

**23/2023/0468**



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**23/2023/0648**

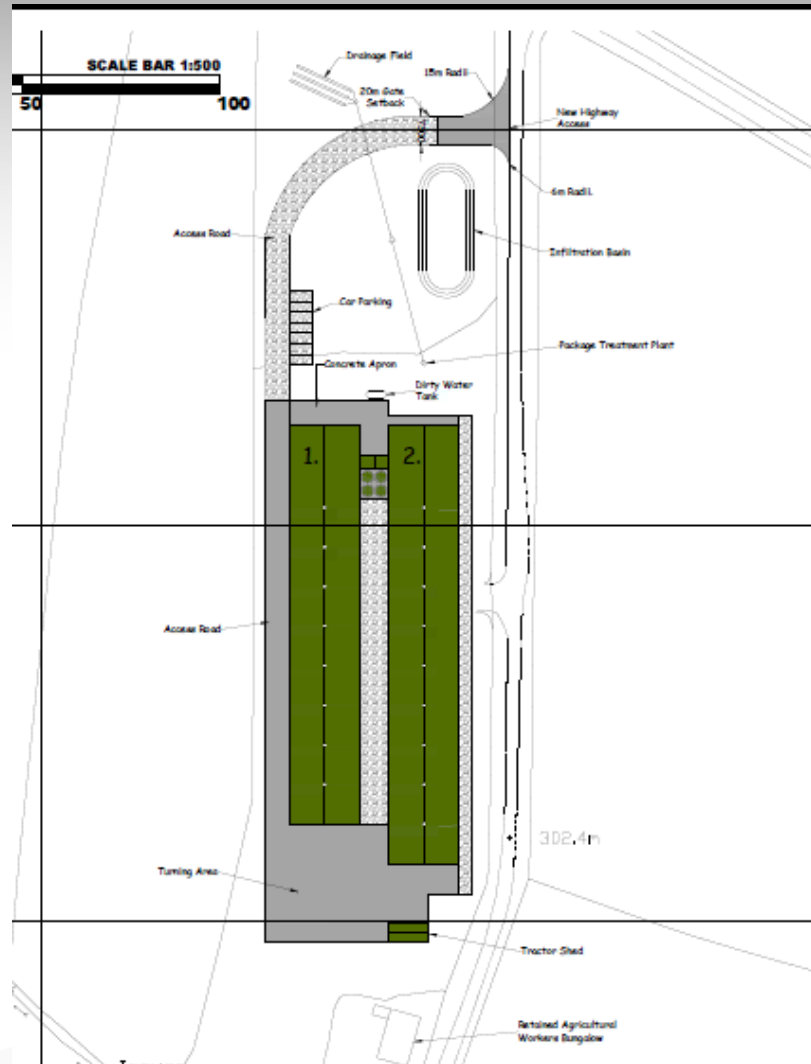
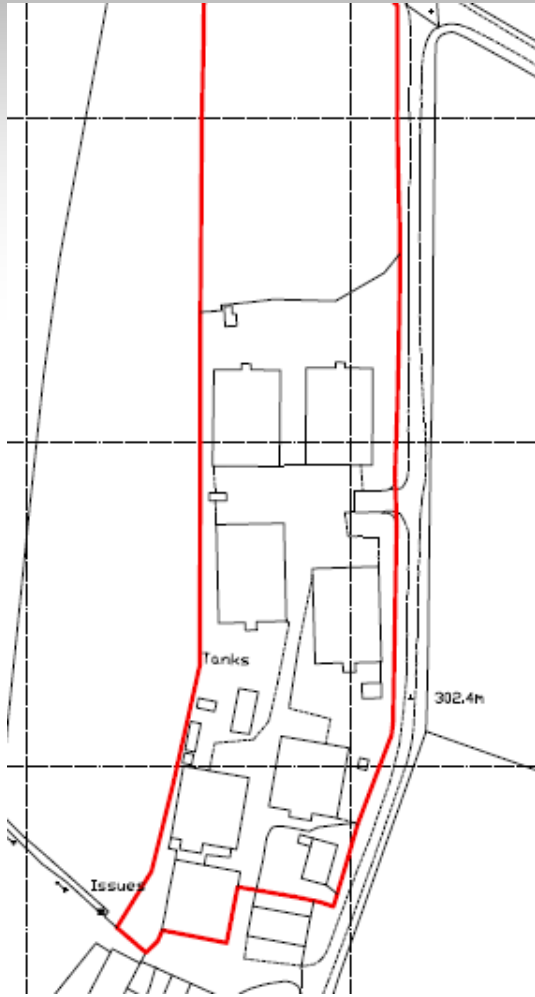
**Bryn Golau, Saron**

Demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works









Existing and proposed site plan







Proposed aerial view of new sheds





South Elevation



North Elevation



West Elevation Building 1



East Elevation Building 2

Proposed elevations





*View of existing sheds from the lane to the east*



*View from main road, new access within hedge to the right*



*Views within the site*

**WARD :** Llanrhaeadr Yng Nghinmeirch

**WARD MEMBER(S):** Cllr Elfed Williams (c)

**APPLICATION NO:** 23/2023/0468/ PF

**PROPOSAL:** Demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works

**LOCATION:** Bryn Golau Saron Denbigh LL16 4TH

**APPLICANT:** Mr Clay Burrows, Aviagen Turkeys Ltd.

**CONSTRAINTS:** PROW

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

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

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**LLANRHAEADR YNG NGHINMEIRCH COMMUNITY COUNCIL**

Are of 'the opinion that the new vehicular access to the planning application is too close to the highway bend and crossroads junction which is inviting road traffic accidents to the subject planning application and plans site'.

**NATURAL RESOURCES WALES**

Concerns as inadequate information has been provided in support of the proposal. Additional information is required on manure management and contaminated water.

*Management of manure and contaminated water*

Concerned that the proposed management of the manure and contaminated water could result in a third party spreading the exported material (or resulting digestate) within a river Special Area of Conservation (SAC) catchment.

We are not satisfied that the regulatory regimes covering spreading of manures, or resultant digestate to land, are adequate in preventing discharge of phosphorus to the river environment.

We are not satisfied that the CoAPR currently have adequate controls to protect rivers from the risk of phosphorus loss from land spreading of manures / slurries or agricultural digestate.

We are also concerned that the disposal of contaminated water could result in an adverse effect on a river SAC. As it is proposed that the disposal of contaminated water is managed by a third party, we are not satisfied that the proposed agreement would be capable of exerting sufficient control over the fate of the contaminated water to avoid an adverse effect on an SAC.

For us to support a conclusion of no adverse effect on site integrity, we would expect an applicant to demonstrate that a robust and enforceable chain of custody was in place for the fate of manures and contaminated water from the site, controlling the location, beneficial use and method of land spreading.

*Protected species*

Accept the conclusions of the report and recommendations around external lighting.

*Protected Sites*

The submitted ammonia impact assessments predict the proposals will result in lower ammonia concentrations at habitat sites, than from the existing broiler operations. Therefore, the proposals represent an improvement on existing, and therefore an in-combination assessment is not required.

On this basis, we recognise that the proposed development will result in betterment in terms of the existing air quality and therefore we raise no further concerns with regard to air quality matters.

*Foul Drainage*

Raise no concerns. If a private drainage solution is progressed, an Environmental Permit will be required.

**DWR CYMRU / WELSH WATER**

No comments to make as the applicant does not proposed to connect to the public sewer. SAB approval may be required.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety:

- Highways Officer

No objection subject to the attachment of a condition which ensures that any other access or egress is permanently closed and the highway verge reinstated should the new access come into use.

- Footpaths Officer

Public path 53 Llanrhaeadr (footpath) abuts the red line outlining the development area. We do not consider that the proposed development would have any physical impact on the path but would ask that during construction the applicant and developer are made aware that the public will be using these routes and ensure their safety is maintained throughout the works. The area also needs to be kept free of any building materials to avoid obstruction or any disturbance to the path surface.

Public Protection Officer -

Lighting impact Assessment required.

Ecology Officer-

No objection subject to conditions around biodiversity enhancement measures, external lighting scheme, and ensuring all trees and hedges to be retained are protected from development.

Recommend that should the existing access no longer be required, details of reinstating a section of native hedgerow in this location should be explored. Additional native hedgerow could be planted up to the gate on the new access point providing the visibility splays can be achieved.

Drainage Officer-

SAB Approval required

**RE-CONSULTATION RESPONSES:**

**LLANRHAEDR YNG NGHINMEIRCH COMMUNITY COUNCIL**

Objection.

'We do not agree with the Highways statement and we are of the opinion that the proposed placement of the new vehicular entrance / exit so close to the crossroads with extremely poor sight lines will cause accidents between the large articulated delivery vehicles and the local traffic from the school bus, local forestry, farm or cars. There is insufficient distance between the new access and the crossroads'

## NATURAL RESOURCES WALES

Satisfied concerns can be overcome if the Manure Management Plan and Preliminary Ecological Appraisal are included in the approved plans and documents condition on the decision notice.

The Manure management Plan confirms that there are existing arrangements with regards to the export of manure and contaminated water. The Plan also confirms that the proposal would decrease the amount of manure produced from 936 tonnes of manure per annum (poultry) to 421 tonnes of manure per annum (turkey). Therefore, as the proposal would result in a decrease in manure production and an improvement on the existing scenario, we raise no further concerns.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEEES – Public Protection Officer –

In addition to my comments dated 17/11/2023 and following further discussions with the applicants' agent and the professional odour consultant the proposed roof mounted fans meet the criteria of Best Available Technique for UK sites. The modern facility and husbandry standards should offer improvement over the existing poor quality poultry units. With the modern facility it may be possible that the odour modelling is over-predicting odour impact and under-estimating the impact of the current sub-standard poultry units.

Recommend conditions are attached to control the transportation of live poultry to reduce impact on the nearest residential receptors, ensuring all deliveries take place between Mon-Fri 7am to 7pm, and Sat 7am to 5pm and Sun/public holidays 10am to 4pm. The external lighting shall be carried out as described in the lighting assessment and an Odour Management Plan shall be submitted before the poultry production cycle begins on site.

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

Robert Wynne, Bryn Glas, Saron, LL16 4TH  
David & Gillian Tyrer Cefn Maen Isaf Saron, Denbigh

Summary of planning based representations in objection:

### *Residential amenity:*

#### *Odour*

Impacts likely to occur similar to previous use

#### *Noise*

Timing of deliveries impacting neighbours through noise– operation hours 7am to 4pm

Engine noise and equipment noise filling silos.

Site to operate 24 hours during 4 weeks of cull period- continuous disturbance

Prevailing wind direction not taken into account in noise survey

Continuous noise nuisance from fans operating

New entrance closer to neighbouring properties

#### *Lighting*

Impacts and disturbance by movement of vehicles especially during 24 hours during cull period

Impacts of external lighting on nearby properties.

#### *Pests*

Demolition of existing buildings causing issues with vermin and pollution

#### *Highways*

Site entrance is closer to the main road junction and few metres from a dwelling.

Road condition is already poor and further HGV traffic will deteriorate it further



*Ammonia impacts*

Concerns the nearby upland wet woodland has not been considered in relation to wind direction from units

**RECONSULTATION RESPONSES TO PUBLICITY**

In objection

Representations received from:

David & Gillian Tyrer Cefn Maen Isaf Saron ,Denbigh

Summary of responses made in objection

Previous movements occurred into the morning, require assurance that description of deliveries includes 'exception of live bird transport' as recommended by the agent.

Concerns around noise output during the overnight removals

Concerns around the light output during overnight removals

Querying the number of removals

**EXPIRY DATE OF APPLICATION: 24/08/2023**

**EXTENSION OF TIME AGREED? Yes 23/02/2024**

**REASONS FOR DELAY IN DECISION (where applicable):**

- delay in receipt of key consultation response(s)
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee
- deferral by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works at Bryn Golau, Saron.
- 1.1.2 The proposal involves the demolition of 7 poultry sheds and the erection of 2 new linked poultry houses and associated infrastructure. The farm is proposed to operate as a turkey laying unit and would have a capacity of 6,000 birds.
- 1.1.3 Poultry unit 1 is proposed to measure 101m x 18m- 1818sqm. Poultry unit 2 is proposed to measure 111m x 18m – 1998sqm with a link measuring 7m x 3m – 21sqm. The proposed tractor shed would measure 10m x 5m= 50sqm and the 4 feed bins in olive green to match the building would have a height of 8.6m and 3.75m diameter. The total floor area of the buildings proposed is 3887sqm. The buildings are proposed to be located on the same footprint as the existing buildings on the site.
- 1.1.4 The proposed buildings are of a steel portal frame construction with external polyester coated cladding to the walls and roof in olive green. The buildings will be fitted with automatic feeders. Ventilation fans are mounted on the roof.
- 1.1.5 Eggs are proposed to be collected 3 times per week for transport to the hatchery. All manure is proposed to be removed from the site under a contract with Gamber Logistics.
- 1.1.6 Dirty water tanks will collect dirty water which will be removed from the site at the end of each flock by vacuum tanker under a waste management agreement.

- 1.1.7 Hardstanding areas are proposed with a new internal access road coming from closer to the main Saron road. Car parking is proposed for 7 vehicles with the access road and turning area located to the south of the buildings.
- 1.1.8 The proposed redevelopment of the farm will create 5 full time jobs.
- 1.1.9 A total of 6 vehicles will be required per 36 week cycle to move the birds during the night for welfare purposes. This is broken down to 1 lorry in week 25, 1 in week 26, 2 in week 27 and 2 in week 28. The site is empty for preparation for the next batch of birds from week 28 to 36.
- 1.1.10 Deliveries have been agreed to take place between Mon-Fri 7am to 7pm, and Sat 7am to 5pm and Sun/public holidays 10am to 4pm.

## 1.2 Other relevant information/supporting documents in the application

- 1.2.1
- Odour Impact Assessment
  - Ammonia Impact Assessment
  - Noise Impact Assessment
  - Ecology Survey
  - Transport Statement
  - Foul Drainage Strategy
  - Manure and Dirty Water Management Plan
  - Pollution Prevention Plan
  - External lighting Assessment
  - Operational details

## 1.3 Description of site and surroundings

- 1.3.1 The current use of the site is based on the rearing of commercial broiler chickens and has been established for a number of years. The capacity of the existing site is 87,200 birds, with around 7.5 flocks of birds per annum. The sheds are situated behind a mature hedge within the farm complex. The vents and roofs can be seen from the lane to the east.

## 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundary defined by the LDP.
- 1.4.2 There is a public footpath along the boundary of the site.

## 1.5 Relevant planning history

- 1.5.1 Previous permissions relating to the poultry farm dating back to 1978.

## 1.6 Developments/changes since the original submission

- 1.6.1 Submission of amended manure and dirty water management plan, further information on operations.

## 1.7 Other relevant background information

- 1.7.1 Members will recall that the application was deferred by the January Planning Committee at the request of the Local Member. The request was made to allow Officers to go back to the applicants to re-consider the access arrangements and hours for deliveries to and from the site. Officers have done this, but the applicants are unwilling to change the access and the delivery times previously agreed. Officers reiterate that, in their opinion, and the opinion of technical consultees, the proposed access arrangements and delivery times are considered to be acceptable and do not constitute robust reasons to refuse the application. This reasoning is explained in the highways and residential amenity sections of the report.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 34/2650 Erection of Poultry House, GRANTED 10/3/1978
- 2.2 34/4677 Erection of single storey structure, GRANTED 10/07/1980
- 2.3 34/14085 Construction of 7 additional bulk feed bins, GRANTED 12/05/1994

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE5** – Rural economy

**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: Parking Requirements In New Developments

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 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
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6 of PPW 11 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 general matters for planning authorities to consider when dealing with agricultural prior notification applications, which are considered to be material to the determination of planning applications. 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, PPW11 states that diversification activities come in many forms and include both agricultural and non-agricultural activities. The examples given include livestock rearing. PPW11 goes on to state that diversification projects “should be supported where there is no detrimental impact on the environment and local amenity”.

Policy PSE5 of the Local Development Plan 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.”*

It is evident that national and local planning policy offer general support for appropriate new agricultural development. It is therefore considered that a proposal for the demolition of existing poultry rearing buildings and the erection of modern sheds for breeding turkeys within the same footprint would be acceptable in principle, and that the key issues to address are the localised impacts, which are reviewed in the following sections of the report.

#### 4.2.2 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 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.’

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.

No representations have been received raising visual amenity concerns.

The proposal is for the demolition of older poultry broiler units and the erection of a modern turkey rearing facility within the same footprint. The design of the proposed buildings are typical of agricultural development and are not dissimilar to the existing design and layout.

The application site is visible from the lane, over the hedges. The new units however, would also be viewed in the context of the existing site rather than appearing as new development in the open countryside. The buildings are proposed to be finished in olive green cladding.

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. It is considered that the siting location, colour and size of the replacement buildings are in keeping with the existing complex. It is not considered the proposal would result in a detrimental impact to the character of the area, given the amount of development currently occupying the site.

It is considered reasonable to ensure that an appropriate landscaping scheme is implemented for this development to help integrate the new buildings into the site and to provide a net benefit for biodiversity. It is also a requirement to close up the existing access and hedgerow planting will be required.

Having regard to the scale and form of the development proposed, Officers consider the proposal would be acceptable in this location having regard to the nature of the site and the existing development and are of the opinion the proposal would not cause adverse harm to visual amenity and landscape character subject to the imposition of a landscaping condition.

#### 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) of the LDP 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.”*

It is recognised that 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.

The nearest residential properties not related to the site are Bryn Glas located approximately 132m to the north and Cefn Maen Uchaf, 247m and Cefn Maen Isa, 168m to the north west.

#### *In relation to Odour:*

Established practice requires odour assessment to take into account the impacts of the proposed unit, associated spreading range and associated manure storage facilities.

In this instance, the submitted Manure Management Plan clarifies the method of disposing of and where necessary storing manure. It points out the farm is already an extensive operation which exports the manure and slurry off site to another location and outlines a contingency plan for the storage of manure when spreading to the land is not possible.

The submitted Odour Assessment identifies relevant sensitive receptors including neighbouring dwellings within 400m of the site. The Assessment indicates that the overall risks are not significant if carefully managed.

Based on the assessment and the responses received from NRW and the Public Protection Officer, it is not considered that the odour from the proposed replacement poultry unit would have an unacceptable impact on the closest residential receptor, over the existing poultry facility. The facility would decrease the amount of manure produced from 936 tonnes to 421 tonnes per year. In the event that there should be an issue, it is considered that sufficient control exists within the Environmental Protection regime to deal with the situation. The Public Protection Officer has recommended an Odour Management Plan is submitted for approval before the first poultry production cycle begins on site.

*In relation to Noise*

A Noise and Vibration Impact Assessment has been submitted in support of the application.

Concerns have been raised by neighbours regarding the noise associated with the ventilation system.

The Public Protection Officer has considered the noise and vibration impact assessment, and raised no concerns. It is considered that 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.

Having regard to the advice provided by the Public Protection Officer regarding noise, it is considered that the proposal is unlikely to result in an unacceptable noise impact on residential properties in the locality. In the event that there should be any issues, it is considered that sufficient control exists within the Environmental Protection regime to deal with them.

*In relation to vehicle movements*

Concerns have been raised by neighbours regarding the noise associated with the noise from HGV movements, particularly at night.

The Public Protection Officer has advised that there is the potential for disturbance to neighbours by the frequency of vehicle movements to the site and has recommended that transport of live poultry shall be limited to 6 vehicles per 36 week production period. It will be required for the site operator to notify the nearest receptors in writing two weeks prior to the movement of the poultry. They have also requested that the deliveries and collections shall take place between specified times to reduce the impact on the potential for noise disturbance to the occupiers of adjacent properties.

The proposed delivery times to and from the site were initially put forward by the Agent to be between 7am to 9pm (with the exception of live bird transport which can be undertaken outside of these hours). The Public Protection Officer raised concerns with the lateness of the delivery hours and recommended the delivery hours were conditioned to be 7am- 7pm Mon to Fri, 7am – 5pm Sat and Sun and 10am – 4pm on public holidays. This was discussed with the agent who accepted the proposed condition.

As there is currently no restriction on delivery times on the existing poultry unit, Officers consider the delivery hours and frequency of vehicle movements to be reasonable.

*In relation to ammonia impacts*

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 bio-aerosols.

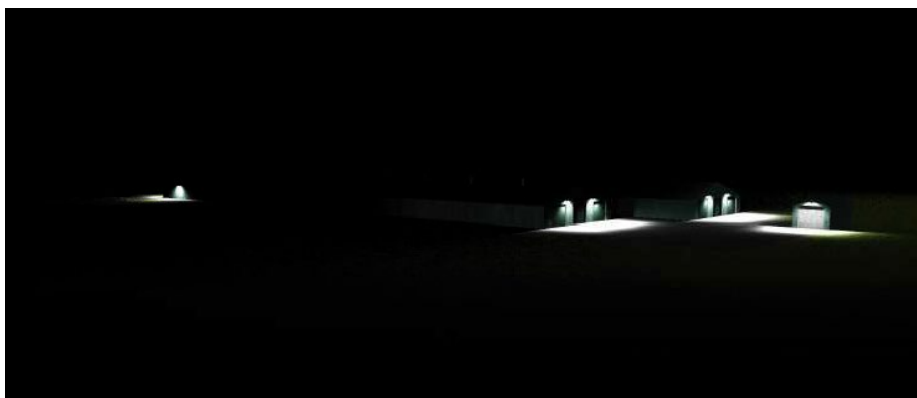
There are dwellings within 100m of the site and an Ammonia Impact Assessment has been submitted with the application. The Public Protection Officer and NRW have raised no objections to the proposal in regard to ammonia or airborne pollutants. The proposals will result in lower concentrations at habitat sites than the existing broiler operations. The impacts of ammonia from the proposed development site are therefore predicted to be acceptable either alone or in-combination with other schemes according to NRW assessment criteria and the development is unlikely to adversely impact protected sites.

*In relation to external lighting*

Representations have been received regarding the impacts of external lighting from a neighbouring property.

External lighting is proposed to the northern gable ends of the buildings for the pedestrian access and east elevation of the building for the delivering and collection of birds.

The external lighting will all be on PIR sensors and will only operate when a presence is detected. No lighting will be directed upwards and will be installed to the east elevation. The nearest dwelling, Bryn Glas is located approximately 132m to the north of the site on the other side of the road. The design of the external lighting will ensure that external light spillage is kept to a minimum, see the extract below showing the lighting on the front gables. As there is over 100m and a mature hedge and road between the site and the property, Officers conclude that the external lighting scheme is not considered to impact unacceptably on residential amenity of the occupiers. There are other properties located to the north east of the northern most gables, approximately 247m and 168m away, however considering the Lighting Assessment and spill modelling, it is not considered the external lighting will impact unacceptably on the amenity of the occupiers of any neighbouring properties.



*Modelling eg.*

The Public Protection Officer has raised no concerns regarding the external lighting and has recommended the details in the Lighting Assessment are conditioned on any approval.

To conclude, having taken the advice of NRW and the Council's Public Protection Officer, Officers are of the opinion that the proposal is unlikely to result in an unacceptable impact on the amenity of neighbouring properties.



#### 4.2.4 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) which was updated in October 2023 by the publication of an amended Chapter 6 – Distinctive and Natural Places. Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG 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 development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems” (Section 6.4.5).

Planning Policy Wales (PPW 11) 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 updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- **Green Infrastructure**

A stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- **Net Benefit for Biodiversity and the Step-wise Approach**

Further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- **Protection for Sites of Special Scientific Interest (SSSI)**

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.

- **Trees and Woodlands**

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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.

No representations have been received raising ecological concerns.

The proposal is supported by an ecology survey which concludes that the site has a low intrinsic biodiversity value. Recommendations for biodiversity enhancement are included in the report including the creation of a new attenuation pond, hedgehog nesting boxes and the erection of bat roosting boxes. Providing these are implemented the scheme is not likely to result in a net loss to biodiversity. A Green Infrastructure Statement has been included with the application.

The Ecology Officer has advised that they would require a more detailed biodiversity enhancement scheme and external lighting scheme to be submitted and would require a condition to ensure the development is carried out in line with the recommendations in the ecology report and that all planting is carried out no later than the first planting and seeding season.

Regarding the recommendation for a further external lighting scheme, Officers consider the details contained in the Lighting Assessment and spillage modelling are sufficient which also include details on the specification of lighting proposed and the PIR sensors. The Public Protection Officer has also requested that the details contained in the lighting assessment are included as a condition. It is therefore considered reasonable to attach an appropriately worded condition of this nature to any decision to grant rather than request further details on external lighting.

It is therefore considered subject to conditions, that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity net gain at the site.

#### 4.2.5 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'.

There is no known flood risk at the site.

An updated Manure and Dirty Water Management Plan confirms that there are existing contract arrangements with regards to the export of manure and contaminated water. The Plan also confirms that the proposal would decrease the amount of manure produced from 1233 tonnes of manure per annum (poultry) to 565 tonnes of manure per annum (turkey). Therefore, as the proposal would result in a

decrease in manure production and an improvement on the existing scenario, NRW raised no objections to the proposal.

In terms of foul drainage the Sewage Treatment Design was considered to be acceptable by NRW. As the development would be over 100sqm of construction area, SAB approval would be required from the SuDS Approval Body. A note to applicant will be included on any decision.

In conclusion, having regard to the comments provided by NRW regarding the Drainage Plans, there are no objections to the proposal from a drainage and flooding perspective.

#### 4.2.6 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.

The Community Council and neighbours have raised concerns regarding the proposed new access to the north of the site. They have concerns regarding the visibility splays and the proximity to a cross roads which could cause accidents.

The proposal involves the creation of a new access to the north of the site, closer to the main road through Saron. The existing access is proposed to be closed up.

The Highway Officer has raised no objection to the new access arrangements subject to a condition that the old access is closed. Having regard to the advice provided by a Highways Engineer on the arrangements, with respect to the comments received, it is concluded there would not be an unacceptable impact on the local highways network in terms of highway safety, taking into consideration the use of the existing site and the vehicle movements, to that which may be involved which are a reduction on the previous levels when the site operated as a broiler unit.

The site layout, movement around the site by HGVs and proposed parking arrangements are not considered to be unacceptable. Given the background of the site and having regard to the advice provided by the Highway Engineer, Officers do not consider there would be unacceptable highway impacts arising in this instance.

The PROW runs to the south of the site adjacent to Bryn Golau farmhouse and between the application site. This area of the site is not proposed to be impacted by the development. A note to applicant will be attached to any decision to ensure the applicant is aware that the footpath must not be impacted during the construction phase, in the interests of the safety of users.

### 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.

#### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 The application is considered to be acceptable and is recommended for grant subject to conditions.

**RECOMMENDATION: GRANT**- subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 21st February 2029
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:  
Plans:
  - (i) Location plan (Drawing No. 1) received 30 June 2023
  - (ii) Existing site plan (Drawing No. 2) received 30 June 2023
  - (iii) Proposed site plan (Drawing No. 3) received 30 June 2023
  - (iv) Proposed elevations (Drawing No. 4) received 30 June 2023
  - (v) Proposed floor plan (Drawing No. 5) received 30 June 2023
  - (vi) Tractor shed (Drawing No. 6) received 30 June 2023
  - (vii) Site drainage plan (Drawing No. 7) received 30 June 2023

Documents:

- (i) Pre-application consultation report received 30 June 2023
  - (ii) Ammonia Emissions: Impact Assessment (Isopleth Ltd. dated April 2023 Ref: 01.0196.003 v2) received 30 June 2023
  - (iii) Preliminary Ecological Appraisal (Craig Emms and Linda Barnett dated June 2023 Ref 346a) received 30 June 2023
  - (iv) Foul Drainage Report (Caulmert Ref 5853-CAU-XX-XX-RP-C-0300) received 30 June 2023
  - (v) Manure and Dirty Water Management Plan Rev A received 17 August 2023
  - (vi) Noise Impact Assessment (Matrix Acoustic Design Consultants dated 30th January 2023 Ref: M2133/R01) received 30 June 2023
  - (vii) Odour Impact Assessment (Isopleth Ltd. dated February 2023 Ref: 01.0196.003 OIA v1) received 30 June 2023
  - (viii) Method Statement and Pollution Prevention Plan received 30 June 2023
  - (ix) Transport Statement (DTA dated 4th May 2023 Ref: SJT/BM 25128-01) received 30 June 2023
  - (x) Lighting Assessment (Strenger, dated September 2023) received 21 September 2023
  - (xi) Residential Receptor Location Plan (Drawing No. Sk-01) received 21 September 2023
  - (xii) Assessed Scheme of Lighting (Drawing SK-02) received 21 September 2023
  - (xiii) Light Spill (Drawing SK-03) received 21 September 2023
  - (xiv) Additional Information email - operations - received 29 September 2023
  - (xv) Green Infrastructure Statement- received 19 December 2023
3. No new buildings shall be erected above slab level until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an attenuation pond and a minimum of 2 hedgehog nesting boxes and 6 roosting bat boxes of mixed designs on suitable trees as detailed within the approved Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, dated June 2023). Full details shall be provided on the locations and specifications of each enhancement feature and shown on appropriate plans and shall include a timeframe for their implementation. The development shall be carried out strictly in accordance with the approved details.
4. The development shall be carried out strictly in accordance with the 'Recommendations' section in the approved Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, dated June 2023).
5. The external lighting shall proceed strictly in accordance with the details contained in the Lighting Assessment (Strenger, dated September 2023) unless otherwise agreed in writing with the Local Planning Authority.
6. Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting and only feature species of known benefit to wildlife.
  - (c) proposed hedgerow species, maturity, numbers, spacing and timing of planting to the former access to be closed up
  - (d) proposed materials to be used on the driveway(s), paths and other hard surfaced areas.
  - (e) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
  - (f) proposed positions, design, materials and type of all boundary treatments.
- The development shall proceed in strict accordance with the details as approved.

7. All planting comprised in the approved details of biodiversity enhancement shall be carried out no later than the first planting and seeding season following the commencement of development. 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, unless otherwise agreed in writing.
8. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
9. Notwithstanding the hereby approved plans and documents, the transport of live poultry from the site shall be limited to 6 vehicles per 36 week production period. The site operator shall notify the closest residential receptors (identified as receptors A to C within the Noise Impact Assessment (Matrix Acoustic Design Consultants, dated 30th January 2023 Ref: M2133/R01)) in writing, a minimum of 2 weeks prior to the movement of poultry.
10. . Notwithstanding the hereby approved plans and documents, all deliveries and collections to and from the site (with the exception of live bird transport which can be undertaken outside these hours) shall take place Monday to Friday 0700 -1900hrs, Saturday 0700- 1700 hrs and Sunday and Public Holidays 1000- 1600 hrs only
11. An Odour Management Plan shall be submitted for approval in writing by the Local Planning Authority before the first poultry production cycle begins on site. The development shall proceed in strict accordance with the details as approved.
12. Vehicular access to and egress from the adjoining highway shall be limited to the access shown. Any other access or egress shall be permanently closed, and the highway verge reinstated concurrently with the bringing into use of the new access

**The reasons for the conditions 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 order to maintain and enhance biodiversity
4. To maintain the favourable conservation status of protected species
5. In the interests of residential amenity and in order to maintain the favourable conservation status of protected bat species
6. To ensure in the interests of visual amenity and enhancing the biodiversity of the area
7. In the interest of visual amenity and enhancing the biodiversity of the area
8. In the interest of visual amenity and enhancing the biodiversity of the area
9. To protect the residential amenity of nearby occupiers.
10. To protect the residential amenity of nearby occupiers
11. To protect the residential amenity of nearby occupiers
12. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.