

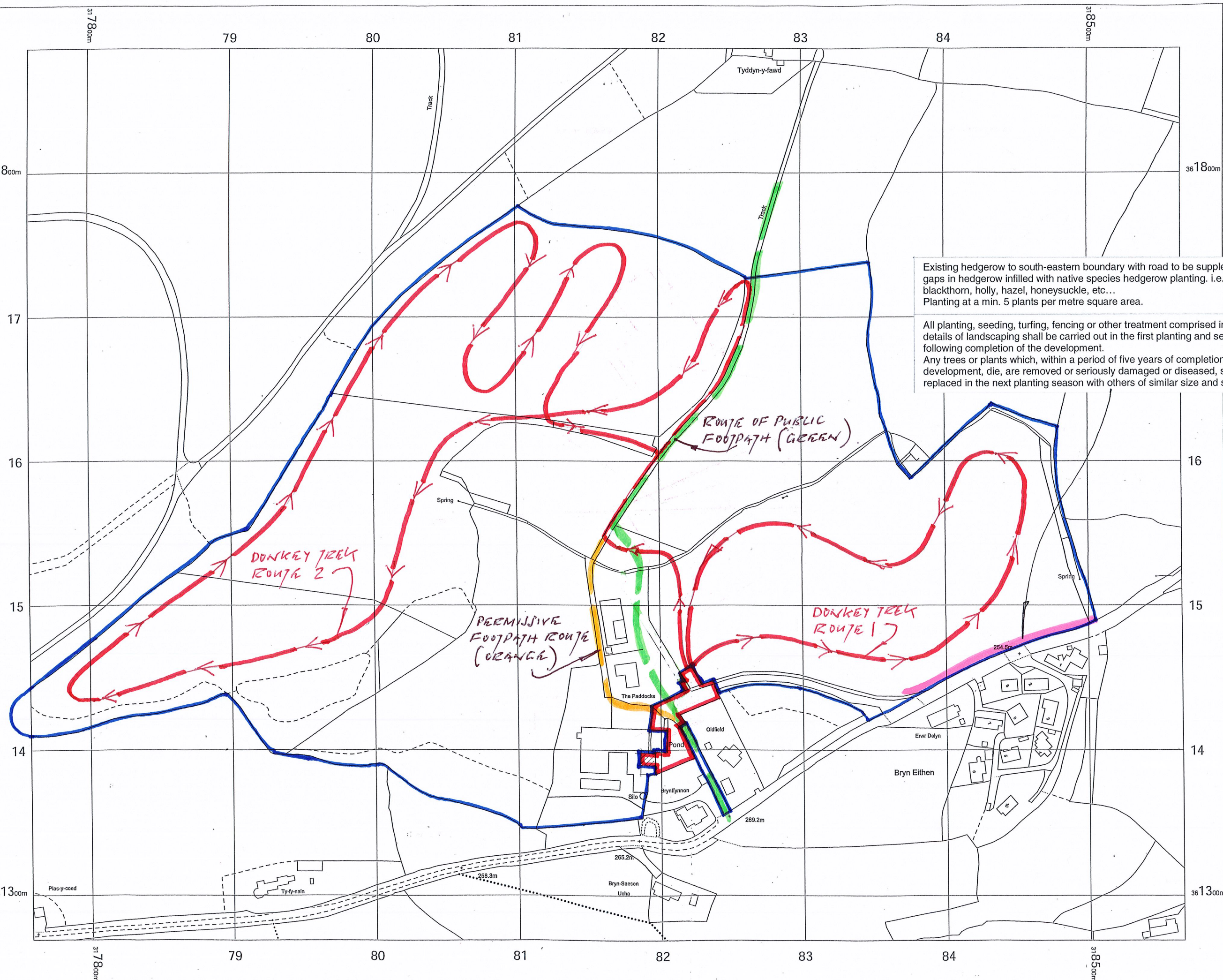
The Paddock, Llanferres, Mold

Plan Ref.
0993/LP



Existing hedgerow to south-eastern boundary with road to be supplemented and gaps in hedgerow infilled with native species hedgerow planting. i.e. hawthorn, blackthorn, holly, hazel, honeysuckle, etc...
Planting at a min. 5 plants per metre square area.

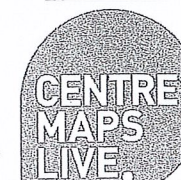
All planting, seeding, turfing, fencing or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development.
Any trees or plants which, within a period of five years of completion of the development, die, are removed or seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

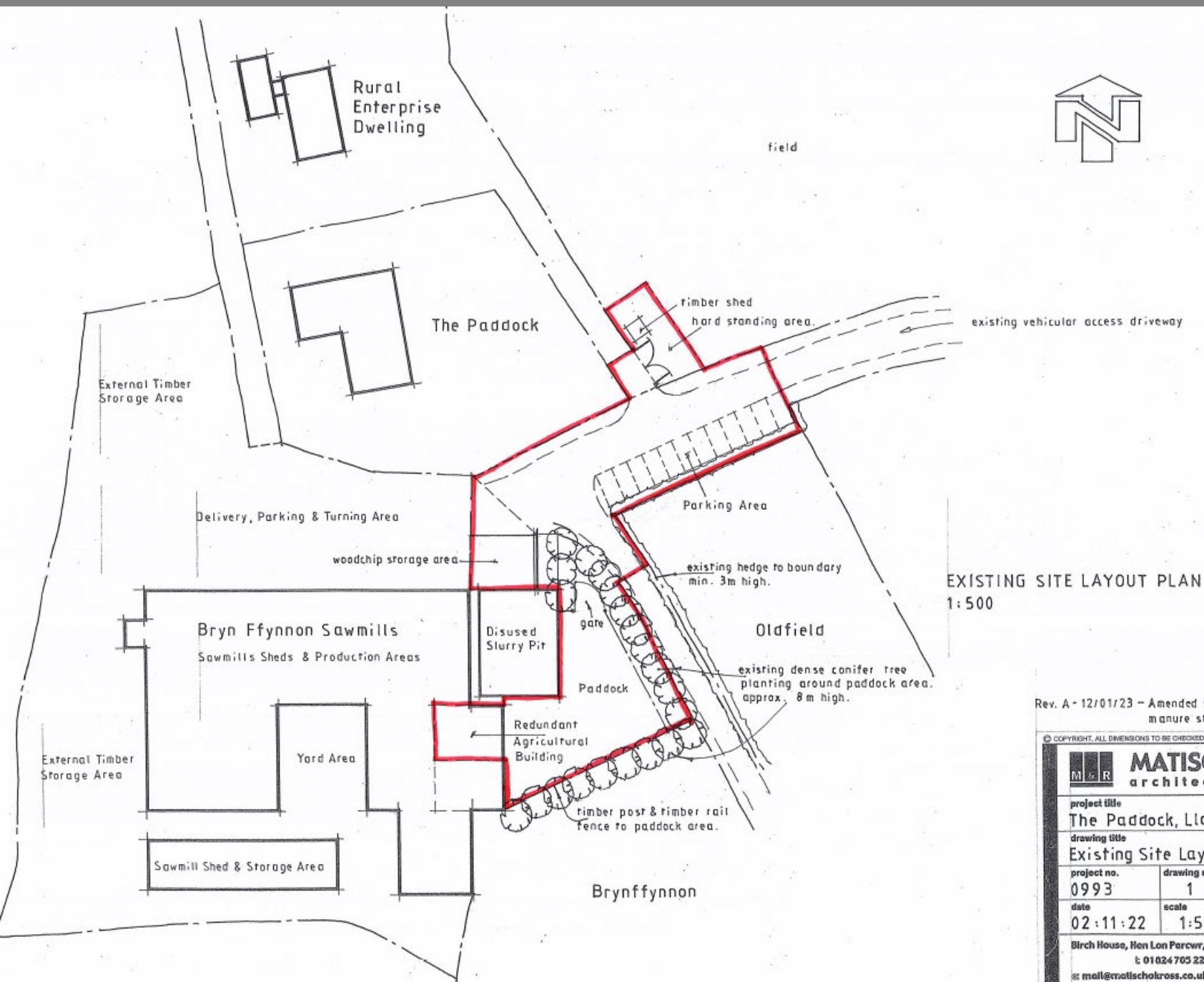


OS MasterMap 1250/2500/10000
scale
Friday, October 28, 2022, ID:
CM-01069009
www.centremapslive.co.uk

1:2500 scale print at A3, Centre:
318162 E, 361578 N

©Crown Copyright Ordnance
Survey. Licence no. AC0000849896





EXISTING SITE LAYOUT PLAN
1:500

Rev. A - 12/01/23 - Amended site area to include for
manure storage area.

© COPYRIGHT. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.



MATISCHOK & ROSS
architectural services

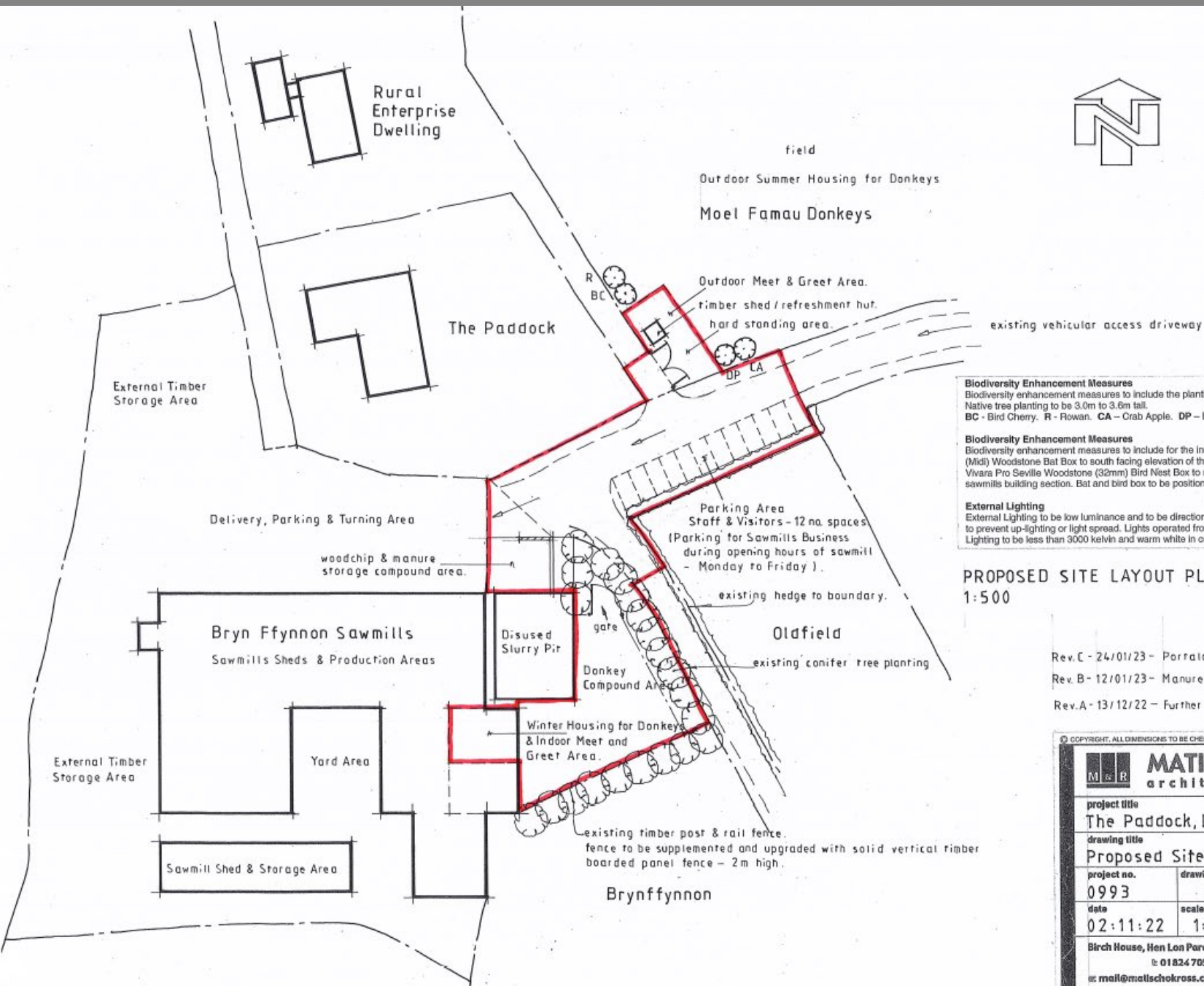
project title
The Paddock, Llanferres, Mold.

drawing title
Existing Site Layout Plan.

project no. 0993	drawing no. 1	revision A
date 02.11.22	scale 1:500	drawn by PM

Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA
t: 01824 705 222 f: 01824 707 171

e: mail@matischokross.co.uk w: www.matischokross.co.uk



Biodiversity Enhancement Measures
Biodiversity enhancement measures to include the planting of 3 no. native species fruit trees on site. Native tree planting to be 3.0m to 3.6m tall.
BC - Bird Cherry. R - Rowan. CA - Crab Apple. DP - Denbigh Plum.

Biodiversity Enhancement Measures
Biodiversity enhancement measures to include for the installation of 1 no. Vivara Pro Beaumaris (Midi) Woodstone Bat Box to south facing elevation of the existing sawmills building section & 1 no. Vivara Pro Seville Woodstone (32mm) Bird Nest Box to north facing elevation of the existing sawmills building section. Bat and bird box to be positioned a min. 4m above ground floor level.

External Lighting
External Lighting to be low luminance and to be directional towards the ground and fitted with a cowl to prevent up-lighting or light spread. Lights operated from motion sensor with a one-minute timer. Lighting to be less than 3000 kelvin and warm white in colour and with output less than 25 watts.

PROPOSED SITE LAYOUT PLAN 1:500

Rev. C - 24/01/23 - Porcelain omitted. Landscaping added.

Rev. B - 12/01/23 - Manure storage compound area added.

Rev. A - 13/12/22 - Further information and details added.

© COPYRIGHT. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS.



MATISCHOK & ROSS
architectural services

project title

The Paddock, Llanferres, Mold.

drawing title

Proposed Site Layout Plan.

project no.

0993

drawing no.

2

revision

C

date

02:11:22

scale

1:500

drawn by

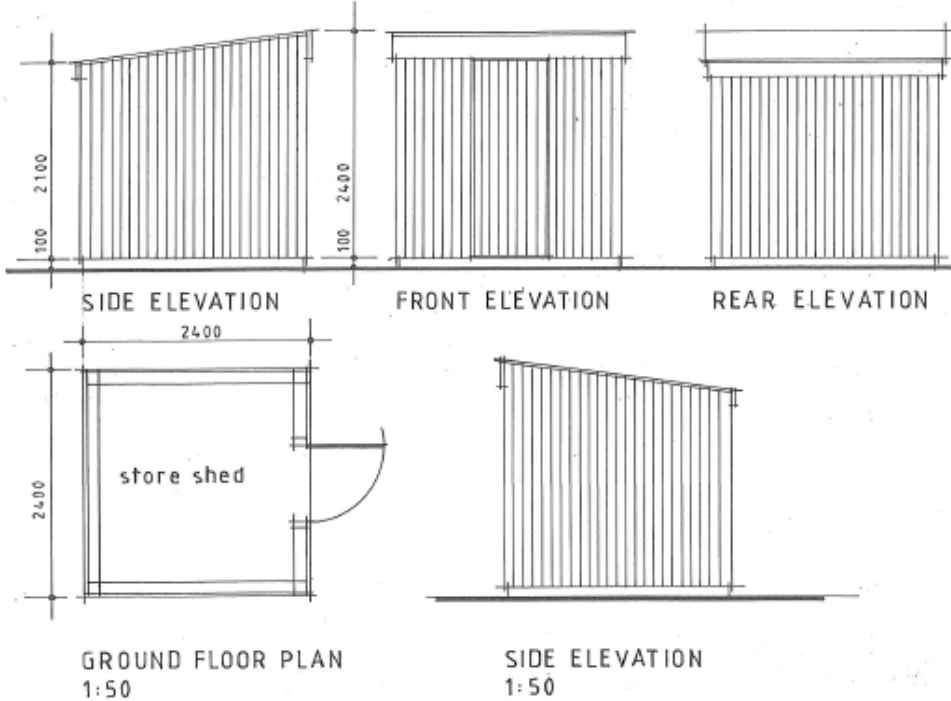
PM

Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA

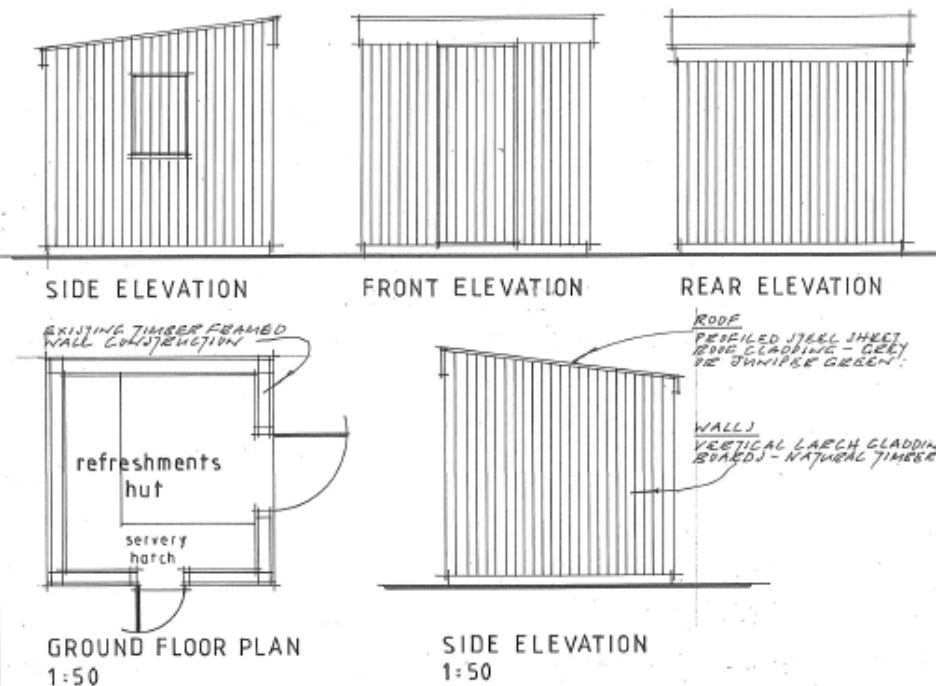
01824 705 222 01824 707 171

email@matischokross.co.uk www.matischokross.co.uk

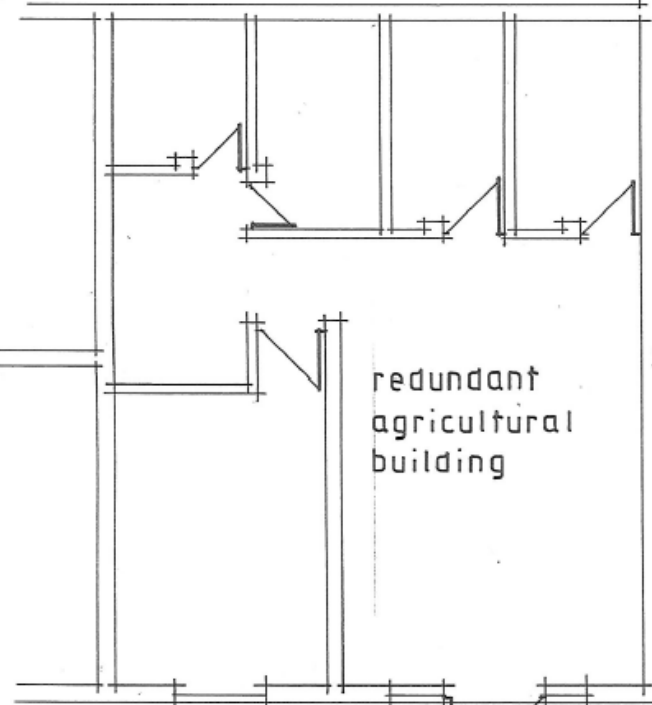
EXISTING TIMBER SHED



EXISTING TIMBER SHED - ADAPTED TO REFRESHMENTS HUT



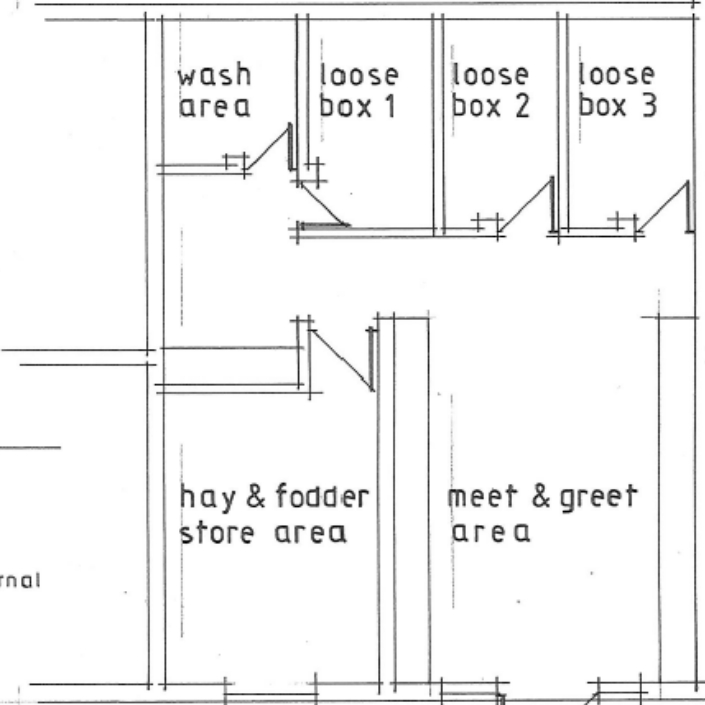
EXISTING REDUNDANT AGRICULTURAL BUILDING



redundant
agricultural
building

GROUND FLOOR LAYOUT PLAN
1:100

PROPOSED WINTER HOUSING FOR DONKEYS & INDOOR MEET AND GREET AREA



wash
area

loose
box 1

loose
box 2

loose
box 3

hay & fodder
store area

meet & greet
area

Disused External
Slurry Pit

Disused
Slurry Pit

GROUND FLOOR LAYOUT PLAN
1:100













WARD : Moel Famau

WARD MEMBER(S): Councillor Huw Williams

APPLICATION NO: 21/2022/0980/ PF

PROPOSAL: Change of use of land and part of building to form donkey trekking business and associated works (partly retrospective)

LOCATION: The Paddock, Llanferres, Mold, CH7 5SH

APPLICANT: Mr Matthew Davies Moel Fammau Donkeys

CONSTRAINTS: PROW
Phosphorus Sensitive SAC
AONB

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

COMMUNITY COUNCIL

The council supports this application but asks that due consideration be taken into account regards neighbours concerns over this development. These are that:

- 1. The donkey trekking business is open until 9pm, this is longer than the existing sawmill business which is required to close earlier. They ask that the opening times be the same to reduce noise at night.*
- 2. The parking area is the same for both business which is a potential health and safety hazard especially with children visiting the donkey trekking business whilst the saw mill business is open.*
- 3. The applicant acknowledges there could be issues with noise affecting neighbouring properties but does not state how this can be mitigated.*

2nd response:

The Council objects to this application on the grounds that:

- 1. The footpath shown on the revised drawings has not been restored to its original route as previously instructed by the footpaths officer.*
- 2. Although the applicant acknowledges there could be an issue with noise affecting neighbouring properties, there is no mention of how he intends to mitigate this.*
- 3. The Council feels the applicant should consider the adverse effects on privacy for the surrounding neighbours and what steps could be taken to eliminate this.*

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

No objections.

NATURAL RESOURCES WALES

Natural Resources Wales raised initial concerns with the application due to the inclusion of the porta loos due to the site being located within the Phosphate Sensitive Catchment Area (River Dee and Bala Lake Special Area of Conservation) - however these have now been omitted from the scheme as there is no obligation for the business to provide toilets.

Natural Resources Wales also initially raised concerns that the development has the potential to increase the amount of phosphorus within the phosphorous sensitive catchment, as there will be 6 Donkeys at the site as a result of the proposal. However, the applicant confirmed that the donkey waste is dried out with the sawmill waste and then burnt in the onsite biomass. Natural Resources Wales therefore withdrew this objection and were satisfied with this proposal and therefore is not likely to increase phosphorus within the SAC catchment.

Natural Resources Wales commented on the Protected Area of Outstanding Natural Beauty landscape and that due to the scale and the location of the proposals, we consider that they are unlikely to significantly affect the purpose of the AONB. However, we would not rule out local landscape effects and recommend you seek the views of your internal landscape advisor.

DWR CYMRU / WELSH WATER

No comments, advised that SAB approval may be required.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer
No objection.

- Footpaths Officer

We would ask that the applicant takes into account the right of path users to use public footpath 6, Llanferres which crosses the application area. We would request that the path is well signed and access along it ie stiles/gates are in good working order.

A site inspection was carried out that found that the legal route of the footpath is available and unobstructed by the proposed development. Original signage is also in place. There are permissive routes, and way markers have been provided to correct previous errors with these. The Public Rights of Way Officers have no issues with the proposed footpath or its use by donkeys.

Public Protection Officer

- Requested alternative location for the manure pile, however as it is to be mixed with the saw mill waste, Public Protection are satisfied that there would be no run off and any waste absorbed. Before being dried out and used in the biomass.
- Discussed whether the meet and greet could be moved from the current proposed location to opposite the proposed parking area – however the applicants require the inside area to introduce the donkeys in a calm manner to the public. The applicants proposed a 2m fence around the donkey enclosure and Public Protection accept this provided that the fence will have to be 2 meters high, no gaps at the bottom. The boards will have to overlap so there are no gaps (and to allow for expansion and contraction) and the density of the wood will have to be 25kg/m sq.
- In terms of the opening hours proposed, would accept Mondays to Fridays – 5pm to 8pm. Saturdays 10am to 3pm & 5pm to 8pm however, bank holidays and Sundays these would need to be limited to 10-5pm.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

- Paul Dyson, 1 Bryn Eithin, Tafarn-y-Gelyn
- Ian Hemming, 8 Bryn Eithin, Tafarn Y Gelyn, Llanferres, CH7 5SJ
- Mark Wilding, Oldfield, Forestry Road, Llanferres
- Paul and Gwenda Jelley Bryn Ffynnon Farm, Forestry Road, Llanferres, CH7 5SH
- Liz and Phil Mann, 2 Bryn Eithin, Tafarn-y-Gelyn, Llanferres
- Yvonne Davies, Erw Delyn, Tafarn-y-gelyn, Llanferres
- GD Jones, Forestry Road
- George Probert 4 Bryn Eithin, Tafarn-y-Gelyn

Summary of planning based representations in objection:

- No consultation (by applicant) with neighbours that are affected by the use.
- Public Right of Way - The donkey trek route 2 impedes the Public Right of Way. Signage has been taken down to facilitate the business plan, and redirected to another route to the rear of the dwellings through the saw mill without permission. Dangerous route. Concerns that the proposed buildings obstruct the right of way. The public footpath which crosses the fields and part of the trekking route also means that walkers with dogs may be at risk, as donkeys are fearful and naturally aggressive towards dogs. Barbed wire along PROW.
- Animal Welfare – concerns over the donkeys being located directly adjacent to the saw mill and impact on their welfare from noise and their constant trekking. Donkeys not being free to roam in a natural way. Donkeys passing a number of plants that are poisonous to them on the treks.
- HSE Guidance-agriculture - Preventing or controlling ill health from animal contact at visitor attractions, Donkeys can transmit Zoonotic diseases especially to the vulnerable such as pregnant women, children and the elderly. For this reason the business should be licenced, have adequate insurance, with website and site area warnings. This directly affects neighbours as the donkeys border their garden and they have young grandchildren.
- Overlooking and loss of privacy for properties - The donkey trek route 1 field passes directly opposite Bryn Eithin which is a residential area and there are at least 5 other dwellings on Pen Barras road around the route 1 field. Direct overlooking to the dwelling Bryn Ffynnon Farm resolved by 2m fence, but still concerned about noise.
- Noise from trekking in adjacent properties – Neighbours can hear conversations of even small groups, especially when using our garden. This continues even once the group has moved across the field. Noise intrusion in previously quiet hours was very noticeable during the unapproved trial of the donkey trekking business in the summer of 2022.
- Proposed Hours - The opening hours 9am -9pm 7 days a week including bank holidays for 8 months a year is totally unacceptable - the saw mill operating 6 days a week the only day residents get a chance to sample the countryside is a Sunday. These are intrusive and provide no rest for neighbours with significant noise pollution and lighting which must be proposed. Winter months should not be allowed.

Hours of use conditions in the interest of residential amenity were previously applied to the use of the car parking area (Planning Reference: 21/2014/360). It is proposed to extend and change the use of this parking area as part of this application. There have been no changes to the requirement to protect residential amenity for neighbours in the meantime so the conditions should be maintained.

The existing vehicular access driveway is subject to hours of use restrictions (Planning Reference: 21/2011/1506). It is proposed to change this as part of this application? There have been no changes in the area that would support relaxation of these conditions.

- Highway Issues – there are highway issues along Pen Barras Road – concerns raised over the level of parking to serve the multiple businesses and cross over with HGV's etc. Dangerous site for the donkey trekking business. The site has many businesses running from the location; the saw mill business, "the larch cladding company", "pet bedding company" and "logs and kindling sticks for sale". Concerns over health and safety with HGVs and industrial vehicles using part of the site. Concerns about public being on site

without proper PPE. The saw mill operates from 8am - 5pm Monday to Friday and 8am - 1pm Saturday.

The car parking area which was previously approved to service another business at the location is already used and it is misleading to suggest that it will all be available for this project.

Shouldn't be adding to level of traffic already experienced on highway.

- Smells and Fumes – Concerns over odour from storage of donkey manure and proximity to dwellings.
- Concerns over storage of manure by water supply/ surface water.
- Adverse Impact On Nature – concerns about impact on local wildlife and carbon footprint.
- Business plan in the countryside need to be discussed at length so any concerns of the people involved can be addressed.
- Location of proposals - with significant land available shown on the location plan, there are less intrusive locations that could be used for all aspects of this endeavour.
- Refreshments hut - Proposed mobile refreshment provision at the site is a concern. It is unclear what this will be, how it will be licenced and who it will serve.
- Litter – concerns over litter with the proposed refreshments hut. Litter was an issue during the trial period.
- Impacts on security of neighbours.
- Dark Sky Initiative and light pollution – will the walks be illuminated? Lights from the existing stable area already impacts on the night sky viewed from our home and has disturbed native bats and foxes that formerly visited us. Requirements for lighting need to be strictly controlled in order to mitigate damage already caused.
- According to HSE they must supply washing facilities with running water for staff and visitors. The HSE state Hand sanitisers are unsuitable.
- The former derelict brick barn adjoining Bryn Ffynnon Farm garden, to be used as stables and meet and greet has been greatly altered and reconstructed without planning permission or building regulations, and the general public will and have been entering what could be an unsafe building.
- Area of Outstanding Natural Beauty - This application absolutely poses a threat to the 'special qualities' of the local natural landscape with the risk of diminishing the very landscape special qualities so valued by visitors and communities alike.
The donkey trekking has already caused soil erosion scarring the landscape.
Noise impacts upon the AONB.
- The applicant's Business Plan states that there will initially be 6 donkeys and 12 visitors, but there is no specific detail of how he sees this business growing, nor any indication of what the numbers of both animals and visitors will be capped at - if at all.
- It is against the law to burn equine waste including bedding unless sent away to a licenced facility. Neighbours are concerned with regards to the applicant burning the Donkey waste as he has his own biomass boilers which are sited unlawfully close to their property. The toxins produced could cause residents harm. Concerns over liquid residue.
- Proposed landscaping will assist with some screening but not address impact on residents. It will take a long time to establish the supplementary planting and not overcome the noise issues.
- It is a surprise that an existing woodchip store has suddenly appeared on the "existing" plan. This area was previously designated for sawn timber storage and its use subject to a previous planning condition (Reference 21/2014/0360 Condition 5). It is of concern that there may be other "existing" features which might suddenly materialise either before or after a planning decision.

In support

Representations received from:

- Alan Pimblett, Tyddyn Y Fawd, Forestry Road, Llanferres.
- Mr Evans, Plas y Coed, Llanferres
- Wynne Davies 77 Bro Deg, Ruthin
- Ada Davies, 10 Tyn Llan, Llanferres
- Angharad Rees Afallon, Llandegla
- Simon and Denise Kane Siglen Rhos, Rhydtalog Rd, Graianrhyd
- John Jones, 69 Erw Goch, Ruthin

- Ian Robertson, Dallas, 2 Ruthin Road, Llanferres
- Janice Bannon, Rose Cottage, Cefn Road, Cilcain
- David Morgan Ty Uchaf Farmhouse, Cefn Road, Cilcain
- Brian Griffiths Frondeg, Llanfair road, Ruthin
- Robert Huw Jones, Bryn Saeson Isa, Llanferres
- Sion Edwards, Tan y Fron, Llanferres
- Rachael Roberts, Celyn Bach, Stryt Cae Rhedyn, Mold

Summary of planning based representations in support:

- Support for the business venture.
- Following having been successfully trialled, will clearly provide support to the local economy, which is in addition to employing local people, which will hopefully support their wishes to continue to reside locally rather than having to move away to find work.
- Will contribute to improving the mental wellbeing of significant numbers of visitors.
- think this unique business, which will attract people to enjoy the wonderful views that surround our village can only be a positive thing.
- Having an opportunity to safely trek with the donkeys in the great outdoors was amazing. The professionalism and exceptional service from the owners and guides from start to finish was outstanding. Taking in those breath-taking views at the top, having time to sit and ponder whilst the donkeys graze is an experience you can't put into words.
- The routes are well thought out and they can cater for people's needs whether they are less physically able or other.
- All safety measure are in place and the expertise of the guides put you at ease. We need more opportunities like this in the area.
- Improves tourism activities in the locality.
- Brings people to enjoy the AONB.
- Good native planting has taken place within the site.
- The setting is ideal and a unique opportunity for people, young and old, to experience the wonderful countryside in the foothills of Moel Famau.
- This will also offer much needed employment opportunities for local people and bring extra revenue into the area.
- Will minimally disrupt the locality.
- Will support other local businesses with customers.
- Company is a Regional Finalist at the Countryside Alliance Awards Wales.
- The Wales Wildlife Trust are also fully supportive of the business and have donated over 170 trees.

EXPIRY DATE OF APPLICATION: 15/01/2023

EXTENSION OF TIME AGREED: 17/02/2023

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- 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 change of use of land and part of a building to form a donkey trekking business and associated works (partly retrospective). The proposals include the use of a disused agricultural building for the winter housing of the donkeys and for indoor meet and greet with the donkeys and the use of a hut for refreshments.

- 1.1.2 The fields around the property would be used for the donkey guiding/ trekking. There are two routes – route 1 which is a shorter trek and route 2 which is a longer trek (detailed on Location Plan).
- 1.1.3 The sessions include a meet and greet with the donkeys in the inside winter housing, where visitors have a safety briefing and can meet the donkeys in a calm quiet environment before they are led out onto their chosen trek route. There are 6 donkeys and parties of up to 12 people per trek.
- 1.1.4 The site would be operating between 1st April to 31st December each year and would be open weekday evenings and on weekends.
- 1.2 Other relevant information/supporting documents in the application
 - 1.2.1 The application is supported by a Business Plan and Justification Statement that make the following key points:
 - The donkey trekking experience was opened for a trial period of 90 days in the summer of 2022 and attracted a great deal of interest ranging from local schools, dementia charities, mental health awareness charities.
 - Guests will experience handling donkeys by halter, walking along a designated path surrounded by trees, wild flowers and beautiful views. The trekking experience will take 1.5-2 hours to complete and will attract a wide audience ranging from families to professionals.
 - The trekking experience will attract local and visiting guests.
 - The business will create employment, increase tourism and visitors to the local area and encourage positive physical and mental health.
 - The enterprise has been nominated for a Rural Business Award.
 - There will be water and ice cream available from the Welcome Hut.
- 1.3 Description of site and surroundings
 - 1.3.1 The site is located in the open countryside, to the rear of Moel Famau Country Park and is within the Area of Outstanding Natural Beauty (AONB).
 - 1.3.2 On the site already there is a saw mill and timber production yard and two dwellings (occupied by the applicant and the other by their parents).
 - 1.3.3 The site directly adjoins two other dwellings in separate ownership and there are others properties adjacent to the site.
 - 1.3.4 A Public Right of Way crosses the site.
- 1.4 Relevant planning constraints/considerations
 - 1.4.1 The application site is located within the open countryside. The site is located within the Area of Outstanding Natural Beauty. The site is located within the Phosphate Sensitive Catchment (River Dee and Bala Lake Special Area of Conservation). Public Right of Way 522/6 crosses the application site.
- 1.5 Relevant planning history
 - 1.5.1 There is a long planning history for the site that relates to applications for the saw mill and the rural enterprise dwellings of the applicant. See Section 2 for full details.
- 1.6 Developments/changes since the original submission
 - 1.6.1 The proposals have been amended to correct the route of the footpath. Following discussions with Natural Resources Wales a portaloo has been omitted from the scheme as they could not propose a feasible solution for phosphate. Additional

landscaping and fencing is proposed.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 31/13639 Use Of Agricultural Building For Processing/ Treatment Of Raw Timber. GRANTED 24/12/1993.
- 2.2 21/2004/1077 Application for Certificate of Lawful use of existing use of land for the storage of round and square timber. REFUSED 26/04/2005.
- 2.3 21/2007/0915 Continuation of use of land and buildings in connection with sawmills business. GRANTED 07/11/2007.
- 2.4 21/2007/1537 Details of signs submitted in accordance with condition number 5 of Retrospective Planning Permission 21/2007/0915/PC. GRANTED 11/05/2009.
- 2.5 21/2011/1506 Construction of a new vehicular access and driveway. GRANTED 27/03/2012.
- 2.6 21/2012/0956 Continuation of use of agricultural land as extension to curtilage of the existing sawmills business for storage of incoming round log timbers and for additional vehicle turning purposes (Retrospective). GRANTED 12/09/2012.
- 2.7 21/2012/1268 Details of landscaping scheme submitted in accordance with condition number 2 of planning permission 21/2012/0956/PC. GRANTED 02/10/2012.
- 2.8 21/2014/0360 Change of use of part of existing agricultural building and rear yard area to sawmill business use, erection of a dry wood storage building and retention of staff car parking (partly retrospective). GRANTED 30/07/2014.
- 2.9 21/2014/0427 (i) Installation of 2 no. biomass boilers to serve existing sawmill business and dwelling (ii) Erection of dry wood storage building. GRANTED 30/07/2014.
- 2.10 21/2014/1305 Details of boundary fencing and planting submitted in accordance with condition number 7 of planning permission 21/2014/0360/PF. GRANTED 21/11/2014.
- 2.11 21/2015/0213 Erection of ancillary domestic building. GRANTED 24/04/2015.
- 2.12 21/2015/0757 Details of track surface submitted in accordance with condition number 2 of planning permission 21/2011/1506. GRANTED 31/07/2015.
- 2.13 21/2019/1032 Erection of an extension to existing domestic ancillary building, formation of access track to serve the domestic ancillary building and associated works (partly retrospective). Withdrawn 05/10/2020.
- 2.14 21/2021/0230 Change of use and extension of existing domestic ancillary building to form one Rural Enterprise Dwelling, formation of access track associated works (partly retrospective). GRANTED 16/06/2021.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy
Policy VOE1 - Key areas of importance
Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy VOE5 – Conservation of natural resources
Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All
Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty
Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings
Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021
Development Control Manual November 2016
Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)
TAN 6 Planning for Sustainable Rural Communities (2010)
TAN 12 Design (2016)
TAN 13 Tourism (1997)
TAN 16 Sport, Recreation and Open Space (2009)
TAN 18 Transport (2007)
TAN 23 Economic Development (2014)

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 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these

reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Visual amenity and Area of Outstanding Natural Beauty
- 4.1.3 Residential amenity
- 4.1.4 Noise/ odour
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.38 of PPW 11 states that “*The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources*”.

National policy therefore restricts new building outside development boundaries unless it is justified as an exception to the policy of restraint.

Policy PSE 5 states that in order to help to sustain the rural economy, tourism and commercial 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 the special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The justification to Policy PSE 5 establishes the need to sustain rural employment throughout the County is recognised and relevant considerations relating to sustainability and minimising environmental concerns are identified. The policy requires the demonstration of a business case for the development, in order to establish the benefits of the scheme in relation to sustaining local employment and the rural economy. The benefits could include provision of local employment opportunities, use of locally sustainable sources for any raw materials, scope to sell local produce, and provision of services to local communities.

Policy PSE 14 relates specifically to outdoor activity tourism. It supports proposals for development that expand or reinforce the tourism offer of the County in this sector, provided four criteria are met:

- the development is appropriate to its setting and within the capacity of the local environment and infrastructure particularly within designated area such as the AONB and World Heritage Site
- any suitable buildings are converted or re-used in preference to new build
- necessary mitigation measures are included and there would be no unacceptable impact on the local community
- chalet development in association with outdoor activity tourism will only be permitted if a significant need is demonstrated and there are no opportunities to use or convert existing buildings.

The justification for policy PSE 14 recognises that Denbighshire is well placed to take advantage of the growth in the outdoor activities sector. It is however stressed that development proposals will require very careful consideration to ensure there will be no detriment to the landscape character.

Section 5.5 of PPW11 relates to Tourism and sets out a general presumption in favour of encouraging sustainable tourism, where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. Tourism-related development is an essential element in providing for a healthy and diverse local/national economy, but requires development to be sympathetic to the local environment and to the needs of visitors and the local community.

The proposals reuse an existing part of an agricultural building to house the donkeys and to conduct the internal meet and greet. The agricultural building could be used for the housing of donkeys without the need for planning permission. The adjacent fields are used for summer housing and for the two trek route options. As the proposals use existing areas of the site, it is not considered that there are any significant landscape impacts as part of the proposed development. The AONB Joint Committee raise no objections to the scheme.

The submission has set out how there was a 90-day trial period in the summer of 2022 which is said to have been very successful with a great interest from local schools, dementia charities, mental health awareness charities and visitors from the local/wider area. The submission also highlights how the proposals create jobs and improve the tourism offer benefitting other local businesses.

Impacts upon the amenity of neighbours will be discussed in the following sections, however, based on the foregoing, it is considered that the scheme would be acceptable in principle when assessed against Planning Policy Wales and Local Development Plan Policies PSE 5 and PSE 14.

4.2.2 Visual amenity and Area of Outstanding Natural Beauty

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 11 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.'

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Supplementary Planning Guidance (SPG) has been developed – 'The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)' along with a specific SPG for lighting in the AONB - 'Planning for Dark Skies'. The SPG's provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

Neighbours at the property Bryn Ffynnon Farm raised concerns with the fact that they could see the donkey meet and greet area through the trees to the rear of their property. The plans have been amended to propose a 2m high fence around this area, that will supplement the trees and prevent any views through this area, as well as assist with preventing noise.

Some representations have also raised concerns regarding visual amenity with the ability to see the donkey trek on route 1. To mitigate this, the applicants have provided a scheme of landscaping to supplement and enhance the field boundary hedge with native species planting.

Some representations also considered that the use caused harm to the Area of Outstanding Natural Beauty in terms of scarring the landscape where the routes go and the impact on the soundscape of the area. This would also be a temporary intermittent change and is not considered to present physical harm. Officers do not consider that this would be different to an agricultural or equestrian use in using the fields. In terms of sound, this is very intermittent and would be akin to walkers. The trekking with the donkeys needs to be a quiet and calm experience to not disturb the donkeys. Therefore, it is not considered that this could be to an extent that could infringe on the special qualities of the landscape.

The only other physical alterations to the site are the refreshments hut and summer housing of donkeys. These are all finished in timber and located adjacent to the existing development on the site. They are very small scale and are not considered to be conspicuous in the landscape and would be typical of an agricultural use.

The AONB Joint Committee raise no objections to the proposed use and therefore it is considered, based on the foregoing, and subject to a condition to control the landscaping and external lighting, it is considered that the proposed development is acceptable in terms of visual amenity.

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.

The Community Council and neighbours raised have concerns regarding the proposed change of use and impacts upon residential amenity. Namely these relate to the opening hours, loss of privacy and overlooking, noise, odour, storage of manure and the location of proposals.

In terms of the opening hours, these have been discussed with Public Protection and they consider that if the hours were reduced to be as follows that they would be acceptable in terms of the amenity of the neighbours:

Mondays to Fridays – 5pm to 8pm.
Saturdays – 10am to 3pm & 5pm to 8pm.
Sundays & Bank Holidays – 10am to 5pm.

The bulk of the time of visitors on site would be on the treks and alongside the other mitigation mentioned in the noise and odour section below. With these, it is considered that the opening hours would be acceptable.

In terms of loss of privacy and overlooking, the applicants have proposed a 2m fence around the donkey enclosure. This would prevent any direct views to or from the donkey enclosure, and the fence itself would be screened by the existing conifer hedge.

Some representations have also raised concerns regarding the residential amenity and the ability to see/ hear the donkey trek on route 1. As the trekking is moving along this route, it is not considered that impacts would be significant and that they would be intermittent, in particular as the trekking will fluctuate between the two routes. However, to mitigate this, the applicants have provided a scheme of landscaping to supplement and enhance the field boundary hedge with native species planting. There is some existing screening, however it is considered that the scheme of landscaping would assist in reducing any impact felt by these properties. A condition can secure the implementation of this and require that it is grown to be maintained at a minimum height of 2 meters.

The representations query why the location of the proposals have to be in these locations that would affect the neighbours. However, this is the existing developed area of the site and it is considered that siting things further away could cause a greater landscape impact. As the mitigation measures can manage these impacts, it is considered that the siting of the proposals are acceptable.

4.2.4 Noise/ odour

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.

Concerns were raised from neighbours regarding noise and disturbance within the winter donkey housing (which is also a proposed meet and greet area) and noise from the trekking route 1 experienced by Bryn Eithin estate.

Accordingly, the application has been assessed by Public Protection Officers, and discussions took place regarding whether the meet and greet area could be moved from the current proposed location to opposite the proposed parking area. However, the applicants require the inside area to conduct a safety briefing and to introduce the

donkeys in a calm manner to the public. The applicants have proposed a 2m fence around the donkey enclosure and Public Protection accept that provided the fence is 2 meters high, with no gaps the amenity of the neighbouring properties is unlikely to be affected to such a degree as to justify refusing planning permission.

In terms of the trekking route, it is considered that this would be very intermittent impacts, with the trek only occurring every 2-3 hours if that route is used consecutively, however, there are two routes so will likely be less frequent.

Officers are also of the opinion that the treks will need to be calm and quiet for the donkeys and that this will be monitored and controlled by the guides. The level of noise would be no greater than that of a group of walkers. Enhanced landscaping here should also assist in providing additional buffer for the properties.

The Public Protection Officer also required confirmation regarding the storage of manure which is to be mixed with sawmill waste and then dried and burnt in the biomass. This is considered acceptable as any residue would be absorbed into the wood with no surface run off.

Natural Resources Wales also initially raised concerns about the manure, however, the applicant confirmed that the donkey waste is dried out with the sawmill waste and then burnt in the onsite biomass. Natural Resources Wales therefore withdrew this objection and were satisfied with this proposal.

Based on the foregoing, Public Protection raise no concerns regarding noise or odour and consider that the use will not have an unacceptable impact upon the amenity of the neighbouring properties.

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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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 (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW 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. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

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 ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

PPW states that all new developments should demonstrate a biodiversity enhancement. The proposals include the planting of fruit trees, a native planting mix for the landscaping scheme as well as bat and bird boxes to be installed. Subject to the imposition of an appropriately worded conditions, it is considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity opportunities at the site. The proposals indicate a nature friendly lighting scheme, however a full lighting scheme will need to be secured through condition to ensure that it is appropriately sited and designed to protect nocturnal wildlife.

4.2.6 Drainage

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.

Planning Policy Wales (PPW 11) Section 6.6.9 states '*The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity*'.

The site is located within the Phosphate Sensitive SAC Catchment Area.

The proposals initially proposed portaloos within a wooden hut, however, these have been omitted from the scheme due to issues with the site being within the Phosphate Sensitive SAC Catchment Area, and there being no need to supply toilets as part of the activity.

Natural Resources Wales also initially raised concerns that the development has the potential to increase the amount of phosphorus within the phosphorous sensitive catchment, as there will be 6 Donkeys at the site as a result of the proposal. However, the applicant confirmed that the donkey waste is dried out with the sawmill waste and then burnt in the onsite biomass. Natural Resources Wales therefore withdrew this objection and were satisfied with this proposal and therefore is not likely to increase phosphorus within the SAC catchment.

It is not considered that the proposals give rise to other drainage issues as it makes use of existing buildings and hardstanding.

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 11) 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.

Neighbours have raised concerns regarding the impacts on the highway serving the site in terms of additional traffic, and the use of the car park area for the saw mill *and* donkey trekking. In terms of additional traffic, it is not considered that this will be significant with groups of a maximum of 12 on site at a time. These groups would be on site for 2–3 hours at a time. Highway Officers confirmed that the main highway issues are much further up the highway towards the Moel Famau car parks.

The opening hours will be that the saw mill is closed when the donkey trekking is open in the week and the only time that both would be open together is Saturday 10am-1pm. The parking area has 12 spaces to serve both businesses. It is considered that a Saturday morning would be a quieter time for the saw mill and that the 12 visitors for the donkey trekking are likely to car share, so therefore there should be sufficient parking to facilitate both. It is also considered that the guides can ensure that there is safe crossing of the track with the donkeys and visitors during this time.

Highway Officers raise no objections to the proposed development.

Some of the neighbours raised concerns that the Public Right of Way is affected by the proposed development and was initially detailed incorrectly on the proposed plans. The Public Rights of Way Officers have visited the site and confirmed that the original route of the Public Right of Way is available and signage in place, but that the applicant offers other permissive routes across his land. Footpath users therefore have a choice of route to follow and the Footpath Officer raises no objection to the proposed development. They also raise no issues with the donkey trek using part of the footpath on the trek.

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 It is considered that the principle of the proposed development to provide a rural business that will generate tourism business and employment, giving access to the enjoyment of the AONB is acceptable in line with policies PSE5 and PSE14 of the Local Development Plan.

- 5.2 This report has considered the other material considerations for the application, and subject to conditions to control the development and the mitigation measures, it is considered that overall the proposed development is acceptable in principle and in respect of all other material considerations.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th February 2028
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Location Plan (Drawing No. 0993/LP) - Received 24 January 2023
 - (ii) Existing Site Layout Plan (Drawing No. 0993/1 Rev A) - Received 24 January 2023
 - (iii) Proposed Site Layout Plan (Drawing No. 0993/2 REV C) - Received 24 January 2023
 - (iv) Existing & Proposed Floor Plans (Drawing No. 0993/3) - Received 14 November 2022
 - (v) Business Plan - Received 14 November 2022
 - (vi) Planning Justification Statement REV A - Received 13 December 2022
 - (vii) Timber Shed/ Refreshments Hut (Drawing 0993/4) - Received 13 December 2022
3. Should the use of the site cease for the donkey trekking business; the refreshments hut and field structures shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to the satisfaction of the Local Planning Authority.
4. The site shall not be open for visitors to the donkey trekking business outside the hours:
Mondays to Fridays - 5pm to 8pm.
Saturdays - 10am to 3pm & 5pm to 8pm.
Sundays & Bank Holidays - 10am to 5pm.
The site shall only operate between the 1st April to 31st December.
5. Only one meet and greet or donkey trekking session shall be run at any one time and each session shall be limited to a maximum of 6 donkeys and maximum of 12 participants.
6. The refreshments hut shall only be for customers of the donkey trekking business and shall only be open during the hours which donkey trekking sessions are permitted to take place
7. Prior to the use of the development hereby permitted details of litter bins shall be submitted to and approved in writing by the Local Planning Authority and the details approved shall be implemented and retained at all times unless otherwise agreed in writing by the Local Planning Authority.
8. The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out on Proposed Site Layout Plan (Drawing No. 0993/2 REV C) prior to the commencement of the use.
9. All planting, seeding or turfing comprised in the approved details of landscaping (Proposed Site Layout Plan (Drawing No. 0993/2 REV C) and Location Plan (Drawing No. 0993/LP)) shall be carried out no later than the first planting and seeding season following the occupation of the first unit. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The boundary hedge shall be grown to and maintained at a height of a minimum of 2meters.
10. Prior to the commencement of the use hereby approved, a 2 meter high fence shall be erected along the eastern and southern boundary (within the conifer hedge) of the donkey compound area. There will be no gaps at the bottom of the boards and the boards will overlap so that at all times there are no gaps between them. The density of the wood will be 25kg/m sq or above

11. No external/ internal lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to the details thereof to include light spillage details which should be designed to avoid negative impacts on bats. The scheme shall be carried out strictly in accordance with the approved details.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of landscape and visual amenity of the Area of Outstanding Natural Beauty.
4. In the interest of residential amenity
5. For avoidance of doubt to control the level of activity and in the interest of highway safety
6. For avoidance of doubt to control the level of activity and in the interest of highway safety.
7. In the interest of visual and residential amenity.
8. In order to maintain and enhance biodiversity
9. In the interest of visual amenity and enhancing the biodiversity of the area
10. In the interest of visual and residential amenity.
11. To ensure the favourable conservation status of protected bat species and to protect the Area of Outstanding Natural Beauty's Dark Skies.

