3 seeks to steer development to previously developed brownfield land, it does not preclude the use of agricultural land and clearly makes provision for circumstances such as this where there is no reasonable or viable alternative.
- 5.3.2 The proposed development would result in the irreversible loss of less than 0.25 hectares (0.6 acres) of agricultural land. This site is however shown as lying within an area provisionally classified as Grade 4 agricultural land on the MAFF 1:63360 Provisional Agricultural Land Classification of England and Wales Sheet 109, 1970. The provisional classification consequently indicates that the land would not fall within the definition of 'best and most versatile' (i.e. Grades 1, 2 or 3a) and as such the proposed development would comply with UDP Policy PS3 and would accord with the advice contained within Section 4.9 of PPW.

5.4 Transport Sustainability

Existing Situation

- 5.4.1 The dairy site is located at the Five Crosses Industrial Estate. The site is served by a single point of vehicular access with a pedestrian footway which connects to the main industrial estate road.
- 5.4.2 The industrial estate is effectively a cul-de-sac which connects to the A525 via a simple priority T junction. The majority of the route from the dairy to the A525 benefits from footway provision although it is not continuous, being interrupted by access to various industrial units within the estate.
- 5.4.3 Pedestrian footways extend along both sides of the A525 to the north and south of the junction with the industrial estate access.
- 5.4.4 A bus stop with a shelter is located approximately 165 metres to the north of the access to the Five Crosses Industrial Estate on the east side of the carriageway. This stop is known as 'Minera – Village Bakery', since it is located outside the Village Bakery premises. A bus stop without a shelter is provided on the opposite side of the A525.
- 5.4.5 Another bus stop with a shelter is provided approximately 170 metres to the south of the Five Crosses Industrial Estate access, beyond Talwrn Road. This stop is known as 'Coedpoeth – Five Crosses' since it is located adjacent to the Five Crosses public house and junction. Again, the shelter is located on the east side of the route with an unsheltered stop opposite.



- 5.4.6 Bus services Monday to Saturday (excluding Bank Holidays) between Wrexham and Minera (Arriva) are hourly with the first service leaving Wrexham Bus Station at 06:25 hours and the last service from Minera/Five Crosses to Wrexham departing 18:23/18:25 hours.
- 5.4.7 The closest railway station is at Wrexham, approximately 7km distant. Access to the rail services within Wrexham would be possible via the existing bus services.
- 5.4.8 There are no specific cycle facilities on the public highway within the immediate locality, although cyclists are active in the area and share the existing carriageways with motorised traffic.
- 5.4.9 A petrol filling station with an associated convenience food store is located off the A525 approximately 550 metres to the south east of the Five Crosses Industrial Estate access. There is also a fish and chip shop located just before reaching the food store. Pedestrian crossing facilities are provided to assist movement across the A525 between the east side and the food store, which may be accessed via the existing lit footways adjacent to the carriageway.
- 5.4.10 The main shopping area in High Street, Coedpoeth, which provides a range of shops and services, is located approximately 1 kilometre to the south east of the Five Crosses Industrial Estate access junction with the A525.
- 5.4.11 Tomlinson's Dairies already performs well from a transport sustainability perspective, particularly when compared with other medium to large scale dairies given that:

- ❑ all of the dairy farms that supply raw milk to the dairy are located within the area around Coedpoeth which minimises both food miles and overall HGV movements (there is no practicable alternative to farm collections by HGVs);
- ❑ the dairy supplies milk to small to medium sized local shops, local schools, hospitals within North Wales and around 40 local milk rounds operated by other milkmen; and
- ❑ the dairy is located on the Five Crosses Industrial Estate in Coedpoeth which offers employment opportunities for the local workforce and is readily accessible both on foot, by cycle and by public transport as well as by private motor vehicle.

5.4.12 It must however be acknowledged that the operating hours of the dairy are such that, for some employees, travel to the dairy in the early morning is not possible by public transport.

5.4.13 Subject to prevailing weather conditions, a proportion of the existing workforce already walk or cycle to the Pen y Palmant Farm site. Tomlinson's Dairies is actively seeking to encourage more of its existing and future workforce to walk and cycle to work at the Five Crosses Dairy, where this is reasonably practicable, through the provision of a pedestrian footway along the access road within the dairy site, cycle stands, laundry with drying facilities, staff kitchen area and canteen, male and female changing facilities and showers which exceed the ratio specified under BREEAM.



Footway along Five Crosses Dairy access road.



Footway, cycle route and covered cycle stand in Dairy site.

5.4.14 Car sharing is also actively promoted with around 25% of those that travel to work by car sharing vehicles.

5.4.15 Consolidation of the dairy's activities at the Five Crosses site would consequently reinforce these transport sustainability credentials.

5.4.16 The proposed development would however offer the potential to generate significant additional transport sustainability benefits through the ability to: (1) supply branded Welsh milk to the major retailers for sale through stores across North Wales; and (2) increase the supply of milk in glass to more dairymen in North Wales.

Branded Welsh Milk

- 5.4.17 At present, milk produced on dairy farms in North Wales is transported in bulk to processors in England (e.g. Manchester, Leeds and Birmingham) and is then transported back to the stores of the major supermarket in Wales.
- 5.4.18 The ability to meet the requirements of the major retailers as to the segregation of poly bottle and glass bottle processes and storage offers the potential for milk produced on dairy farms in North Wales to be processed at a dairy in North Wales for distribution to and sale through the major supermarket stores in North Wales as branded Welsh milk.
- 5.4.19 The shift in processing from Manchester to Coedpoeth for just one of the main retailers would, depending upon retailer and distribution centre location, deliver a reduction of at least 200 HGV food miles per day² (circa 62,000 miles per annum), whilst a shift in processing from Birmingham to Coedpoeth would deliver a reduction of at least 320 HGV movements per day² (circa 100,000 miles per annum).

Increasing Supply of Milk in Glass

- 5.4.20 The current volume of milk processed into glass by Tomlinson's Dairies is currently in the order of 3 million litres per annum (5.2 million pints per annum). This equates to 9,500 households being supplied by Tomlinson's Dairies, of which the majority are in Wales. There is a latent demand for more Welsh milk being supplied in glass, but due to the constraints on the existing Pen y Palmant Farm site, this demand cannot currently be met.
- 5.4.21 The ability to segregate and increase output of milk in glass bottles, with the proposed building, would provide Tomlinson's Dairies with an opportunity to expand the volume of glass sales in North Wales, which is currently being supplied by dairies as far afield as Tewkesbury in Gloucestershire. There is also demand from the Wirral and border counties as Welsh milk is perceived as being produced from less intensively farmed land.
- 5.4.22 The combined potential from both Wales and the border counties is in excess of 10 million litres per annum. Tomlinson's target is to achieve just 20% (2 million litres per annum) additional glass sales over the next five years.
- 5.4.23 Achievement of this five year target would generate a reduction of circa 400 HGV food miles per day² (circa 125,000 miles per annum).

Summary

- 5.4.24 The proposed development would perform well from a transport sustainability perspective given that:

² Assumes just a single two-way trip by a milk tanker and a single two-way trip by a delivery vehicle is obviated each day, six days per week.

- ❑ the Five Crosses Dairy site is accessible to existing and future employees via a range of modes of transport including walking, cycling and public transport (depending upon working hours) as well as via private car;
- ❑ a range of measures have been put in place at the Five Crosses Dairy to encourage its employees to travel to work by cycle;
- ❑ car sharing by those that have to travel by private car is actively encouraged and is relatively successful;
- ❑ whilst there is no alternative to collecting milk from farms using HGVs, the dairy sources its raw milk from local dairy farms which serves to minimise both HGV movements and overall distances travelled;
- ❑ milk and other dairy products processed by Tomlinson's Dairies are principally supplied to local schools, shops, milk rounds, wholesalers and hospitals within North Wales;
- ❑ it would facilitate the sale of branded Welsh milk produced on farms in North Wales, processed at a dairy in North Wales for sale in the stores of one or more of the major supermarket chains in North Wales and would secure a reduction of between 62,000 and 100,000 HGV food miles per annum (assuming just one major supermarket chain is supplied);
- ❑ it would facilitate an increase in the output of milk in glass for sale via milk rounds in North Wales and would secure a reduction of circa 125,000 HGV food miles per annum when compared with the supply of milk processed from Tewkesbury.

5.4.25 As a consequence, the proposed development would accord with UDP Policies PS4, GDP1 d) and e) and T8.

5.4.26 The proposed development would also accord with the guidance provided within Sections 4.6³, 7.6⁴ and 8⁵ of PPW.

5.5 Waste Minimisation

5.5.1 The additional milk output facilitated as a consequence of the proposed glass bottling building will primarily be packaged in poly bottles and glass bottles.

5.5.2 The poly bottles are recyclable and can be placed in the Council's 'Green Boxes' which are currently collected on a weekly basis.

5.5.3 The glass bottles are primarily used for doorstep deliveries. They are returnable and unless damaged, each bottle is re-used numerous times.

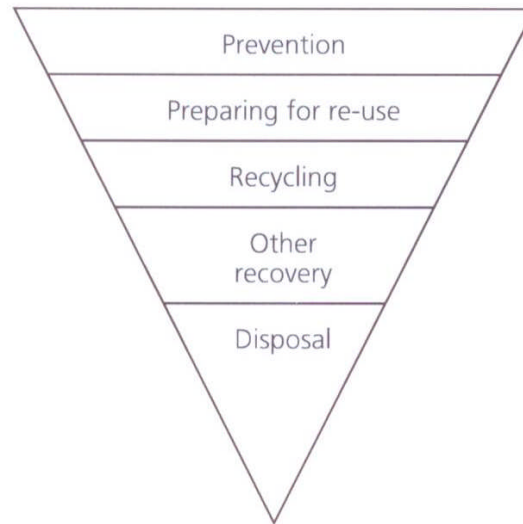
³ Sustainable settlement strategy: locating new development

⁴ Development control and the economy, including the benefits of co-location

⁵ Transport and in particular paragraph 8.1.4, section 8.2 and paragraph 8.7.1.

- 5.5.4 When considered against the Waste Hierarchy below, the packaging used by the Dairy performs well, by virtue of falling within the recycling (poly bottles) and prevention (glass bottles) categories.

The waste hierarchy



- the most effective environmental solution is often to reduce the generation of waste, including the re-use of products – *prevention*¹⁶
- products that have become waste can be checked, cleaned or repaired so that they can be re-used – *preparing for re-use*
- waste materials can be reprocessed into products, materials, or substances – *recycling*
- waste can serve a useful purpose by replacing other materials that would otherwise have been used – *other recovery*
- the least desirable solution where none of the above options is appropriate – *disposal*.

- 5.5.5 Accordingly, insofar as it is relevant, the development assists in achieving the first objective of UDP Policy PS10 which is to minimise the volume of waste generated, followed by maximising re-use and recycling as much waste as possible.

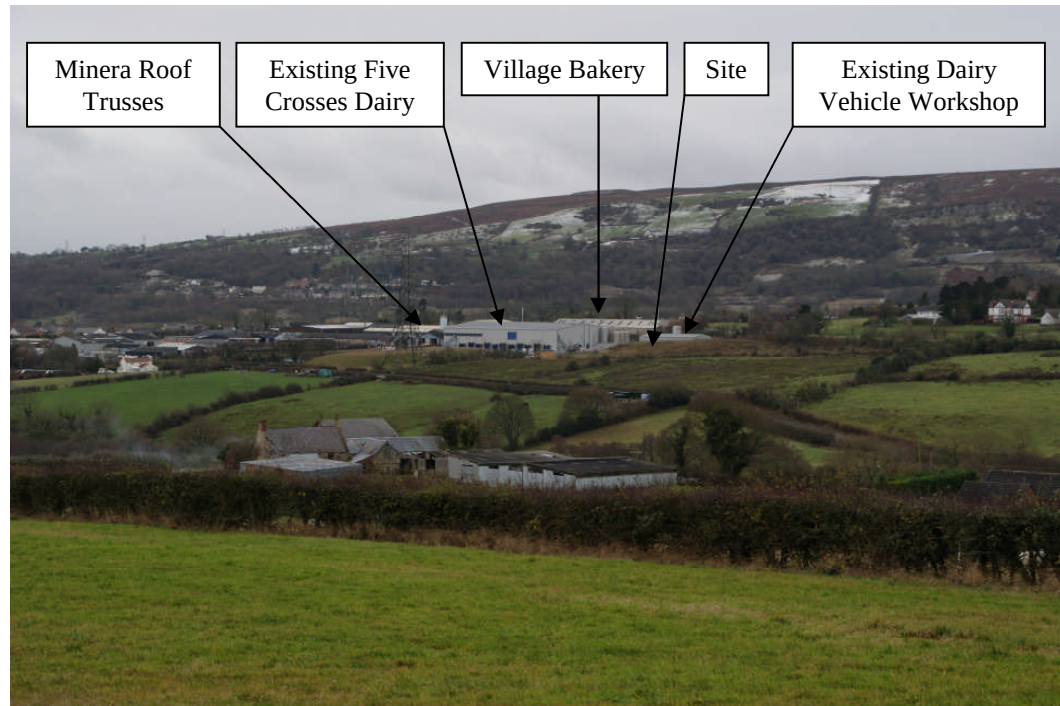
5.6 Landscape

- 5.6.1 A number of measures have been adopted in order to minimise the visual and landscape impact of the proposed glass bottling building including:

- ❑ Siting the building immediately adjacent to the existing vehicle workshop so that it is viewed not only in the context of that building but also in that of the adjacent main Dairy building, the Village Bakery and the Five Crosses Industrial Estate as a whole;
- ❑ Restricting the relative height of the building to within 0.6 metres of that of the adjacent vehicle workshop, so that when viewed particularly from the direction

of the Gwern y gaseg Road to the east, any cumulative visual impact would be mitigated;

- ❑ Setting the building down within the landscape so that any views from the north, south or west will be restricted whilst views from the east will benefit from having a backdrop of the disused railway embankment and associated vegetation, more elevated existing development (Village Bakery) and Minera and Esclusham Mountains beyond;



Photograph of Five Crosses Industrial Estate taken from an elevated section of the Brymbo Road with the farm buildings at Plasmodyn-bach in the foreground

- ❑ Orienting the building, at the request of the LPA, so that its ridgeline runs in a broadly north to south direction which is consistent with the existing Dairy buildings and minimises the height of the part of the building that extends eastward beyond the Settlement Limit when viewed from the north or south (although this would have adverse implications for any BREEAM rating);
- ❑ Using a darker, more recessive shade of grey for the cladding to the walls than that used for the existing Dairy buildings, at the request of the LPA, so as to help provide a transition between the industrial estate and the rural area beyond;
- ❑ Avoid the loss of established existing hedgerows and hedgerow trees and ensuring that no development, including soil storage or ground modelling takes place within their Root Protection Areas;
- ❑ Use of excavated material to form a gently contoured area to the east of the building; and
- ❑ Establishment of new native broadleaved woodland using species appropriate to the locality to the north and west of the application site to provide a defensible

visual boundary which will in due course help to screen those elements of the Dairy facility and the Industrial Estate beyond, when viewed from the north and north east.

- 5.6.2 It is considered that these measures collectively serve to assist in satisfying the requirements of UDP Policies PS2, GDP1 a) and EC4 and accord with the guidance provided within Local Planning Guidance Note No 26 – Landscape and Industrial Development.
- 5.6.3 Recommendations were also provided by the LPA as part of the pre-application consultation process on measures to soften the angular appearance of the mounding to the east of the existing main Dairy building.
- 5.6.4 More native broadleaved woody shrub planting has been undertaken on the slopes of the mounding than was required by way of the relevant planning condition and it is anticipated that this will in due course help to assimilate it within the landscape notwithstanding the constraint posed by the pylons and overhead power lines.



- 5.6.5 The effectiveness of the existing woodland and shrub planting will be periodically reviewed and if necessary additional planting will be considered.

5.7 Biodiversity

- 5.7.1 An Ecological Appraisal of the application site was undertaken by ECUS Ltd in September 2010. The associated Report concluded that:

- ❑ No statutory sites of nature conservation importance including Sites of Special Scientific Interest (SSSI), Special Protection Area (SPA) or Special Area of

Conservation (SAC) occur within 1 km of the application area and no impacts to European sites of nature conservation importance are anticipated;

- ❑ A Habitat Regulations Assessment is not considered necessary;
- ❑ Although a number of non-statutory designated wildlife sites occur within the wider area, their distance from the site is too great for any impacts to occur as a result of the proposed development;
- ❑ The site comprises low value agricultural grassland. The site is uneven and poached having been primarily used for grazing by cattle which has been degraded by overgrazing and has favoured the establishment of *Juncus* which has out-competed the grass and herb communities;
- ❑ Over time, this is likely to have reduced the ecological and agricultural value of the site; and
- ❑ The habitats present on the site have been evaluated for their ecological value and are considered to be important within their zone of immediate influence only. Large amounts of comparable and more optimal habitats occur within the wider area surrounding the site and any future development is unlikely to impact upon species outwith the zone of immediate effect.

5.7.2 The report recommended that a breeding bird survey and a badger survey be undertaken at the appropriate time prior to commencement of development and that a survey of the tree on the eastern boundary of the application site be undertaken if it was to be affected by the proposed development.

5.7.3 The LPA's Ecologist was provided with a copy of the ECUS report by way of the pre-application consultation process. As part of this process, the LPA's Ecologist also undertook a site visit in the company of Mr Reynolds. Breeding bird and badger surveys were suggested during the course of that visit and this was reiterated with the LPA's formal response.

5.7.4 Tomlinson's Dairies accordingly commissioned a Bird and Badger Survey and Report.

5.7.5 Whilst badgers are known to exist within the local area, no evidence of badger activity was found within the proposed development area and badgers are not therefore considered to be a receptor during the construction of the development.

5.7.6 Similarly, no evidence of ground nesting birds was recorded within, or near, the development area during the survey. Although there would be loss of a relatively small area of potential foraging/nesting habitat, it was not considered to represent a significant adverse impact on local birds outwith the immediate zone of effects. No impact by the development on ground nesting birds is anticipated.

5.7.7 The establishment of the native broadleaved woodland and the wildflower grassland would compensate for any loss of habitat and would provide enhance local habitats for both badgers and breeding birds.

5.7.8 Accordingly it is considered that the proposed development would accord with UDP Policies PS11, GDP1 h), EC4 and EC6.

5.8 Surface Water

5.8.1 The main attenuation pond formed in connection with the existing Five Crosses Dairy is of sufficient capacity to cater for double the surface water run-off from the existing and proposed development from a 200 year return with a critical storm period of 6 hours duration at an intensity of 11.7mm/hour. The discharge period for the stored 200 year event would increase to 29.3 hours which still remains well below the 48 hour maximum.

5.8.2 The main attenuation pond will therefore continue to provide a safety factor greater than 2 which, with the hydrobrake system that has been installed, provides the facility to protect the downstream watercourse from any potential pollution incident even during an extreme weather event.

5.8.3 Accordingly, it is considered that the proposed development would accord with UDP policies GDP1 f) & i) and EC13.

6. SUMMARY & CONCLUSION

6.1 Tomlinson's Dairies Ltd is a successful local family business which was established at Pen y Palmant Farm in 1983 and which now:

- ❑ Processes approximately 25 million litres of locally produced Welsh milk per annum;
- ❑ Directly employs 66 members of staff;
- ❑ Purchases milk from, and supports employment on, 24 local dairy farms;
- ❑ Directly and indirectly supports employment within the wider economy; and
- ❑ Supplies Welsh milk to small and medium sized shops, hospitals across North Wales, local schools, wholesalers and around 40 milk rounds run by other businesses.

6.2 In order to facilitate the further expansion of the business, planning permission was obtained for the construction of a new dairy processing facility and associated delivery vehicle repair workshop at the Five Crosses Industrial Estate in Coedpoeth. Construction of the main dairy building and associated workshop is complete, the workshop is operational and the commissioning of the internal processing equipment within the dairy will shortly commence.

6.3 Once the new dairy at the Five Crosses Industrial Estate has been brought into operation, it will facilitate an increase in production from the current 25 million litres of milk per annum to 40 million litres of milk per annum (committed) over the next 12 months and will consolidate Tomlinson's Dairies' position as the largest processor of liquid milk in Wales.

6.4 Detailed discussions have taken place between Tomlinson's Dairies and a number of the major supermarket chains and the new Five Crosses Dairy facility has been appraised by retailers to assess its suitability for the supply of Welsh branded milk to their stores. Feedback has been positive, however, whilst not a statutory requirement, the major retailers are now requiring the complete isolation of milk processing, poly bottling and storage of milk supplied to them, from any operation involving glass bottles. In essence, this means that whilst all of the milk can be pasteurised and processed in a single building, a separate building on the same site is needed for the washing, filling and storage of both empty and full glass bottles.

6.5 There is no realistic prospect of the major retailers relaxing their requirements in this respect. If anything, their requirements are likely to become more stringent and will be progressively adopted by medium and smaller scale retailers.

6.6 There is also an opportunity for the business to expand the volume of glass sales in North Wales, which is currently being supplied by dairies as far away as Tewkesbury in Gloucestershire. There is also demand from the Wirral and border counties as Welsh milk is perceived as being produced from less intensively farmed land.

- 6.7 In order to meet the requirements of the major retailers and increase sales of milk in both poly bottles and glass, it is proposed to construct a new building on land immediately adjacent to the new dairy and workshop to accommodate the glass bottle filling and storage element of the dairy operation.
- 6.8 The proposed building will be located so as to form a compact visual group with the existing buildings and will be sited within 7 metres of the existing vehicle workshop.
- 6.9 The proposed building would measure 26.26 metres x 25.86 metres and would have an internal floor area of 643m². The building would have a maximum height to eaves of 8.746 metres and a height to ridge of 10.126 metres, but would be cut into the existing ground levels which, as with the adjacent workshop building, would serve to reduce any visual impact. The ridgeline of the proposed building would be 3.6 metres lower than the adjacent dairy and within 0.6 metres of that of the adjacent workshop building.
- 6.10 The final design, orientation and colour of the building incorporate the recommendations of the Local Planning Authority which were received during the course of the formal pre-application consultation process.
- 6.11 Excavated topsoils and subsoils will be carefully profiled within the landscaping area to the east of the proposed building. A native broadleaved woodland will be established along the northern and eastern boundaries of this area in order to visually define and screen the existing Industrial Estate, particularly when viewed from the north and north east. The open central area between the proposed woodland and the proposed building and associated hardstanding will be gently contoured and reinstated with a wildflower grassland seed mix. It is considered that the measures outlined above and explained in more detail within Section 5.6 collectively serve to assist in satisfying the requirements of UDP Policies PS2, GDP1 a) and EC4 together with relevant guidance in Local Planning Guidance Note No 26.
- 6.12 Access to the building would be gained from the existing estate road and site access.
- 6.13 The existing attenuation ponds within the site provide sufficient storage to accommodate more than double the amount of surface water run-off that would be generated in a 200 year storm event. They also provide sufficient capacity to protect the downstream water course from any potential pollution incident, even in an extreme weather event. Accordingly, the proposal would accord with UDP Policies GDP1 f) & i) and EC13.
- 6.14 The foul drains from the proposed building would utilise the existing connection to the foul main. The dairy processes that would be carried out within the proposed building would not however generate any significant volumes of additional ‘white water’ as they are simply being accommodated within a separate building and have already been accounted for within the approved discharge licence. Furthermore, Tomlinson’s Dairies intends to install a Reverse Osmosis plant which will facilitate the recycling and re-use of waste water and will reduce the discharge of white water to the foul drainage system.

- 6.15 It is acknowledged that the application site is not wholly located within the Settlement Limit and accordingly does not fully accord with UDP Policies PS1 and E4. There is however no available viable alternative site and given the significant transport sustainability, accessibility and co-locational benefits that would be delivered compared with the do-nothing or any other scenario, the proposal accords with UDP Policy PS4 in that respect. Furthermore, support for the proposed development in this location is also provided within Planning Policy Wales.
- 6.16 The proposal would not result in the loss of any ‘best and most versatile’ agricultural land and would therefore accord with UDP Policy PS3 and the advice contained within Section 4.9 of Planning Policy Wales.
- 6.17 The site of the dairy performs well against transport sustainability criteria, given its location urban fringe location, proximity to other services and accessibility by various modes other than just the private car. The proposal would also provide additional transport sustainability benefits, not only through co-location but through the potential to deliver significant reductions in HGV food miles (at least 187,000 HGV food miles per annum) by processing milk in Wales that comes from Welsh farms and is sold in Wales, rather than transporting to and from England for processing. As a consequence, the proposal would accord with UDP Policies PS4, GDP1 d) and e) and T8. It would also accord with the guidance provided within Sections 4.6, 7.6 and 8 of Planning Policy Wales.
- 6.18 The dairy enterprise performs well when considered against the Waste Hierarchy with its poly bottles being recycled and its glass bottles being repeatedly returned, washed and re-used. Insofar as it is relevant, the development would assist in achieving the first objective of UDP Policy PS10 which is to minimise the volume of waste generated, followed by re-use and recycling as much waste as possible. These waste minimisation credentials would be further enhanced with the installation of the Reverse Osmosis equipment.
- 6.19 The ecological surveys and assessments that have been carried out confirm that: the existing site is of low ecological value; no statutory or non-statutory wildlife sites would be adversely affected by the proposal; and no protected species be adversely affected. The establishment of the native broadleaved woodland and the wildflower rich grassland will however serve to enhance habitats for native wildlife species. Accordingly, it is considered that the proposal would accord with UDP Policies PS11, GDP1 h), EC4 and EC6.
- 6.20 Once the new Five Crosses Dairy has been commissioned and brought into operation and assuming the segregation of poly and glass bottling operations can be facilitated through the provision of the proposed building, then the business would be able to:
- ❑ Increase the direct workforce to 85 members of staff within 3 years;
 - ❑ Increase the number of local dairy farms supplying milk to 34;
 - ❑ Process 40 million litres of milk per annum within the next 12 months;

- ❑ Increase sales in glass by 2 million litres per annum within the next five years; and
 - ❑ Supply in the order of 5 million litres of branded Welsh Milk per annum to major retailers in Wales within the next 5 years.
- 6.21 In doing so, Tomlinson's Dairies will be actively assisting the County Borough in meeting the economic challenges identified in paragraph 7.3 of the UDP and will also meet the Assembly Government's objectives for economic development.
- 6.22 Accordingly, it is considered that the proposed development would accord with the Development Plan when taken as a whole. However, even if the proposal was deemed not to accord with the Development Plan, there are a range of compelling material considerations including economic benefits, employment benefits, transport sustainability benefits, co-locational benefits, ecological enhancements, support from national planning policy guidance etc., which would be sufficient to outweigh any perceived policy conflict.

David A Haston Dip Est Man MRICS
Ian S Reynolds BSc MRICS
Haston Reynolds Ltd
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Policy PS1

New development for housing, employment and community services will be directed to within defined settlements limits/employment areas

Policy PS2

Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.

Policy PS3

Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.

Policy PS4

Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.

Policy PS10

Priority in waste management will be given to minimising the volume of waste generated, followed by maximising the re-use and recycling as much waste as possible. Energy recovery from waste will be favoured where re-use and recycling is not feasible, and waste will be managed at, or as near as practicable, to the location where it is initially produced.

Policy PS11

Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the land will be protected and enhanced.

Policy GDP1

All new development should:-

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.

- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- 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.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh culture and/or linguistic identity from development that could harm its identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

Policy EC2

Development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land.

Policy EC4

Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

Policy EC6

Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be

provided. Measures to improve the biodiversity value of sites and enhance their nature conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

Policy EC13

Development which would result in an unacceptable adverse impact on the water environment due to additional surface water run-off will not be permitted.

Policy E4

Employment development on unannotated land within settlement limits will be permitted subject to Policy GDP1.

Policy T8

Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:-

- a) the availability of public transport nearby,
- b) proximity to public car parking,
- c) proximity to local services and facilities,
- d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require the developer to make financial contributions for measures to assist public transport, or walking or cycling as appropriate