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13/2018/1149

Scale: 1:5000

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GENERAL LOCATION

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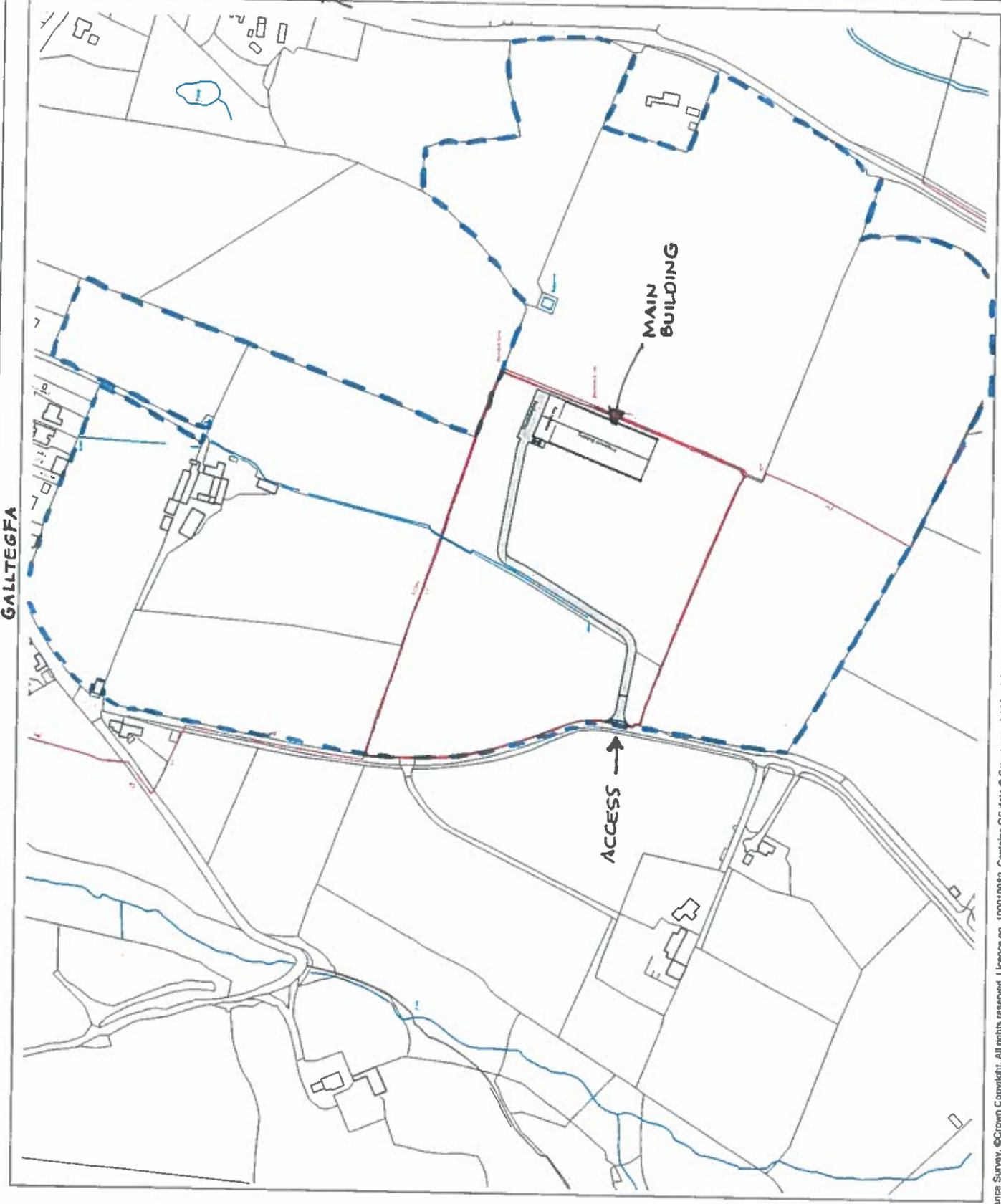
Llanfwrog

| | |
|------------|------------|
| Date | 15/01/2018 |
| Drawn by | Mr H Jones |
| Checked by | Mr H Jones |



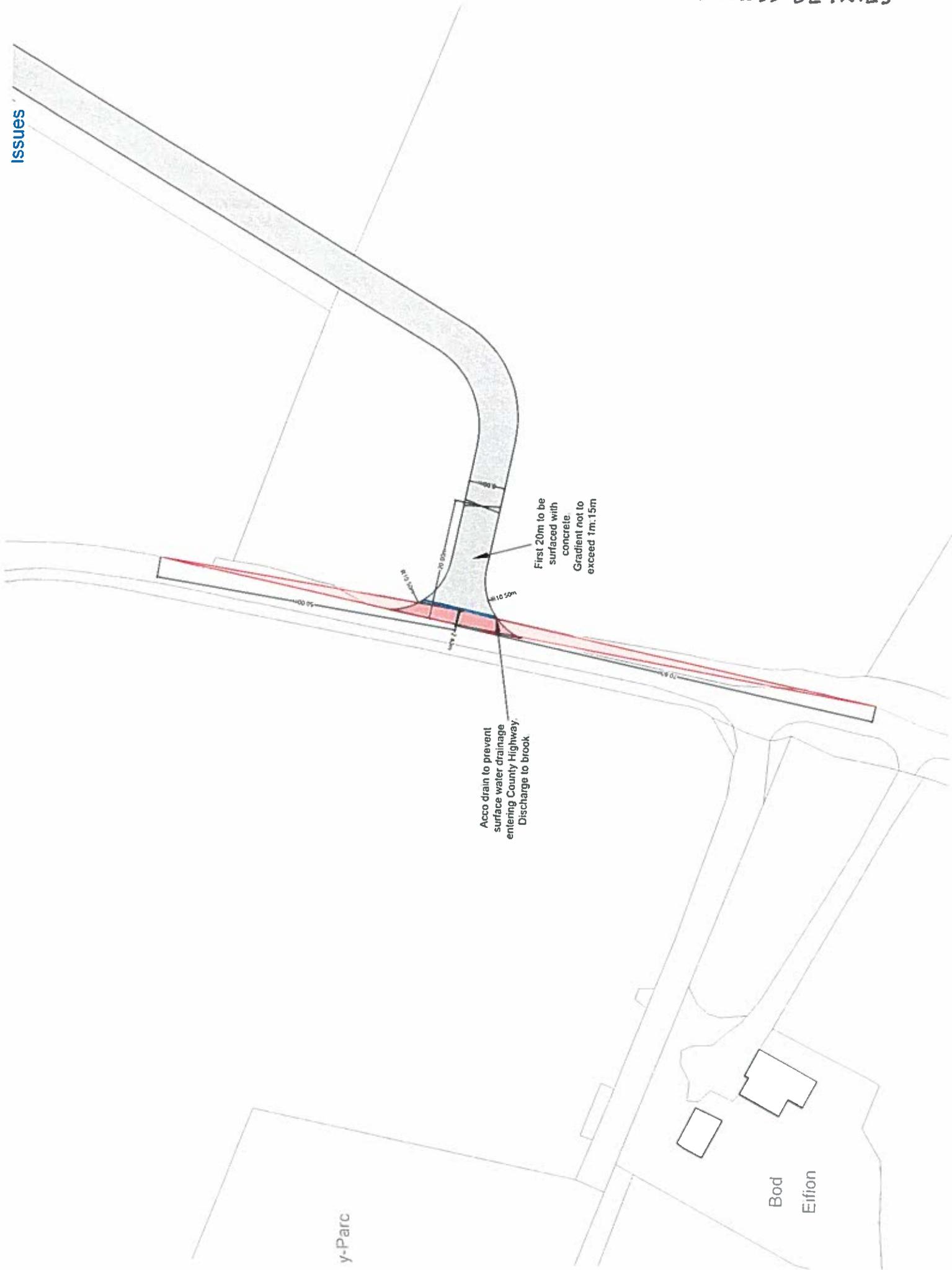
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|---|
| Residential - Agricultural - Commercial |
| 32,000 free range egg production unit at Bron Park Farm |
| Location Plan |
| Bron Park Farm Galltegfa, Rhydin Dendegisthware LL15 2AR |
| Client Mr H Jones |
| Scales 1:2500 @ A3 |
| Drawing No. FJC-MZ287-01 |
| Drawn by AZ |
| Date 07/12/2018 |

BRISTON HALL, BRISTON
 BRISTON, WILTSHIRE, BA3 3JZ
 TEL: 01242 791148 FAX: 01242 792170
 EMAIL: info@rogerfairy.net
 WWW: www.rogerfairy.net



ACCESS DETAILS

Issues



WARD : Ruthin

WARD MEMBERS: Cllr Emrys Wynne (c)
Cllr Bobby Feeley
Cllr Huw Hilditch – Roberts
Cllr Eryl Williams

APPLICATION NO: 13/2018/1149/ PF

PROPOSAL: Erection of a free range egg production unit including silos and associated works including access

LOCATION: Bron Parc, Galltegfa, Ruthin LL15 2AR

APPLICANT: Jones Brothers

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Manager

CONSULTATION RESPONSES:

RUTHIN COMMUNITY COUNCIL

Original consultation response:

“Although members are mindful of the need to diversify in the agricultural industry, they are of the opinion that the size and scale of the proposed plans are too much for the site, and that the development would have an environmental impact on the surrounding area, with regards to likely pollution and bad odours. It would also add to the heavy traffic on the road from Ruthin to Clawddnewydd, especially the section from the mini roundabout to St. Mwrog’s Church which is already facing traffic issues.”

Re-consultation response (May & July 2019 re-consultation):

Re-iterate original comments quoted above.

EFENECHTYD COMMUNITY COUNCIL:

Original consultation response:

“The Efenechtyd Community Council has no objection to the proposal subject to it complying with all relevant planning policies”.

Re-consultation response (May & July re-consultation):

No response received at the time of drafting the Committee Report.

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

“The Joint Committee notes that the application site is approximately 3.5km outside the AONB but, having regard to the large size of the proposed building (2800sqm), it will be visible in distant views from the higher ground of the AONB to the east. The visual impact is more pronounced as result of the sporadic siting of the unit in open countryside away from the main farm complex or other existing buildings. Siting as a logical extension of the existing farm complex would be preferable, but it is assumed that the current siting is a necessity for such a potentially ‘bad neighbour’ development.

Although it will be visible in distant views from the AONB, the specification of Juniper green walls, roof and silos, coupled with the relatively low profile of the building, will help mitigate its visual impact. In this context, it will appear as a small element in the wider landscape and will not have a significant adverse impact on the AONB and the Joint Committee therefore has no observations to make on the application in principle. The Committee notes however that whilst the impact on the AONB is not significant there will be much more significant impacts on the immediate locality.

However, if planning permission is granted, the Committee would recommend a condition be attached requiring a detailed landscaping scheme which should include a new hedge to the east to maintain the existing sense of enclosure (and ecological connectivity) and to replace hedges to be lost as a result of the necessary re-profiling of the site. The hedge should be supplemented with small blocks of tree planting which will help break up views of the building mass from the east. All new hedge and tree planting should be native local species and should be suitably protected from stock.

The submission of a lighting plan with the application is welcome, but the committee would recommend a condition requiring submission of precise details of the proposed luminaires, including their outputs and colour temperature, and operational timing to ensure the lighting is the minimum necessary and is designed to conserve the AONB's dark sky.

Finally, although the Committee has no observations to make on this application in principle, it is concerned that if permission were granted it could set a precedent for other similar applications in and around the Vale of Clwyd which cumulatively could have a more harmful impact on views from the AONB."

Re-consultation response (May & July re-consultation):

No response received at the time of drafting the Committee Report.

NATURAL RESOURCES WALES

Original consultation response:

NRW advised a revised Ranging plan was required to exclude watercourses.

Re-consultation response (May 2019 re-consultation):

NRW advised a further revised Ranging plan was required to buffer out sensitive receptors; additional information was needed to address inconsistencies in the Manure Management Plan; and clarification was sought as to what extent the blue line boundary relates to the owner occupied or rented land for manure spreading.

Further re-consultation response (July 2019)

NRW does not object to the proposal, as the proposal is not likely to adversely affect any of the interests listed below:

Ranging Plan V4

NRW note the revision of the Ranging plan v4 and note that further details have been provided and note that the watercourse and sensitive receptors within the ranging area will be adequately buffered and that the access track and building area will not be included – previous concerns have therefore been addressed.

Manure Management Plan V6

NRW note that field ref: SJ1057 9237 has been omitted from the plan. NRW are generally satisfied with what has been outlined in the plan, the manure spreading plans have been updated as per previous comments to show all the spreadable areas and these have been adequately buffered for any sensitive receptors.

NRW note and are satisfied with what is outlined in the Manure Contingency plan and that "should spreading of the manure not be possible e.g. due to wet, waterlogged or frozen conditions in accordance with the Code of Good Agricultural Practice, the manure will be exported off site to AD plants."

NRW advise that details of the Anaerobic Digester plant should be submitted to the satisfaction of the Authority.

Other comments are as follows:

Protected Sites and aerial emissions:

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on European protected sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

A detailed atmospheric modelling report has been submitted in support of the proposal, and further detailed modelling was completed because initial screening indicated that the process contributions (PC) may be high for Craig Adwy-wynt a Choed Eyrarth a Chil-y-groeslwyd SSSI.

Modelling shows the process contribution to ammonia concentration and nitrogen deposition are below the thresholds NRW apply in their assessment of potential impacts on protected sites.

Manure Management Plan:

NRW note and are satisfied with what is outlined in the Manure Contingency plan.

Drainage Plan:

The drainage plan shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards.

Pollution Prevention Plan:

NRW have reviewed the Method Statement Pollution Prevention submitted in support of the proposal. Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Protected Species:

NRW note that there is no information about protected species with the application and, therefore, are assuming that the Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

NRW have also provided advice with respect to other licencing and regulatory requirements, which is summarised below for information:

- Environmental Permit - Environment Permit is only required for proposals for over 40,000 birds.
- Abstractions - If unit is to be supplied by new ground or surface waters, a permit to abstract may be required.
- Discharges – consent of NRW or registration for exemption by development will be required for any discharges from site (e.g. foul drainage to a watercourse) and may also be required for certain discharges to land.
- Silage, Slurry and Agriculture Fuel Oil (Wales) Regulation 2010 (SSAFO) – SSAFO built storage facilities must comply with applicable standards and NRW must be contacted before the new SSAFO structure is brought into use.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Original consultation response:

No objection - no recorded archaeological sites and nearest listed buildings to the east will be screened by intervening topography and foliage from views of the production unit. There are no scheduled monuments within 1km. The nearest registered historic park and garden to the south is 600 metres away and will be screened by foliage and topography.

Re-consultation response (May & July 2019 re-consultation):

No response received at the time of drafting the Committee Report.

CADW

Original comments:

There are a number of scheduled monuments and historic parks and gardens located within a 3km buffer of the application area. However, intervening topography, buildings and vegetation mean it is unlikely that the proposal will be inter-visible with them. Therefore it is unlikely there will be any effect on the settings of the scheduled monuments or the registered historic parks and gardens.

Re-consultation response (May & July 2019 re-consultation):

No response received at the time of drafting the Committee Report

RUTHIN AND DISTRICT CIVIC SOCIETY

Original consultation response:

While recognising the current difficult economic circumstances for farming businesses and the consequent need for them to diversify, due to proximity to Ruthin, proposal should be refused on grounds of location, lack of screening and impact upon the local and wider environment, including impact on the nearby watercourse, pollution and airborne odour which, given the prevailing wind direction, will pervade the entire town.

Re-consultation response (May & July 2019 re-consultation):

No response received at the time of drafting the Committee Report.

BETSI CADWALADR UNIVERSITY HEALTH BOARD

Overall Conclusion

Refer to potential impact on respiratory health among communities, especially children, living near intensive farming operations. Until more robust evidence becomes available, Public Health Wales recommends that local planning authorities and regulators ensure that, where there are sensitive receptors within 100m from the boundary of an intensive farming operation, the applicant undertakes a detailed risk assessment that objectively considers how the operator will effectively manage and minimise emissions including ammonia, odour and bioaerosols (through the application of Best Practicable Means and industry practice).

Provided that the planning authority is satisfied that management controls can be applied as per relevant sector guidance and best practice, the Health Board have no grounds for objection from a public health perspective, but highlight the need for a cumulative impact assessment where there are any existing or proposed poultry units at nearby locations. The Health Board are not aware of any other units in the locale.

Public Health Risk Assessment

This proposal for 32,000 birds is below the threshold required for subsequent regulation by Natural Resources Wales under an environmental permit.

The Health Board advise that the local planning authority (LPA) should check and consider:

- site ammonia management scheme be implemented and maintained to ensure no adverse ammonia concentrations or associated odours at nearby sensitive receptors. It is important that these are adequately controlled and do not adversely impact on human health, especially given the perceived association between odour and ill health..
- The applicant should be required to produce and maintain a manure management plan detailing when and where waste litter and manure will be stored and applied to land to avoid off-site impacts from odour and pests. This should include avoiding cumulative odour impacts from any other sources or activities.

- Dusts and bio-aerosols (airborne particles containing living organisms, skin fragments, toxins, and waste products) may have possible health effects including exposure to infectious diseases, allergic reactions, respiratory symptoms and lung function impairment. Appropriate assessment and operational management to mitigate fugitive emissions is recommended in accordance with best practicable means (BPM) and best available techniques (BAT).
- All on-site storage of liquids is accompanied by bunding in compliance with industry practice and guidance to avoid any potential contamination of ground or water supplies. All waste storage facilities should be in line with the regulator's guidance.
- The regulator must be satisfied that noise from the proposed activities does not cause nuisance at nearby sensitive receptors

Re-consultation response (May & July 2019 re-consultation):

No comments received at the time of drafting the Committee Report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

Original consultation response:

Additional information was requested regarding traffic movements to and from the site, the access visibility splays and speed survey, to demonstrate compliance with TAN18

Re-consultation response (May 2019 re-consultation):

Speed data provided was not considered to be adequate, and accordingly the visibility splays shown on the revised highway drawing required further assessment.

Accurate 24/7 speed data and amended access plans were requested.

Further re-consultation response (July 2019 re-consultation)

(Following further speed data and revised highway plan submission)

Highways Officers have given consideration to the following elements of the proposals;

- Capacity of existing network
- Site access

The following information has been reviewed as part of the assessment of the proposals;

- Transport Statement
- Site Plans

It is considered that sufficient information has been submitted.

Capacity of Existing Network

Criteria viii) of Policy RD 1 advises that proposals should not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate.

The submitted Transport Statement shows on average four additional HGV movements per week along with one additional car movement per day using the highway. Vehicles of a similar type and dimension regularly use the local highway to access local farms and similar developments in the area.

This similar route was recently used by HGV's for the 55-week contract to construct Ysgol Carreg Emlyn in Clocaenog, which was completed earlier this year. As highlighted in the Transport Statement and alluded to above, the volume of traffic associated with the proposed development is likely to be significantly less. It is not considered that the additional traffic movements associated with the development would have a significant impact on the existing flow of traffic on the local highway.

Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county.

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

Site Access

Criteria vii) of Policy RD 1 of the Denbighshire Local Development Plan (LDP) requires that developments provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles. In order to comply with this requirement site accesses should meet relevant standards. Technical Advice Note 18: Transport (TAN 18) specifies at 5.11 that new junctions must have adequate visibility and identifies Annex B as providing further advice on required standards.

The proposals involve the construction of a new access onto the local highway network that will serve the development. The access is to be hard surfaced for a distance of 20m and drainage provided to prevent any discharge of surface water onto the highway. Gated access will be set back from the access to prevent vehicles stopping on the highway. A 6m access track will enable two vehicles to pass unobstructed.

The applicant has submitted speed survey data in support of the application, undertaken at the point of the proposed access. The 85th percentile wet weather speed for northbound traffic travelling to Ruthin and southbound traffic travelling from Ruthin has been calculated as 27.5mph and 29.5mph respectively. In accordance with Table A TAN 18, a 70m visibility splay would be required and is clearly shown on the Proposed Highway Plan submitted on 14/08/19. The proposed site access arrangements demonstrate compliance with the visibility standards set out in Annex B TAN 18 and are therefore considered to be acceptable.

Having regard to the detailed assessments above, Highways Officers would not object to the proposed development, subject to appropriate conditional controls to ensure visibility splays are not obstructed and to secure details for the arrangements for loading, unloading, parking and turning of vehicles.

- Pollution Protection Officer:

Original consultation response:

Raised initial concerns with the proposal and requested additional information regarding the extraction fans and an amended noise assessment, odour management and to clarify inconsistencies in the manure management plan.

Re-consultation response (May 2019 re-consultation):

Noise comments:

A background noise survey was not carried out but 'typical' (very low) representative noise levels were used to calculate assessment levels, so worst case noise climate is assumed. Even with the aforementioned assumptions the assessment levels indicate that there will be no adverse noise impact and as such Noise Officer would recommend noise levels are acceptable, subject to conditions to compliance with the recommendations and specifications in the noise report.

Noise Officer also noted a local resident has raised the question of sub-station noise levels assuming that the increased background levels associated with the sub-station will increase the impact of the development. Noise Officer advised higher background noise levels would actually mask the impact of noise from the fans, night-time loading / unloading of poultry and HGV movements to a greater extent than if no sub-station were present.

Other Comments:

Manure Management Plan

- The applicant has stated the total amount of manure (N) that can be applied to the land they own/rent at the application site and at other locations detached from the application site. There is no indication as to the source of this information for data

checking purposes. The abbreviation N is generally used to represent available Nitrogen within manure and not the total volume of manure created by livestock.

- Within the contingency plan section the applicant states there are a number of covered areas for storing the manure, slurry and dirty water produced by the site when spreading is not possible. These are not identified.
- Land shown for spreading of manure has private water supplies surrounding it which have not been taken into consideration and had the appropriate 50m buffer put around them.

Ranging Plan

- Part of field SJ1057 9237 falls within a 50m buffer for a private water supply.

Public Health Wales Response

- As per the recommendations in the Public Health Wales response, impact on sensitive receptors within 100 meters of the application boundary should be considered. The applicant has not provided sufficient detail on how they intend to manage and minimise emissions from the site to any sensitive receptors, i.e. residential properties.

Ammonia Dispersion & Deposition Report

- The applicant has not risk assessed the potential impact on residential properties from ammonia.

Further Re-consultation response (July 2019 re-consultation):

Recommended the application should be refused as the information provided to support the application is inadequate or incomplete to assess the potential for human health impacts from the site.

Specific comments:

Revised Manure Management Plan (V6)

- Recommends the manure management plan is reviewed by an agricultural consultant to verify the manure calculations.
- Field numbers SJ1057 6567 & SJ1057 7865 remain within the plan as fields intended for manure spreading. Repeated use of these fields close to residential properties could cause an odour nuisance and also refer to comments below regarding Public Health Wales advice.
- Other land shown in the document, to spread manure on, has private water supplies surrounding it which have not been taken into consideration and had the appropriate 50 metre buffer put around them.

Revised Ranging Plan (V4)

- Part of field SJ1057 9237 falls within a 50 metre buffer for a private water supply. Suggests conditioning that this field is not included in this or any future ranging plan to ensure the amenity of the private water supply user.

Public Health Wales Response

- As per the recommendations in the Public Health Wales, the applicant should take into account sensitive receptors within 100 metres of the application boundary. The applicant has not provided sufficient detail on how they intend to manage and minimise emissions from the site to any sensitive receptors, i.e. residential properties.

Ammonia Dispersion & Deposition Report

- As stated in previous response, the applicant has not risk assessed the potential impact on residential properties and their occupants. As the report does not take into account the potential human health impacts cannot comment on this document.

- Ecologist

Original consultation response:

No objection subject to conditions being imposed to ensure that there are no negative impacts on protected species or the nature conservation value of the site. Conditions are proposed to ensure development is carried out in accordance with the Lighting Design Scheme and to secure the submission a method statement detailing measures to protect important habitats on site (hedgerows and ditches) prior to the commencement of development.

Re-consultation response (May & July 2019 re-consultation):

No further comments to make.

- Land Drainage Officer –

No comments received at the time of drafting the Report.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

B. Thomas, Dedwyddfa, Bryn Goodman, Ruthinlan Roberts, Tyn y Minffordd, Llanfwrog Lynda Roberts, Tyn y Minffordd, Llanfwrog

Annmaria Jones, 7 The Park, Denbigh Road

Caerion Roberts, 123 Mwrog Street, Ruthin Janet Bord, Henblas, Mwrog Street, Ruthin

Eryl Owen Jones, Llys Alwen, Llanfwrog, Ruthin O & G Roberts, Bryn Tirion, Galltegf Robin Hill, 5, Tan y Castell, Ruthin J. Warrington, Firgrove Cottage, Llanfwrog

P. T. Meadway, Firgrove, Llanfwrog

D. J. Wycherley, Plas Arthur, Ffordd Plas Newydd, Llanfwrog

Mrs M West, Tryfan, Llanfwrog, Ruthin

D. Hill, 54, Grosvenor Avenue, Rhyl A. Meadway, Firgrove, Llanfwrog

Jane Stokoe, Rhos Ial, Llanfair Road, Ruthin Adele Thomas, 3 Rose Villas, Middle Lane Catrin

Phillips, Penlan, Mwrog Street, Ruthin John Gaskell, Y Berllan, Llanfwrog Rowena Turner, 139 Mwrog Street, Ruthin

Victoria Green, 3 Tan Y Castell, Dog Lane, Ruthin Vincent Forde, Pen Y Bryn, Efenectyd

Mrs K. Rowlands, Coed-y-Parc, Llanfwrog Federation of Clwyd Angling Clubs, 7 Norton

Avenue, Prestatyn Campaign for the Protection of Welsh Fisheries, Prestatyn Joanne Meehan,

Pen y Bryn, Efenectyd P. & S. Woodward, Glasfryn, Llanfwrog R. Bowden, Llanfwrog Comm.

Assoc., Mwrog Street, Ruthin E. Lewis, Pen y Bryn, Llanfwrog S. McGeorge, 76, Mwrog Street,

Ruthin Gina Ross, Celyn Bach, Llanfwrog

Darren Millar AM Ffion Rowlands, Coed Y Parc, Llanfwrog Jill Roberts, 9 Llwyn Menlli, Ruthin

Hayo Harmens, Dyffryn Nechtyd, Efenectyd Mr Jones, Gwynfryn, Llanfwrog J. Brown, 154

Mwrog Street, Llanfwrog

Michael Skuse (CPRW)

Eleri Roberts, Tyn y Minffordd, Llanfwrog

Paul Andringa, 1 Cwrt Arthur, Rhewl

Nicola Farrell, 42 Mwrog Street, Ruthin

Sylvia Walshe, Director Ruthin Castle Hotel & Spa

Fiona Jones, RD Owen Equine Clinic Ltd, Meflyn, Waen, St. Asaph (on behalf of Mrs L

Roberts Tyn y Minffordd, Llanfwrog)

Margaret Seymour, 4 Cae Segwen, Ruthin

Rebecca Thompson, Planning Consultant (on behalf of Mrs L Roberts, Tyn y Minffordd,

Llanfwrog)

Andrea Carswell, 18 Sunnybank Road, Shrewsbury Anne Lovett, 7 Wood End, Crowthorne, Berkshire

Martin McAllister, 4815 Larch Avenue, Montana, USA

Mrs Peers, Olmeldrum, Aberdeenshire

Paul Treverton, Lionheart Tours, 15 Manor Avenue, London

K. White, 2, Jones Street, Woolooga, Queensland 4570, Australia

L. Goodman, 6001 Caulfield St., West Linn, Oregon 97068 USA

Heino Petzold, 12277, Berlin, Germany

Ellen Coulson, 25 St. Barnabas Road, Barnetby

Dr David Rose, Willowcroft, Thorney Green Rd., Stowupland Suffolk

Margaret Rose, Willowcroft, Thorney Green Rd., Stowupland Suffolk

Summary of planning based representations in objection:

Need.

- Compelling case not been made for building in this location in connection with an established agricultural building or farm complex, and therefore unacceptable in terms of TAN6 A14, PPW or PSE5
- It is not a case of an established family farm needing to diversify in order to survive economically - land at Bron Parc recently acquired to add to larger holding elsewhere, and business is seeking to increase profitability of existing beef and sheep business.
- Will not contribute to the local economy to help sustain local rural communities.
- Not creating or safeguarding local employment or jobs.
- Industrialisation of agriculture / loss of pasture land
- Set precedent for this form of development / future expansion of site.
- No alternative sites considered.
- Already egg farms in the area – no justification for another

Adverse impact on residential / public amenity

- Inappropriate location close to settlements, residential properties, school and sports facilities – detrimental impact on health and amenity from odour, noise and emissions (ammonia / nitrogen), manure spreading and mucking out.
- Noise – from chickens, plant and equipment, loading and unloading vehicles.
- Increase in pests and disease / vermin infestation
- Manure management arrangements unclear and only small area of land at Bron Parc for spreading of manure.
- Manure generation from ranging birds underestimated.
- Disagree with conclusions of odour dispersion modelling study that odour would be only moderately offensive – a very bad smell or a slightly bad smell is still a bad smell.
- Supporting information / modelling refers to airbourne dispersion of pollutants only – no information regarding rainwater runoff, ground absorption rates etc.
- Increased air pollution and disturbance from vehicles.

Landscape / visual impact

- Industrial scale large development / Not appropriate in scale, appearance and nature to its countryside location / industrialisation of the countryside.
- Site is open fields and not related to any existing farm buildings – proposal would result in an extremely large isolated structure.
- Prominent, elevated site in close proximity to Galltegfa, Llangwrog and Ruthin / would be dominant in skyline.
- Would be visible from residential properties, and in views to and from the AONB and historic Ruthin.
- Does not enhance or protect local landscape.
- No details of hedgerow removal included.
- Formation of new access and track would harm visual amenity.
- Fragmentation of areas of open, undeveloped countryside in Vale of Clwyd.
- Topography of site not taken into consideration.
- Platform is size of football pitch and needs to be excavated by 4m – eastern boundary would destroy historic boundary hedge.

Highways / Traffic

- Unacceptable traffic increase along local roads, including along B5105 and unclassified road leading to site towards Clocaenog.
- Inadequate local highway network to cope with scale and frequency of traffic, in particular along B5105 / Mwrog Street, which is narrow, has no passing places and has sections with no footpaths.
- Surface of roads is poor, and already damaged by large heavy lorries.

Air / Land / Water pollution

- Would contaminate ground water and private water supplies.

- Risk of high rates of nitrates entering local waterways – dangerous to humans and animals.
- Pollution of watercourse downhill.
- Airborne pollution affecting health (dust / particulate faecal waste and pollutants)
- Contributes to increased nutrient nitrogen deposition concentrations in the area.
- Site is on higher ground and surface water runoff would run downhill towards residential properties, and reservoir.
- Prevailing winds from west would carry odour from proposal towards Llanfwrog.
- Cumulative impacts of spreading in combination with existing spreading (e.g. pig farmer who owns adjoining fields) - how will this be controlled?
- Chicken waste too nitrate rich to be spread on land – causes a fine dust to be prevalent on local fields, which is toxic to livestock and horses kept on surrounding land.
- No reference to ground water spring system in supporting documents – ground water flows into the River Clwyd.

Drainage

- Plans show drainage solutions to run uphill – not feasible.
- Runoff from fields naturally drains downhill towards lane and watercourses and well at Coed y Parc, and ultimately feeds into the River Clwyd via stream along B5105.
- Topography of site would result in heavy run-off to highway, ground water and water courses which has not been taking into account.
- Surface water runoff would drain into river.

Ecology

- Detrimental to environment and local wildlife (birds, mammals, reptiles, newts and insects know to be present in the area).
- Proximity to ponds which support wildlife
- River Clwyd is important for migratory fish and other aquatic species – concern that spreading huge volumes of chicken waste on agricultural land close to River Clwyd would result in water pollution.
- Adverse impact on Coedwig rhyd y gased woodland.
- Proximity to SSSI - Ammonia discharge would contribute to increased nitrogen deposition on SSSI, which contain nitrogen sensitive flora – cannot mitigate for this.
- Fencing and boundary treatments will adversely impact on nature habitat of owls and bats.
- Adverse impact on horse / equestrian land.

Adverse Economic Impacts:

- River Clwyd used by anglers – angling brings in significant revenues to Vale of Clwyd; proposal could detrimentally impact water quality of River Clwyd, and thereby adversely impact on income from visiting anglers.
- Would have a detrimental impact on tourism – close to B&Bs and other tourism accommodation and walking routes / adverse impact on local businesses.
- No benefit to local community, only one local enterprise.
- Adversely affect setting of B&Bs close to site.
- Would discourage visitors to visit and stay in the local area.
- Adverse impact on Ruthin Castle Hotel from uncontrolled odour.

Other Issues

- Animal welfare concerns / intense farming methods.
- Not details provided regarding location of manure storage areas.
- Ranging Plan does not accurately show fall of land.
- Spread of avian flu to wild birds.
- Adverse impact on horses grazing on adjoining land through air contaminants.

Inaccuracies

- Manure Management Plan Table 1 states 32,000 hens = 17,920kg manure per year, however this does not match industry figures.
- Manure Management Plan states 500 tons of manure to be removed from shed each year – this needs to be explained.

RESPONSES FROM PUBLIC TO RECONSULTATION ON ADDITIONAL INFORMATION

Revised Design and Access Statement

- DAS states Bron Parc consists of 400 acres owned land and 600 acres rented land, misleading as only 50 acres are owned at Bron Parc.

Revised Ranging plan

- Only minor changes to previous versions – does not show gradient towards road / dwellings / watercourses
- Includes field SJ1057 9237 in ranging area, however this field hosts a septic tank and therefore should not be used for ranging.

Transport Statement

- No provision for deadstock removal / waste bedding.
- Bird delivery HGV movements not accurate.
- Manure removal not accurate / underestimated.
- No provision for pest control.

Revised Manure Management Plan

- Bron Parc is 50 acres and not 1,000 acres (other 950 acres are in and around the Vale of Clwyd) and only 400 acres is within ownership, with 600 acres rented land – misleading and reliant on spreading majority of waste on rented land which is out of control of applicant.
- DEFRA advice states 2.6ha of land is required for every 1,000 hens for spreading of manure. For 32,000 hens this equates to 82.30ha of land. Only 20ha of land at Bron Parc, and therefore significant shortfall of land at the site, requiring waste to be exported and spread on land elsewhere.
- Volume of waste generated by 32,000 hens considered to be significantly underestimated – serious discrepancy in likely amount of manure generated by facility.
- All reference to storage and removal of waste removed from document
- No details of AD plant provided, or to its availability to take manure.
- Application documents do not consider impact of spreading manure on local environment / local residents close to spreading areas elsewhere in County.
- Plan mentions steep slopes, but these are not clarified or omitted from spreading areas.
- Reservoir in field SJ1057 92374 not recognised.
- No storage at Bron Parc – concern that if granted, there would be the need for manure storage building in future.
- Land proposed for spreading elsewhere in county not clearly labelled and it is not stated whether or not land is owned by applicant or rented.
- No cumulative assessment of manure spreading carried out in conjunction with other chicken manure spreading.
- Unrealistic to state there would be no onsite waste storage – existing poultry unit at Tyn y Celyn (30,000 bird facility) is currently in the process of seeking consent for a large manure storage building.

Revised Noise assessment

- Noise survey based on assumptions, therefore insufficiently detailed.
- Tyn y Minfordd and Firgrove cottage are ignored
- Noise from existing substation not included

Revised Access

- Widened access is now more prominent

Ammonia & Odour assessments

- Assessments are based on proposed scheme for 2 no. poultry houses with 3 point sources (i.e. roof / ridge mounted fans) and associated ranging area – however, the

proposal is for a single building with 10 roof mounted fans and larger ranging area than shown in Odour and Ammonia Report, therefore not accurate assessment.

- Ammonia report refers to waste being temporarily stored at the site, which contradicts other supporting documents.
- Ammonia Report does not consider impact on human health.
- Ammonia assessment assumes only 12% of dropping will be across ranging area, whereas odour assessment refers to 20% of droppings being deposited on the ranging area – inconsistency not explained.
- Waste removal assumptions don't correlate with proposals.

Landscaping and Visual Impact Assessment

- Viewpoints illustrate unspoilt rural character of area.
- Challenge accuracy of assessment zone of visibility due to height of building proposed.
- LV1 shows site is clearly visibly from Clwyd St / Upper Clwyd Street and residents' terrace at Ruthin Castle – trees and hedges not in leaf in winter.
- Disagree with conclusions of assessment.

Landscaping / planting plan

- Planting species not identified.
- Native woodland would be slow growing.
- Overhead lines cross site not acknowledged - can not plant below them.

Boundary treatment

- 1.2m high electric fence would not be sufficient to stop foxes – would need to be higher therefore impact on bats / owls

Quality of submission / Inaccuracies

- Poor quality submission, supporting information is generic, misleading and contradictory.
- Different figures for traffic / volumes of waste quoted in different documents.
- DAS makes incorrect statements regarding proximity to existing farm complex.
- Amendments are minor changes and not in sufficient detail.
- Long delay due to ambiguity and inconsistency across submission – confusing and causing unnecessary stress to neighbours and public.

Human health

- Concerned feed may include Ionopheres food additives which are toxic to humans and leave residues which can be carried in air to properties downwind of site.

Drainage / water quality

- No containment bund to protect Firgrove and Tyn y Minffordd.
- Still not addressed impact on runoff stream across site towards Firgrove / B5105.
- Only outline drainage details provided, full details should form part of the application.
- New Welsh Government regulations being introduced to protect water quality from agricultural pollution – should be a material consideration.

EXPIRY DATE OF APPLICATION: 04/02/2019

EXTENSION OF TIME AGREED? 04/09/2019

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee
-

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the erection of a new free range poultry unit and associated works to provide a 32,000 free range bird egg laying production unit on land at Bron Parc, Galltegha.
- 1.1.2 Bron Parc is referred to in the revised Design and Access Statement as a successful beef and sheep farming business which consists of 400 acres (162 hectares) of owned land and 600 acres (243 hectares) of rented land. However, the agent has subsequently confirmed that there is only 50 acres (20 hectares) of land at Bron Parc which is in the ownership of the applicant, with the remainder of the owned and rented land being located elsewhere in the County.
- 1.1.3 The proposed poultry unit building would be in an elevated position some 250m to the south of the Bron Parc dwelling and associated outbuildings.
- 1.1.4 The building is proposed to be 82m in length by 32m wide, with a ridge height of 6.67m, with a row of 10 vents projecting above the ridge height by 1m. The building would have a floor area of 2,624 square metres.
- 1.1.5 Sectional plans show the ground would be excavated to facilitate the development.
- 1.1.6 Two steel hoppers are proposed to store feed to be conveyed into the building automatically.
- 1.1.7 An existing field access is proposed to be altered to provide vehicular access to the site, and the building would be accessed via a new section of track 250m long leading to a proposed area of hardstanding adjacent to the northern elevation of the proposed building.
- 1.1.8 The outdoor 'ranging' area would be around 17 hectares in size, which would be divided into paddocks, and each paddock would be used for up to 6-8 weeks at a time on a rotational basis. Hens would have access to the ranging area during the daytime.
- 1.1.9 A 1.2m semi-permanent electric fence with netting is proposed to be erected around the perimeter of the ranging area, however there are no details in the submission.
- 1.1.10 The boundary of the ranging area abuts the residential curtilage of the Bron Parc dwelling and an unrelated neighbouring property, Fir Grove, and there are further dwellings within 100m of the ranging area boundary.
- 1.1.11 Fencing is proposed to be erected along the watercourse which runs through the ranging area.
- 1.1.12 The suite of supporting plans and documents submitted with the application have been added to and amended during the course of the application. These are listed in full at the end of the report but include a number of plans and technical documents to assist assessment of the proposals, including a Design and Access Statement, Management Plan Odour dispersal report (original document – received 10 December 2018), Ammonia dispersal and deposition, Odour Management Plan, Noise Impact Assessment, Method Statement Pollution Prevention, Ranging Plan, Manure management plan, Transport Statement, Road Speed Survey Data, Lighting Design Scheme, Landscape and Visual Impact Assessment, and the Pre-application Consultation Report.
- 1.1.13 The Transport Statement shows vehicular movements
 - Feed delivery (rigid commercial lorry) – 1 per week
 - Pullet delivery (rigid commercial lorry) – 2 per year
 - Egg collection (rigid commercial lorry) – 2 per week
 - Hen collection (rigid commercial lorry) – 2 per year
 - Manure removal (tractor and trailer) – 1 per week
 - Staff (car) – 1 per day

- 1.1.14 The Design and Access Statement states existing farm labour force will be employed at the proposed egg production unit, and therefore no additional jobs are proposed to be created.
- 1.1.15 The supporting documents state waste from the building would be removed every 5-7 days.
- 1.1.16 The Manure Management Plan states no manure would be spread within the proposed ranging area at Bron Parc, but it would be spread across the remaining two fields at Bron Parc which lie outside of the Ranging Area immediately to the rear of residential properties in Galltefya and on other land within the agricultural holding at Rhos, to the north-east of Rhewl, Ruthin and further land in Cyffylliog. It also states that should spreading of the manure not be possible e.g. due to wet, waterlogged or frozen conditions in accordance with the Code of Good Agricultural Practice, the manure will be exported off site to AD plants.

1.2 Description of site and surroundings

- 1.2.1 The site is greenfield agricultural land and the proposed building would be located approximately 250m to the south of the Bron Parc dwelling and associated outbuildings.
- 1.2.2 The local topography is undulating, and the site is in an elevated position above the hamlet of Galltefya, some 300 m to the north of the site. Llanfwrog is approximately 0.8m to the north-east.
- 1.2.3 The proposed ranging area to be used in association with the egg production unit would abut the residential curtilage of Fir Grove and would be within 100m of a number of other unrelated residential properties

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in an open countryside location outside of any development boundary defined in the Local Development Plan.
- 1.3.2 The proposed ranging area abuts trees protected by a Tree Preservation Order to the south-east and also extends to the curtilage of Fir Grove, a Grade II Listed building.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted for a replacement dwelling at Bron Parc in 2017. At the time this application was determined, the site was vacant and outbuildings at Bron Parc appeared to be redundant and in a poor state of repair. As part of the replacement dwelling scheme, a redundant agricultural building was proposed to be removed and a further was proposed to be converted into an ancillary domestic building. Dutch barns were proposed to be retained.
- 1.4.2 Planning permission was refused for an agricultural building to house livestock on land at Bron Parc in July 2018, due to insufficient information being provided with the application, and due to concerns regarding impact on visual and residential amenity.

1.5 Developments/changes since the original submission

- 1.5.1 To address concerns raised in consultations responses and to address deficiencies in the information provided, additional and revised information was requested from the applicant in January 2019.
- 1.5.2 Additional / revised information has been submitted over the course of 8 months.

- 1.5.3 A full re-consultation was carried out following the receipt of revised / additional documents on 15 May 2019 and on 23 July 2019 and specific statutory consultees have been re-consulted as necessary throughout the course of the application.

1.6 Other relevant background information

- 1.6.1 The supporting information states the proposal would form part of an existing beef and sheep farming business, however from observation, there does not appear to be an existing operational farm complex at Bron Parc.
- 1.6.2 Bron Parc consists of a large replacement dwelling (consented in 2017). An existing outbuilding was proposed to be demolished as part of the scheme and a further outbuildings was converted into a bat roost / ancillary building. Remaining outbuildings at Bron Parc do not appear to be in active agricultural use.
- 1.6.3 Whilst it is understood that the land is owned and operated as part of a larger agricultural enterprise, the proposal would be unrelated to any existing operational farming complex at Bron Parc, and therefore Officers consider the proposals effectively represent the creation of a new rural enterprise in open countryside.
- 1.6.4 The application site spans land in two Community Council areas. The main building and access would be in the Efenechtyd Community Council area, and part of the ranging area in the Ruthin Town Council area.

2. DETAILS OF PLANNING HISTORY:

- 2.1 02/2017/0059. Erection of replacement dwelling, partial demolition of store building and alterations to provide bat roost. Granted 14/03/2017
- 2.2 02/2018/0461. Erection of an agricultural building for the housing of livestock. Refused 03/07/2018 for the following reasons:
- 1. It is the opinion of the Local Planning Authority that insufficient information has been provided to demonstrate a case for a new livestock building of the size proposed in this location, and due to the scale, design, siting and location the proposal would result in a large isolated structure in an elevated position set away from the existing complex of buildings at Bron Parc, which would be viewed as an isolated structure and is considered to be harmful to the visual amenity of the locality, and in the absence of further information to justify the need for the proposed development, the harm to visual amenity is not outweighed by any material consideration. Consequently the proposed development is considered contrary to paragraph 3.1.4, paragraph 4.7.8 and Section 4 of Planning Policy Wales (Edition 9) and the advice and guidance contained in Technical Advice Note 6: Planning for Sustainable Rural Communities.*
- 2. It is the opinion of the Local Planning Authority that insufficient information has been provided regarding the nature of the agricultural enterprise, the type and numbers of livestock to be housed in the building proposed and no details of noise and odour management have been provided. Due to the proximity of the site to unrelated residential properties, in the absence of further information, the proposal has the potential to adversely impact on the residential amenity of occupiers of nearby residential properties contrary to Planning Policy Wales (Edition 9) Paragraph 3.1.4.*

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Listed Buildings

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Planning and the Welsh language

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

Technical Advice Notes:

Technical Advice Note (TAN) 6: planning for sustainable rural communities (2010)

Technical Advice Note (TAN) 11: noise (1997)

Technical Advice Note (TAN) 12: design (2016)

Technical Advice Note (TAN) 18: transport (2007)

Technical Advice Note (TAN) 23: Economic Development (2014)

Technical Advice Note (TAN) 24: the historic environment (2017)

3.3 Other material considerations

Welsh Government Chief Planning Intensive poultry units: guidance for location planning authorities (June 2018)

Natural Resources Wales Guidance Note GN021: Poultry Units: planning permission and environmental assessment

Case Law:

Court of Appeal Judgement - C1/2018/2122 R (on the application of Squire) v Shropshire Council and Matthew Bower

This Judgement relates a local planning authority's decision to grant planning permission for an intensive poultry-rearing facility (EIA development) and whether the local planning authority failed to consider the likely effects of odour and dust arising from the storage and disposal of manure.

Specifically, the odour and dust assessments carried out in support of the application related to the operation of the poultry facility itself, and not in relation to the storage and spreading of manure either on land owned by the applicant or third party land, and in the absence of such an assessment or details of the exact arrangements for the storage and spreading of manure, the conclusions of the local planning authority that the proposed development would not have a significant adverse impact on living conditions of nearby residential properties was not evidence based or substantiated by any meaningful assessment.

The Court of Appeal found that the environmental information submitted with the application was deficient as it lacked an assessment specific to the odour and dust arising from the storage and spreading of manure to land, and therefore the EIA for the proposed development was incomplete and unlawful, and the planning permission was quashed.

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that

material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Landscape and Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Manure management
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Impact on Listed Building / Historic assets

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6.6 of PPW 10 advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

TAN6 Appendix 1 sets out the general considerations for planning authorities can consider when dealing with agricultural prior notification applications. Whilst the proposal is put forward as an agricultural building requiring planning permission, the guidance contained in TAN6 is considered to be material to the determination of the application. TAN6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

With regard to agricultural development, PPW10 states that diversification activities come in many forms and include both agricultural and non-agricultural activities. The examples given include livestock rearing. PPW10 goes on to state that diversification projects “should be supported where there is no detrimental impact on the environment and local amenity”.

Policy PSE5 states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising any special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The June 2018 Welsh Government ‘Dear Chief Planner’ letter states:

“Strong rural economies are essential in creating and sustaining vibrant rural places and communities. The planning system should support economic and employment growth in the countryside wherever it is considered appropriate. In adopting a constructive approach towards agricultural development we need to ensure significant consideration is given to environmental protection as well as the well-being of people and the impacts on natural and cultural resources.”

A number of public representations have been received relating to the principle of the development.

The proposed new agricultural building would be situated some 250m to the south of the Bron Parc dwelling and associated outbuildings.

The Design and Access Statement states Bron Parc is owner occupied and consists of 161.8ha of owned land and 242.8ha of rented land, and operates as a successful beef and sheep farm business, and the current proposal would be a diversification into free range egg production.

However, as noted earlier in the report, there is only 20ha of land at Bron Parc within the control / ownership of the applicant (as shown on the blue line boundary plan) and there does not appear to be an existing operational farm complex at Bron Parc, hence it is assumed the existing sheep and beef enterprise operates on other land within the agricultural holding

It is also of note that a replacement dwelling was granted at Bron Parc in 2017. At the time the replacement dwelling application was considered, the site was vacant and the outbuildings were in a poor state of repair and not in active agricultural use. A brick outbuilding has been demolished to facilitate the replacement dwelling development and a further brick outbuilding was converted to a bat roost / ancillary building as part of the replacement dwelling scheme. The Dutch Barn style outbuildings that were retained do not appear to be in agricultural use.

Officers would therefore conclude that, whilst the land at Bron Parc may be in the ownership of a larger farming enterprise and is used as grazing land, the proposal put forward is unrelated to an existing operational farm at the site and should be considered as a new stand-alone business rather than an extension to an existing farm complex.

Notwithstanding the above understanding of the situation at the site, the proposal in front of the Committee has to be considered as an agricultural enterprise development, the principle of which may be acceptable in relation to policy and guidance, subject to an assessment of impacts as set out in the remainder of the report.

4.2.2 Landscape and Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 10 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

TAN6 A14 states the siting of a new agricultural building can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve.

New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

A significant number of public representations have raised objections on visual amenity and landscape character grounds.

Ruthin Town Council have raised concerns with the size and scale of the proposal in relation to its location.

Ruthin and District Civil Society have also raised concerns on visual amenity grounds due to proximity to the town of Ruthin and lack of screening.

The AONB Advisory Committee have not raised an objection to the proposal in terms of impact on setting of the statutory landscape.

A Landscape and Visual Impact Assessment (LVIA) was submitted during the course of the application, which considers the impact of the proposal on a number of visual receptors and on landscape character of the area. This was accompanied by a proposed planting scheme. In terms of visual amenity, the LVIA concludes the area of potential visibility would be limited due to the screening effects of vegetation and occasional built form. In terms of landscape character, the LVIA concludes that whilst the introduction of the proposed building may be a noticeable addition within the landscape immediately surrounding the site, the limit height of the building and undulating landform of the locality would assist in integrating the proposal into the local landscape. The proposed planting plan shows hedgerows would be gapped up, and tree and hedgerow trees would be proposed. Hazel copse planting is also proposed alongside the building.

In landscape character and visual amenity terms, the LVIA concludes that, in combination with the landscape mitigation proposals, the proposed development would be a suitable fit within the context of its immediate surroundings and would result in limited changes to views and landscape character within the local area.

In noting the LVIA contents, it is relevant here that there is not an operational farm complex at Bron Parc, and the proposed building would be some 250m to the south Bron Parc dwelling in an elevated position above the hamlet of Galltegefa. Whilst the land is undulating, the proposed building would still be visible in views along the public highway and from residential properties and would appear as a large isolated structure which is not related to any established farm complex or other built development.

TAN6 A14 states new buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour.

With regard to the planting scheme proposed, if the development is considered acceptable against other considerations, Officers believe a more comprehensive landscaping scheme is required to include additional hedgerow planting and to replace hedges lost by the re-profiling of the site, and further tree planting to help break up views of the building mass, in particular to mitigate views from the east. Conditions could be applied to secure a more comprehensive landscaping scheme.

Having regard to the scale and form of the building proposed, Officers consider the proposal would appear as a very large isolated building and accordingly would result in some harm to visual amenity and landscape character, however conditions could be applied to secure a more detailed landscaping scheme, to require details of boundary treatments and to manage the use of external lighting / security features throughout the site which would go some way to mitigate the harm. Consequently, having regard to the nature of the development and the conclusions of the landscape and visual impact assessment submitted, on balance, Officers do not consider the adverse harm to visual amenity and landscape character alone would warrant a refusal of planning permission in this instance.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the

means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Policy PSE5 (i) states appropriate employment proposals outside of development boundaries will be supported providing the proposal is appropriate in scale and nature to its location.

The June 2018 Welsh Government Dear Chief Planner letter states:

“Intensive agricultural units particularly pig and poultry farms, can affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise.

There is the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account.”

“While environmental permitting and local controls, such as statutory nuisance, may manage the ongoing effects of development, the planning system should consider the relationship between neighbouring and potentially conflicting land uses in the first instance.”

Intensive livestock units therefore have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise, odour and dust / airborne pollution.

A significant number of public representations have been received raising concerns regarding impact of the proposal on residential amenity and human health. Ruthin Town Council have also raised concerns on residential and public amenity grounds.

Public Protection Officers initially advised additional information was required to be submitted in order to assess the application. On receipt of further information, Officers are satisfied the proposal would not give rise to an unacceptable noise impact, however concerns have been raised regarding manure spreading and storage and the lack of assessment of dust / airborne pollution on residential properties. Officers have also advised there are private water supplies within the proposed spreading areas identified in the Cyffylliog area.

Public Health Wales recommends that local planning authorities and regulators ensure that, where there are sensitive receptors within 100m from the boundary of an intensive farming operation, the applicant undertakes a detailed risk assessment that objectively considers how the operator will effectively manage and minimise emissions including ammonia, odour and bioaerosols (through the application of Best Practicable Means and industry practice).

The Health Board has clarified for the purposes of the need to undertake detailed risk assessment 100m from the farm boundary, rather than the proposed building should be applied as a catch-all precautionary position.

Residential properties at Galltefya and Llanfwrog are within 1km of the site, and there are a number of individual properties in close proximity to the site, including some properties within 100m of the boundary of the proposed ranging area, with the ranging area abutting the curtilage of Firgrove.

In relation to Odour:

An Odour Dispersion Modelling Report submitted with the application has modelled likely odour from the building and ranging area on residential and commercial properties in close proximity to the site. The modelling assumes 20% of droppings would be deposited on the ranging areas.

On perusal, it is noted that the Odour dispersion modelling is based on an assumption of there being two poultry buildings at the site, each with 3 point sources (6 in total) and with small ranging areas. The proposal however for a single building with 10 roof mounted vents and a much larger ranging area than the modelling is based upon. The modelling report predicts odour exposures in the surrounding area would be below the Environment Agency's benchmark for moderately offensive odours, however Officers believe this underestimates the likely impact given that the proposal includes an additional 4 roof mounted extraction vents more than considered in the modelling, and that the ranging area covers a much larger area than which the modelling was based upon. The Odour dispersion modelling also only considered odour from the proposed facility and ranging area, and not odour from the storage and spreading of manure and wastewater generated by the proposed facility.

The Manure Management Plan states manure generated by the facility would be spread on land within the agricultural holding including land at Rhewl and Cyffylliog and on two fields at Bron Parc which lie outside of the proposed ranging area but are immediately adjacent to residential properties in Galltegfa.

Whilst there were some inconsistencies in earlier versions of the Manure Management Plan and other supporting documents regarding the storage of manure should weather conditions not be suitable for spreading, the Manure Management Plan V6 confirms manure would be exported to an off-site Anaerobic Digestion (AD) facility for disposal where spreading is not practical.

In commenting on the Manure Management Plan, The AD facility proposed to be used has not been identified, and therefore there is no information before the Council to confirm the AD plant has the capacity to take waste on an ad hoc basis, which Officers consider is necessary to confirm there will be no need to storage manure at the application site. There do not appear to be any existing buildings at the Bron Parc site which would be suitable for the storage of manure from the facility, and locations for land storage have not been identified in the application documents.

With respect to the storage and spreading of waste, Officers would point to the case law referred to in Section 3.3. Whilst this case dealt with an EIA proposal, Officers consider the Ruling is nevertheless of relevance, as the planning decision subject of the Ruling pertained to an intensive poultry unit was found to be unlawful because the impacts of odour and dust generated from the storage and spreading of manure generated by the proposal had not been fully assessed.

The Health Board has advised the manure management plan should detail when and where waste litter and manure will be stored and applied to land to avoid off-site impacts from odour and pests. This should include avoiding cumulative odour impacts from any other sources or activities.

Officers therefore have concerns that the odour assessment modelling has been based on a scheme which does not correlate with the current proposal, and the cumulative impact of odour from the proposed operation of the facility in combination with manure spreading in close proximity to residential properties has not been fully assessed, and it is noted that the proposed odour management plan does not propose any measures to mitigate odour from manure spreading.

Officers therefore would take the view that the application has failed to demonstrate the proposal would not generate unacceptable levels of odour.

In relation to Noise

A noise impact assessment has been submitted in support of the application to address concerns initially raised by Public Protection Officers.

The Public Protection Noise Officer has considered the noise impact assessment, and has advised the level of noise generated from the ventilation equipment and other operational noise would not result in an unacceptable level of noise at the nearest residential properties, and subject to imposition of conditions to ensure the recommendations and specifications of the noise assessment are followed, the Noise Officer has raised no objection to the proposal.

Having regard to the professional opinion of the Noise Officer, Officers would conclude that subject to the imposition of relevant planning conditions, the proposal would not result in an unacceptable impact on residential amenity arising from noise.

In relation to dust / airbourne pollutants

The Health Board has advised dust and bio-aerosols (airbourne particles containing living organisms, skin fragments, toxins and waste products) may have possible health effects including exposure to infectious diseases, allergic reactions, respiratory symptoms and lung function impairment and therefore appropriate assessment and operational management to mitigate fugitive emissions is recommended.

Public Protection Officers have reiterated the advice of the Health Board and note that no assessment has been carried out with respect to dust and airbourne pollutants on human health.

An ammonia dispersion and deposition modelling report has been submitted with the application. However this report focusses on the impact of ammonia, nitrogen and acid deposition on ecological receptors, but does not consider impacts on residential receptors.

The Design and Access Statement notes the building design incorporates the use of mechanical ventilator extractor fans, which will be maintained and inspected, which will minimise mechanical noise from the units and also dust escape.

No other supporting information is provided with regards to the dust and airbourne pollutants with respect to human health or residential amenity.

In relation to private water supplies:

Public Protection Officers have advised the areas of land identified for spreading in Galltegf, Rhewl and Cyffylliog include private water supplies. They advise that manure should not be spread within 50m of a private water supply and therefore the Manure Management Plan (v6) has not identified and buffered out all sensitive receptors.

In conclusion:

In concluding on residential amenity impacts, it is to be noted that there are a number of residential properties within close proximity to the site boundary, including a number of dwellings within 100m of the boundary of the ranging area.

The Public Health Board recommends that local planning authorities and regulators ensure that, where there are sensitive receptors within 100m from the boundary of an intensive farming operation, the applicant undertakes a detailed risk assessment that objectively considers how the operator will effectively manage and minimise emissions including ammonia, odour and bioaerosols.

No assessment has been carried out in relation to dust and airbourne pollutants with respect to human health and residential amenity. The arrangements for the storage and

spreading of waste generated by the facility are considered to be ambiguous given that there are no existing buildings at Bron Parc which would be suitable for the storage of waste, and the AD facility proposed to be used has not been identified and no information has been provided to confirm the AD facility has capacity to take waste from the facility on an ad hoc basis when weather conditions would preclude spreading to land. Furthermore, the odour assessment does not consider the cumulative effects from the operation of the proposed egg production facility in combination with spreading of manure in close proximity to residential receptors. Waste is proposed to be spread to land within the agricultural holding elsewhere within the County and no assessment has been carried out regarding the impact of spreading on areas outside the application site.

Consequently, Officers would conclude the submissions have not satisfactorily demonstrated the proposal would not adversely impact on the health and amenity of occupants of residential properties in close proximity to the proposed building and ranging area, or in close proximity to the proposed land where manure from the facility would be spread. Additionally, it is not considered the proposal is appropriate in scale and nature to its location, and is contrary to Local Development Plan Policy PSE5(i) and to the advice contained in the Dear Chief Planning Officer letter.

- 4.2.4 Manure Management Whilst the storage and spreading of manure would be controlled by separate legislation, the Welsh Government intensive poultry unit Dear Chief Planning Officer letter (June 2018) clearly states that 'while environmental permitting and local controls, such as statutory nuisance, may manage the ongoing effects of development, the planning system should consider the relationship between neighbouring and potentially conflicting land uses in the first instance'. Ruthin Town Council and Public Protection Officers and members of the public have raised concerns regarding the proposed methods for the management and disposal of manure, and with regarding the proposed volume of waste to be generated by the facility.

NRW have raised no objection to the Manure Management Plan V6, however they have advised that details of the Anaerobic Digester plant should be submitted to the satisfaction of the Planning Authority.

The Health Board have advised the applicant should be required to produce and maintain a manure management plan detailing when and where waste litter and manure will be stored and applied to land to avoid off-site impacts from odour and pests. This should include avoiding cumulative odour impacts from any other sources or activities.

In terms of predicated volumes of manure to be generated by the proposed facility, Public Protection Officers have noted there is no indication in the supporting documents as to the source of the information for data checking purposes, and therefore it is difficult to substantiate if waste predictions are accurate.

Public representations received have raised concerns that the Manure Management Plan significantly underestimates the volume of manure generated by the facility.

Concerns have also been raised as there appears to be contradictory information in the various supporting information regarding the storage and spreading of waste.

Whilst the storage and spreading of agricultural waste is controlled by separate agricultural legislation, the Dear Chief Planning Officer letter from Welsh Ministers stresses the need for the planning system to consider the relationship between neighbouring and potentially conflicting land uses in the first instance, and accordingly Officers would conclude the storage and spreading of waste generated by the facility is a material consideration that needs to be fully considered as part of the application and it would be irresponsible to assume other regulatory regimes will control it.

Case Law is also considered to be of relevance with respect to the storage and spreading of manure from intensive poultry units.

The Manure Management Plan has been revised several times during the course of the application, and the proposals for the storage and disposal of waste has also been changed in the various iterations of the document.

The most recent Manure Management Plan (V6) states the total stock across the agricultural enterprise including the existing stock of 2,000 ewes and 250 beef cattle and the proposed 32,000 free range laying hens.

It states that there is sufficient land within the total agricultural holding (total of 1000 acres / 404.69ha) for spreading of sheep, beef and hen manure.

The total manure production is expressed in Kg N Produced and the egg unit is proposed to generate 17,920 Kg N per annum.

The Manure Management Plan does not specify how the predicted annual manure figures have derived.

The Design and Access Statement (V3) states the unit will produce an estimated 500 tonnes of poultry manure each 14 month cycle, again the source of this figure is not specified.

Public Protection Officers note that abbreviation N is generally used to represent available Nitrogen within manure and not the total volume of manure created by livestock, so it is not clear if the figures quoted in the Manure Management Plan relate to the total manure production or just the nitrogen content of the manure.

Waste is proposed to be removed on a weekly basis and spread directly to land within the agricultural holding. No manure would be spread within the proposed ranging area at Bron Parc or on a parcel of land adjacent to Fir Grove. Manure would however be spread across two fields at Bron Parc which lie outside of the Ranging Area and are immediately to the rear of residential properties in Galltegfa and on other land within the agricultural holding located at Rhos, to the north-east of Rhewl, Ruthin and at Cyffylliog. Public Protection Officers have advised that there are private water supplies within the spreading areas shown, and therefore manure cannot be spread within 50m of a source of a private water supply.

The Contingency Plan in the Manure Management Plan V6 states that should spreading of the manure not be possible e.g. due to wet, waterlogged or frozen conditions in accordance with the Code of Good Agricultural Practice, the manure will be exported off site to AD plants.

The Contingency Plan has changed over the course of the application, with previous iterations of the Manure Management Plan and other supporting document referring to waste being stored at Bron Parc, on other unspecified land / buildings within the larger agricultural holding and / or on unspecified third party land.

The Ammonia Report refers to waste materials being removed from the building every 4 days and temporarily stored at the site. This therefore also contradicts the assertion that there will be no waste storage at the site.

Whilst the revised Manure Management Plan states waste would not be sent to an AD plant, no details of the AD plant have been provided, and therefore Officers do not know where this is located, or if it has capacity to accept waste materials on an ad hoc basis where adverse conditions would prevent spreading direct to land.

Officers therefore have concerns that, without confirmation that the AD plant can accept waste on an ad hoc basis, given the size and scale of the proposal there is a risk that

waste would need to be stored at the site. There does not appear to be any suitable buildings at the Bron Parc site which could be used to store waste, and no waste storage facilities are proposed as part of the development, and locations for land storage have not been identified.

Officers retain significant concerns over the adequacy and content of information to determine the impacts of waste generated by the development. The source of the information used to calculate the predicted volume of manure which would be generated by the proposed facility has not been specified; no information has been provided regarding the proposed AD plant which waste would be sent to when spreading is not practical; and that land within the proposed spreading areas includes private water supplies which have not been buffered out. Officers therefore conclude that insufficient information has been provided regarding the volume, storage and spreading of waste generated by the proposed facility.

4.2.5 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 6.4), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Planning Policy Wales also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

A number of public representations have been received raising ecological concerns, including impact on flora and fauna, proximity to a SSSI, runoff polluting the River Clwyd and impacting upon fish and other aquatic species, and impact on horses.

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition).

NRW assesses the air quality impact a unit may have on European protected sites and SSSIs within 5km of the site.

An ammonia dispersion and deposition modelling report has been submitted with the application, which assesses the impact of ammonia, nitrogen and acid deposition on ecological receptors including wildlife sites, ancient woodlands and protected sites (SSSI's). The modelling concludes the process contribution to ammonia concentration and nitrogen deposition are below the thresholds NRW apply and therefore with respect to Protected Sites and aerial emissions, NRW have raised no objections to the proposal.

A public representation has noted that the development used for the ammonia modelling does not directly correlate with the development subject of the application. In light of this, Officers requested clarification from NRW as to whether or not the discrepancy between the development assumptions made in the modelling exercise to the development subject of the application would affect the conclusions of the report, and therefore alter NRW consultation response. NRW's response on this matter has not yet been received at the time of writing this report, however any comments they may have will be reported to Committee prior to the consideration of the application.

With respect to other ecological interests, NRW note that there is no information about protected species with the application, and would defer to the local authority to screen the application with respect to likelihood of protected species being present at the site.

The Council's Ecology Officer has reviewed the application documents, and has recommended that conditions are attached to ensure that there are no negative impacts on protected species or the nature conservation value of the site. Specifically, the Ecology Officer has advised conditions should be imposed to ensure the external lighting is carried out in strict accordance with the Lighting Design Scheme and to ensure the hedgerow to the east is not illuminated; and to require a method statement detailing measures to protect important habitats on site (hedgerows and ditches) prior to commencement.

A public representation has raised concerns regarding the potential for great crested newts in a pond on adjoining land. The Ecology Officer has advised the pond in question does not appear to be suitable for great crested newts and therefore no further survey was deemed necessary.

With regards to impact on waterways, NRW have not commented on any impact to watercourses as a result of runoff, however they have advised that any discharges from the site to a watercourse and some discharges to land would require consent from NRW. The Ranging Plan (V4) shows watercourses which cross through the site would be fenced out 10m either side of the watercourse and the Manure Management Plan states manure and slurry would not be spread within 10m of a watercourse or ditch.

Whilst acknowledging the concerns raised, neither NRW nor the Council's Ecologist have raised an objection to the proposal, and subject to conditions being imposed, Officers would conclude the proposal would not result in an unacceptable adverse impact on ecological interests.

4.2.6 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Public representations raise concerns over drainage implications, due to the local topography, suggesting development would result in surface water runoff to residential properties and roads, and towards watercourses, resulting in flooding and contamination of land and water from chicken waste materials within the runoff. Concerns have also been raised on the basis that only a draft drainage strategy is provided and consider that full details should be provided as part of the application.

NRW note the drainage plan shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the SSAFO standards, and accordingly NRW have raised no objection to the drainage arrangements.

The Management Plan (V2) states clean surface water from the roof of the building and clean surfaces will run into open and stone filled infiltration trenches and a piped system each side of the proposed building, then collected in an underground storage tank, to be used for wash down purposes. Any surplus clean water will be discharged into existing ditches and land drains. The aims are that the continuation flow will be controlled to not exceed the existing Greenfield run off rate.

At the wash down stage the clean water system around the yard will be switched to the underground dirty water tank. Dirty water from within the building will be directed to a sump in the floor, then drain to a further below ground sealed tank, which will allow collection of any dirty water primarily arising from the washing down process at the end

of the production cycle. The dirty water will then be taken by vacuum tanker to be spread on grassland in ownership of the applicant (as per the farm manure management plan). The dirty water tank will be constructed to be compliant with the SSAFO Regulations (Wales) 2010 Standards.

The clean and foul water drainage systems will be kept separate in order to ensure no pollution incident occurs to the environment.

The drainage plan shows the proposed location of the clean and dirty water storage tanks.

Any discharge of clean water to ditches or land drains would require ordinary water course consent, and discharge of dirty water to land would require consent from NRW.

Neither NRW nor the Council's Drainage Officers have raised an objection to the principle of the drainage scheme, and Officers consider conditions could be applied to require full drainage details to be submitted for approval.

Notwithstanding the concerns raised by members of the public, Officers consider that subject to the inclusion of necessary pre-commencement conditions, the proposal would not result in any unacceptable adverse drainage impacts.

4.2.7 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

The proposed access to the site would be at the location of an existing field access off the public highway, which would be improved to serve the development.

A number of public representations have been received raising concerns on highway safety grounds relating to the adequacy of the public roads leading to the site to accommodate additional heavy goods vehicles, with likely congestion and impacts on highway and pedestrian safety.

The proposed access plan has been revised several times over the course of the application and road speed data has been submitted in response to concerns raised by the Highway Officer.

Following submission of accurate road speed data and further revised proposed highways plans in August 2019, Highways Officers have advised there are no objections to the proposed development, subject to appropriate controls to ensure visibility splays are not obstructed and to secure details for the arrangements for loading, unloading, parking and turning of vehicles.

In considering the capacity of the existing network, having regard to the scale of the

proposed development and the proposed vehicular movements associated with it, the highway officers have concluded there would not be an unacceptable impact on the local highways network in terms of capacity.

In considering the site access arrangements, Highways Officers note the proposals involve the construction of an improved access onto the local highway network to serve the development. The access is to be hard surfaced for a distance of 20m and drainage provided to prevent any discharge of surface water onto the highway. Gates will be set back from the access to prevent vehicles stopping on the highway. A 6m wide access track will enable two vehicles to pass unobstructed.

The applicant has submitted speed survey data in support of the application, undertaken at the point of the proposed access. The 85th percentile wet weather speed for northbound traffic travelling to Ruthin and southbound traffic travelling from Ruthin has been calculated as 27.5mph and 29.5mph respectively. In accordance with Table A TAN 18, a 70m visibility splay would be required and is clearly shown on the Proposed Highway Plan submitted on 14/08/19. The proposed site access arrangements demonstrate compliance with the visibility standards set out in Annex B TAN 18 and are therefore considered to be acceptable.

Whilst acknowledging the concerns raised by Ruthin Town Council and members of the public, the Highways Officers have had regard the nature and scale of the development and the predicated vehicular movements associated with it, and raise no objections. Officers do not consider that the proposal would give rise to an unacceptable adverse impact on highway safety.

4.2.8 Impact on Listed Building / Historic Assets

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 10) Section 6 'Distinctive and Natural Places' refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses

Public representations have been received raising concerns relating to the impact of the proposal on the setting of listed buildings.

CPAT do not consider the proposed building would have an adverse impact on the setting of the nearest listed buildings to the east as they would be screened by intervening topography and foliage.

CADW note there are a number of scheduled monuments and historic parks and gardens located within a 3km buffer of the application area, however, they are also of the view that intervening topography, buildings and vegetation mean it is unlikely that the proposal will be inter-visible with them.

A Grade II Listed building, Fir Grove lies approximately 215m to the east the proposed egg production building and the ranging area would abut the curtilage of this property.

Having regard to the separation distances and intervening topography, Officers would consider the proposal would not be unduly detrimental to the setting of the listed building.

With regards to the Ranging area, the supporting information indicates a 1.2m semi-permanent electric fence with netting is proposed to be erected around the perimeter of the ranging area, however details have not been provided. Given the ranging area abuts the curtilage of the listed building, Officers consider that the detailing of the boundary treatment along the boundary of the listed building needs to be carefully controlled to ensure it is appropriate to the setting of the listed building, however Officers consider this could adequately be dealt with by condition.

It is therefore concluded that, subject to conditions being imposed with respect to the detailing of boundary treatments, the proposal would not result in an unacceptable impact on the setting of the listed building or other heritage assets within the vicinity of the site.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 In terms of basic principles, Officers consider the proposal is to establish a new agricultural enterprise, which may be in general compliance with current policies and guidance.
- 5.2 Having regard to the detailing of the scheme, Officers consider the proposed main unit would appear as a very large isolated building and would result in some harm to visual amenity and landscape character. However having regard to the nature of the development and recent appeal decisions elsewhere in Wales relating to similar intensive agricultural developments in open countryside locations, on balance, Officers do not consider the adverse harm to visual amenity and landscape character alone would warrant a refusal of planning permission in this instance.
- 5.3 On matters of residential amenity, intensive poultry developments have the potential for the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise. Officers consider the application has not satisfactorily demonstrated the proposal would not adversely impact on the health and amenity of occupants of residential dwellings in close proximity to the proposed building and ranging area, or in close proximity to the proposed land where manure from the facility would be spread. The proposal is not considered to be appropriate in scale and nature to its location, and is considered to be contrary to PSE5(i) and to the advice contained in the Dear Chief Planning Officer letter.
- 5.4 With respect to waste generated by the facility, the source of the information used to calculate the predicted volume of manure which would be generated by the facility has not been stated, no information has been provided regarding the proposed AD plant which waste would be sent to when spreading is not practical and that land within the proposed spreading areas includes private water supplies which have not been buffered out. Officers would therefore conclude that insufficient information has been provided regarding the volume, storage and spreading of waste generated by the proposed facility.

- 5.5 In terms of ecological interests, whilst acknowledging the concerns raised by members of the public, neither NRW nor the Council's Ecologist have raised an objection to the proposal, and subject to conditions being imposed, Officers would conclude the proposal would not result in an unacceptable adverse impact on wildlife interests.
- 5.6 With regard to highways interests, whilst acknowledging the concerns raised by Ruthin Town Council and members of the public, the professional views of Highways Officers are to be respected, and having regard to the nature and scale of the development and the predicated vehicular movements associated with it, Officers conclude that the proposal would not give rise to an unacceptable adverse impact on highway safety.
- 5.7 Officers consider conditions could be imposed requiring full details of foul and surface water drainage to be submitted for approval prior to the commencement of development, and therefore drainage impacts could be adequately controlled by the imposition of conditions.
- 5.8 In relation to listed building impacts, it is considered that, subject to conditions being imposed with respect to the detailing of boundary treatments, the proposal would not result in an unacceptable impact on the setting of heritage assets within the vicinity of the site.
- 5.9 Taking all the issues into account, it is concluded that there are potentially significant residential amenity impacts and concerns over waste management which point to an unacceptable development. Consequently the Officer recommendation is to refuse permission.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the local planning authority that a large scale intensive poultry unit has the potential to release pollutants to air, land and water and to generate noise, odour and dust, and the submission does not satisfactorily demonstrate the proposals would not adversely impact on the health and amenity of occupants of residential dwellings in close proximity to the proposed building and ranging area, or in close proximity to the proposed land where manure from the facility would be spread in terms of odour, dust and air pollution, and does not adequately buffer out sources of private water supplies from spreading areas. The proposal is therefore considered likely to have adverse impacts on the neighbourhood, the environment and on health, which are material planning considerations identified in The Development Management Manual paragraph 9.4.3; and the development is not considered to be appropriate in scale and nature to its location, contrary to PSE5(i) and to the advice and guidance contained in Planning Policy Wales (Edition 10, December 2018) and in the Welsh Government Intensive poultry units: guidance for location planning authorities Dear Chief Planning Officer (CPO) letter (June 2018).
2. It is the opinion of the local planning authority that insufficient information has been provided to establish the volume of waste likely to be generated by the free range egg production facility proposed, or in relation to the proposed methods for the storage and disposal of waste, which is considered to be contrary to the advice and guidance in the Welsh Government Intensive poultry units: guidance for location planning authorities Dear Chief Planning Officer (CPO) letter (June 2018). Consequently, it is not possible to determine whether the impacts of the development on the immediate locality or locations which may be used to receive the waste would be acceptable, posing concerns over the impacts on the neighbourhood, the environment and on health, which are a material planning considerations identified in The Development Management Manual paragraph 9.4.3.