

# **Appendix LV1**

## **Landscape Character Area Descriptions**



# Berwyn Foothills & Ceiriog Forest 2&3

This is one of a series of Local Planning Guidance Notes based on Wrexham LANDMAP (adopted November 2004), setting out recommendations for each Landscape Character area.



## Berwyn Foothills and Ceiriog Forest summary

- Exposed upland ridges or plateau rising to the Berwyn Mountains
- Tranquil and Remote
- Large regular fields, some bordering on moorland
- Land use mainly sheep grazing or forestry
- Outstanding distant views
- Isolated stone-built farms
- Important for informal recreation

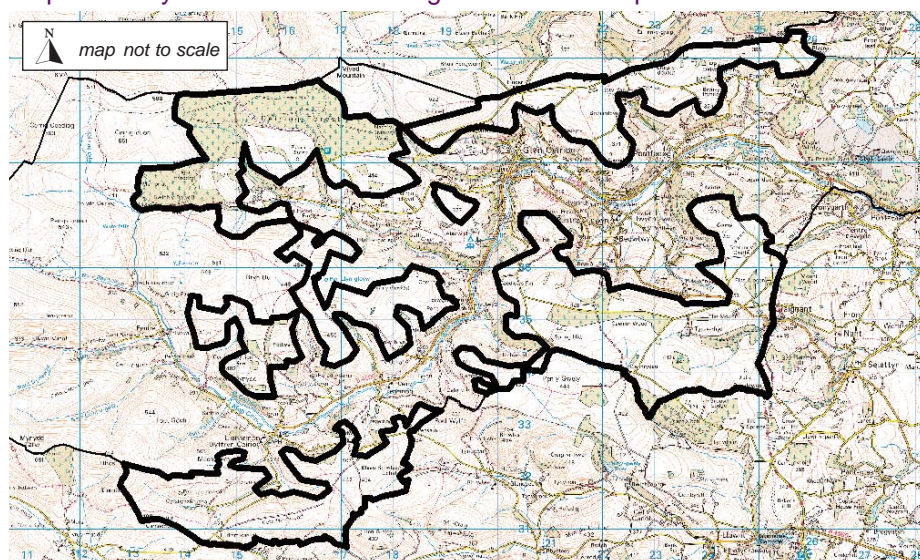


Exposed slopes or lower spurs of the Berwyn Mountains, with pasture and forest, enclosing the Ceiriog Valley. The Ceiriog Forest is a typical upland commercial forestry plantation contrasting strongly with the surrounding open areas

## Landscape context

The Berwyn Foothills and Ceiriog Forest are upland areas at between 350 to 500 m above sea level, above the steep-sided Ceiriog Valley. Although contrasting, differences are recent as much of the Ceiriog Forest and other plantations were planted after World War II, partly on formerly unenclosed moorland. The Berwyn Foothills landscape extends into Denbighshire, Powys and North Shropshire

### Map of Berwyn Foothills and Ceiriog Forest Landscape Character Area



Character Area boundaries should be considered transitional rather than precise  
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## Key characteristics

### Visual character:

- Enclosed upland ridges and plateau with outstanding views
- Fields large and regular, enclosed by fences or sparse, often overgrown hedges
- Forestry mainly in blocks, with some areas of pasture and woodland mosaic. Ceiriog Forest is a typical upland commercial plantation giving shelter and enclosure
- Scattered farms, no settlement in Ceiriog Forest

### Geological character:

- Marine sedimentary rocks of Silurian and Ordovician age mudstones, siltstones, sandstones and tuff - are folded into a structure known as the Berwyn dome. Hendre Sill is an igneous intrusion forming a ridge near Tregeiriog
- Disused quarries, some designated for their geological interest
- Soils in the Berwyn Foothills are variable, depending on underlying rock or glacial till, with localised seasonal waterlogging
- Peat soils are found in the Ceiriog Forest and Pen y Gwely areas

### Ecological character:

- Mostly 'improved' grassland of low biodiversity value, with conifer plantations and some hedgerows
- Remnants of semi-natural vegetation exist, including dry lowland heath, dry acid grassland, modified bog, acid flush, scattered scrub, purple moor grass and rush pasture. Pen y Gwely is a large area of acid flush wetland
- Ceiriog Forest is a locally important wildlife site with several rare species, including red squirrels



### Historical character:

- Regular fieldscape (relatively modern enclosure)
- The prehistoric hillfort of Cerrig Gwynion is sited on a prominent hill overlooking the upper Ceiriog Valley.
- Historic routes cross the hills - drovers roads, and Abbots Path to Vale Crucis in Llangollen
- Much potential for further archaeological discovery

### Cultural character:

- Predominantly pastoral land use or commercial forestry, with pheasant rearing/shooting in some areas
- The area's predominant culture is Welsh
- Minor roads and footpaths, including the Ceiriog Trail, are popular for recreation, while the Ceiriog Forest has open access

### Landscape sensitivity

Relatively high - new developments have the potential to be highly visible, and agricultural land uses may be very vulnerable to economic and climatic changes



### Overall management strategy:

Conservation

### Management Guidance

Aims	Guidelines
Conserve distinctive natural scenic character of ridgelines	<ul style="list-style-type: none"> <li>● Development which breaches the skyline and would be visible in local and long distance views would be considered inappropriate. Assess intrusive development from at least 15km distance</li> <li>● Ensure that any new development is integrated within the landscape in main views, through appropriate siting below the skyline with appropriate form, colour and materials</li> </ul>
Reduce intensity of land use on moorland margins	<ul style="list-style-type: none"> <li>● Avoid ploughing and overstocking, particularly on steep slopes</li> <li>● Restore upland moorland vegetation where possible</li> <li>● Improve integration of forestry plantations with upland moorland areas</li> </ul>
Diversify forest habitats and protect vulnerable forest wildlife species	<ul style="list-style-type: none"> <li>● Vary structure of forests and improve diversity of tree species, replacing coniferous trees with native broadleaves where possible. Management to consider impact upon main views</li> <li>● Maintain and expand moorland heath vegetation along forestry rides</li> <li>● Maintain and increase red squirrel population and biodiversity priority bird species</li> </ul>
Safeguard rock features and geological sites	<ul style="list-style-type: none"> <li>● Continue current geological management but assess new exposures</li> <li>● Manage grazing and recreational use to prevent erosion of peat. Any erosion control measures are to respect the upland rural character of the area</li> </ul>
Maintain, extend and link fragmented semi-natural habitats	<ul style="list-style-type: none"> <li>● Obtain further ecological advice on management of dry acid grassland, scrub, acid flush, purple moor-grass and rush pasture, but avoid drainage or ploughing of wetland habitats</li> <li>● Maintain and strengthen hedges, and restore hay meadow management practices</li> </ul>
Safeguard extend and link fragmented semi-natural habitats	<ul style="list-style-type: none"> <li>● Protect traditional field pattern, maintain stone walls and retain old marker stones</li> <li>● Protect setting of Offa's Dyke on eastern edge of character area (refer to Clwyd Powys Archaeological Trust)</li> <li>● Assess archaeological value of old quarries</li> <li>● No development on or near Cerrig Gwynion hillfort - retain grazing use</li> <li>● Assess potential for buried archaeological remains before ploughing or forestry planting</li> </ul>
Encourage local / sustainable tourist initiatives	<ul style="list-style-type: none"> <li>● Work with Forestry Commission, Ceiriog Valley Initiative, Local Access Forum, and neighbouring areas to achieve beneficial development, including new permissive access</li> <li>● Limit 4-wheel drive and trail bike access to least sensitive areas</li> <li>● Promote sustainable land management through agri-environment schemes</li> </ul>

### For further information contact:

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Lambpit Street, Wrexham. LL11 1AR  
Tel: 01978 292019  
[www.wrexham.gov.uk/planning](http://www.wrexham.gov.uk/planning)

All our information is available  
in accessible formats



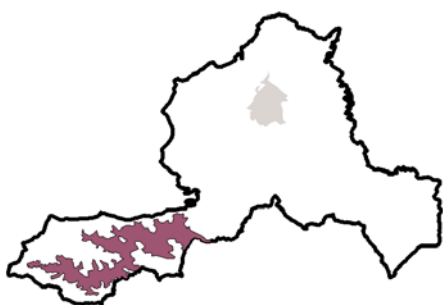




# Ceiriog Valley

# 4

This is one of a series of Local Planning Guidance Notes based on Wrexham LANDMAP (adopted November 2004), setting out recommendations for each Landscape Character area.



## Ceiriog Valley summary

- Scenic rural valley enclosed by upland ridges
- Sense of tranquillity and remoteness from urban areas
- Mosaic of pasture, woods and traditional small farms
- Small irregular fields with hedgerows and hedgerow trees
- Villages along valley bottom, with widespread use of stone for buildings
- Old quarries linked by tramway
- Area of value for informal recreation and low-key tourism
- Important area of Welsh culture

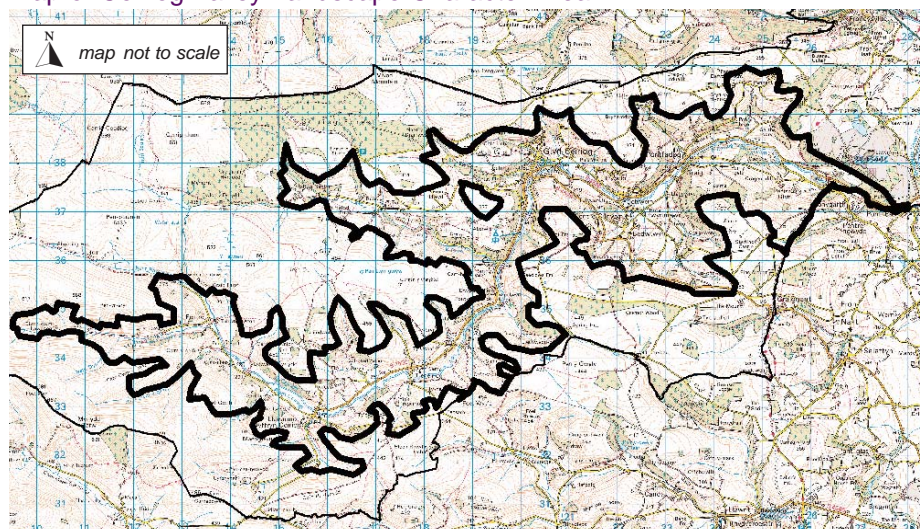


Scenic, tranquil and steep-sided valley enclosed by spurs of the Berwyn mountains, with hillside farms, wooded and farmed slopes, and small villages along the River Ceiriog.

## Landscape context

The Ceiriog Valley character area is part of a wider area known generally as the Ceiriog Valley, including the surrounding moorland, forest and upland spurs of the Berwyn Mountain and foothills, all of which are culturally and visually linked. The valley is close to the border of Wales and to the lowlands, linked by minor roads, but the Berwyn ridge forms a barrier to the west.

## Map of Ceiriog Valley Landscape Character Area



Character Area boundaries should be considered transitional rather than precise.  
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## Key characteristics

### Visual character:

- Upland pastoral valley with small scale mosaic of fields with hedgerows (some sparse or overgrown) and woods
- Steep open slopes give an upland feel even at lower elevations
- Constantly changing views due to zig zag shape of valley
- Scattered stone-built farms reached by steep winding lanes
- High quality of the landscape, the result of the sense of peace and tranquillity as well as the scenery

### Geological character:

- The valley extends deep into the

Berwyn Mountain range, with the fast flowing River Ceiriog cutting across the underlying geology of the Berwyn Dome

- Quarries and spoil tips are evident around Glyn Ceiriog
- Soils vary but are usually well drained loams, though some areas are affected by seasonal waterlogging

### Ecological character:

- River Ceiriog is a nationally important wildlife corridor and aquatic habitat
- Farmland is mainly improved grassland of low biodiversity interest but the high density of hedges and hedgerow trees is valuable for wildlife
- Valley is rich in woodland habitats - broadleaved, conifer or mixed. Semi natural broadleaved woodland is

usually associated with steep slopes and deeper tributary valleys

- Fragments of other habitats including acid grassland, dry lowland heath, lowland pasture, rush pasture, and acid flush wetland are found

### Historical character:

- Older evolved/irregular small field patterns of the lower valley survive, giving way to more recently enclosed larger regular fields on upper or steeper slopes
- Border area - Offa's dyke crosses valley to the east
- Prehistoric hillforts at Tyn y cestyll near Glyn Ceiriog, and Cerrig Gwynion hillfort near Llanarmon DC
- History of wool-processing - 18th century fulling mill at Pandy, and quarrying, with Glyn Valley tramway serving local quarries

### Cultural character:

- Sheep farming is the dominant land use, with some pheasant rearing, but there is increasing diversification to include rural crafts, woodland management, low key tourism and recreational facilities and activities including fishing and walking
- The Ceiriog Valley is recognised as a distinct cultural area within Wales. Welsh is widely spoken

### Landscape sensitivity

The Ceiriog Valley is sensitive to any changes which might affect its rural character and tranquillity, and it is vulnerable to pressures from nearby centres of population. It is also sensitive to changes which might take place on the surrounding uplands

## Overall management strategy:

Conservation

## Management Guidance

Aims	Guidelines
Retain existing distinctive rural character	<ul style="list-style-type: none"> <li>● Avoid visually intrusive development which is not in keeping with the area, particularly development on skyline</li> <li>● Ensure new buildings and conversions of older buildings are sympathetic to local character, using local materials where possible (consider small scale working of local quarries)</li> </ul>
Preserve geological features`	<ul style="list-style-type: none"> <li>● Protect and maintain rock exposures and geomorphological features, and assess new exposures</li> <li>● Maintain the integrity of fluvial landforms, and discourage development within the floodplain</li> </ul>
Preserve wildlife	<ul style="list-style-type: none"> <li>● Protect biodiversity priority species - refer to Wrexham's Biodiversity Action Plan</li> </ul>
Extend and enhance habitats and ecological networks	<ul style="list-style-type: none"> <li>● Protect and enhance lowland heath and grassland habitats, connect habitat fragments where possible</li> <li>● Restore hay meadow management, restore and manage hedgerows, maintain small field systems</li> <li>● Retain, manage and extend broadleaved woodlands. Replace coniferous trees with native species</li> </ul>
Protect aquatic habitats	<ul style="list-style-type: none"> <li>● Preserve trees along river bank and prevent excessive hard bankside management such as canalisation or retaining walls</li> <li>● Refer to river habitat biodiversity action plan and otter species biodiversity action plan</li> <li>● Extend and enhance grazed flood plain</li> </ul>
Preserve archaeology	<ul style="list-style-type: none"> <li>● Preserve field boundaries and systems</li> <li>● Carry out field evaluations of old quarries, field systems, villages, mills and other historic features</li> <li>● Protect the setting of Offa's Dyke</li> <li>● Evaluate archaeology in advance of development in villages</li> </ul>
Encourage local economy	<ul style="list-style-type: none"> <li>● Promote awareness of the heritage and Welsh culture within the area. Ensure bilingual interpretation throughout the valley</li> <li>● Support sustainable local agriculture, tourism, cultural initiatives and businesses</li> <li>● Promote sustainable land management through agri-environment schemes</li> </ul>



### For further information contact:

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**All our information is available in accessible formats**



**Appendix LV2**

**Cae Mor Farm Free Range Egg Production Unit**

**Appeal Decision**

**(APP/H6955/A/16/3154472)**

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## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 14/12/16  
Ymweliad â safle a wnaed ar on 10/01/17

**gan Clive Sproule BSc MSc MSc  
MRTPI MIEEnvSci CEnv**

**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 10.02.17**

## Appeal Decision

Hearing held on 14/12/16  
Site visit made on 10/01/17

**by Clive Sproule BSc MSc MSc  
MRTPI MIEEnvSci CEnv**

**an Inspector appointed by the Welsh Ministers**  
**Date: 10.02.17**

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**Appeal Ref: APP/H6955/A/16/3154472**

**Site address: Cae Mor Farm, Lane From B4579 Via Cae Mor Farm to C300,  
Llwynmawr, Llangollen LL20 7BE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr E & J Morris against the decision of Wrexham County Borough Council.
  - The application Ref GLY P/2015/0810, dated 22/10/15, was refused by notice dated 07/03/16.
  - The development proposed is the erection of a free range egg production unit including silos and associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a free range egg production unit including silos and associated works at Cae Mor Farm, Lane From B4579 Via Cae Mor Farm to C300, Llwynmawr, Llangollen LL20 7BE in accordance with the terms of the application, Ref GLY P/2015/0810, dated 22/10/15, subject to the conditions in the attached schedule.

## Procedural Matter and Main Issue

2. During the discussion on possible planning conditions, a request was made for a condition to be imposed to address the protection of private water supplies. An opportunity was provided for it to be demonstrated why such a condition would be necessary given the scope of other regulatory controls. Mr Rayner's representation was received on 08/01/17. The Council and appellant were provided with an opportunity to comment on the new information, which they did promptly on 09/01/17. As a result, on 10/01/17 the adjourned hearing was resumed and immediately closed prior to the start of the site visit.
  3. With reference to the Council's reason for refusal and the representations in this case, the main issue is considered to be the effect of the development proposed on the character and appearance of the locality.
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## Reasons

### *Character and appearance*

4. Policy EC3 of the Wrexham Unitary Development Plan 1996—2011 ('UDP') is permissive of new agricultural buildings unless the proposal would have a detrimental impact on the environment or surrounding landscape. The policy notes that development should form part of an existing farm complex and take advantage of topography and other landscape features for screening, and that isolated buildings will only be permitted in exceptional circumstances, where there is an essential agricultural need, and no reasonable alternative location for the development.
5. The appeal site lies within a *Special Landscape Area* that is the subject of UDP Policy EC5 which states that: priority will be given to the conservation and enhancement of the landscape; and, development other than for agriculture, small scale farm-based and other rural enterprises, and essential operational development by utility service providers, will be strictly controlled. The appeal proposal would be development for agriculture.
6. UDP Policy EC5 also requires development to conform to a high standard of design and landscaping, with special attention paid to minimising its visual impact both from nearby and distant viewpoints.
7. The Landscape and Visual Impact Assessment ('LVIA') accompanying the proposal confirms the appeal site to be within Landscape Character Area 4 (LCA4) *Ceiriog Valley* as identified by one of the Council's *Local Planning Guidance Notes* adopted in March 2007 and based on Supplementary Planning Guidance entitled *Wrexham LANDMAP*. It notes LCA4 to be a scenic, tranquil and steep sided valley enclosed by spurs of the Berwyn mountains, with hillside farms, wooded and farmed slopes, and small villages along the River Ceiriog.
8. This is the character of the locality around the appeal site, which is in an elevated position on a hillside overlooking the farmhouse at Cae Mor and these views extend across this part of the Cerriog Valley. This location ensures that the appeal site is visible from various locations in the valley, but to differing extents given the screening effect of existing vegetation that the proposal would reinforce. The nearest views of the proposal would be from the B4579, Cae Mor Ucha and Cae Mor.
9. The Council Officer's report on the application notes the appeal site to form part of the 17ha at Cae Mor farm, which is the appellant's home and the land has been predominantly used for sheep farming. The appellant also has an interest in a farm in Shropshire.
10. The appeal proposal would develop an access track from a new entrance onto the B4579 that would lead to a vehicle turning area and a large building designed for 16,000 free range hens.
11. Constructing the appeal scheme would result in a disturbed area that extends well beyond the footprint of the building as 'cut and fill' operations establish the level platforms for the building and vehicle turning area. During the construction period these works would cause the appeal site to become very apparent when viewed from various points across the valley. However, if the proposed building were to be constructed in suitable colour(s) to blend with the greens around it and the disturbed and re-profiled soils were to be seeded/planted, the initial prominence of the development in the landscape would be significantly reduced.



12. The proposed re-profiling works would be significant due to the gradients on the hillside, but the positioning of the building on the appeal site would make use of the topography to reduce the extent of the cut and fill required.
13. The proposed siting would make effective use of existing screening in views from a number of directions, including those across the valley from the north and west, from Nantffowc to the east and from views to the south. Near views to the south west include those from the farmhouse at Cae Mor and the significance of this to historic environment considerations is dealt with below.
14. Reseeding and landscaping would reduce and soften the views of the proposed development, but the building and its feed silos, along with the site entrance, access and turning circle, would to some extent remain visible in near, mid and distant views.
15. Planting is proposed that would reinforce existing screening of views from the north. A separate area of proposed planting around the turning circle would eventually provide some screening of the proposed structures in views from Cae Mor Ucha, which is in an elevated position on the opposite side of the B4579. The appeal site is only part of the panorama that can be taken from Cae Mor Ucha and the footpaths near to that dwelling. When taking the near view of the appeal site and looking eastwards from Cae Mor Ucha, I found my eye drawn north and westwards to the longer views across the valley. The appeal proposal would change some of the views from Cae Mor Ucha, but it would be mitigated and the proposed building would be agricultural in character.
16. At 76.0m x 19.8m, the proposed building would have a larger footprint than other agricultural structures in the locality. The Council Officer's report on the proposal notes the floor area of nearby sheds to be 20% smaller at Plâs-onn, and the main building at Cae Mor Ucha to have a floor area two thirds smaller and a ridgeline 50% shorter than that proposed.
17. The appeal scheme would add structures of considerable scale to an elevated and overlooked position on the hillside. Even so, the proposed building would be a relatively low structure with a pitch roof ridgeline 6.03m high and venting structures projecting above it to 7.17m. Its scale also needs to be considered within its context.
18. Alternative locations for the development would be available around Cae Mor and they have been considered. However within the context of the valley and the aspects that can be taken within it, the hearing site visit confirmed: the selected position would make the most effective use of the topography and existing screening around Cae Mor; and, the existing screening could be reinforced and added to. Although development of the scale proposed would not enhance the natural landscape, the appeal scheme, subject to appropriate planning conditions, would protect and therefore conserve the Special Landscape Area.
19. The proposed building would add a new feature to views taken of and from the hillside. It would be distinctive through its scale, design and the cohesiveness of the contemporary built form. However, the development would clearly be agricultural in character and evidence has confirmed the necessity of its scale to respond to changing agricultural markets.
20. Activity associated with the proposed development would be agricultural in nature, and planning conditions could ensure that these farming practices would not harm the tranquillity of the Special Landscape Area.

### Historic environment

21. The appeal scheme would have no direct effect on any listed building. Given the size of the proposed structures and their elevated position in the landscape they would be expected to be present in some views of listed structures in the locality, of which, Cae Mor would be the closest.
22. Hearing Document 1 notes: *Cae Mor Farmhouse and adjoining farm building* to have a Grade II listing; and, the farmhouse to be sub-medieval and earlier than the adjoining farm building which dates from 1715. They were listed due to both '*...retaining strong vernacular regional character...*'. Evidence in this case, for example that within the LVIA, shows views of the listed buildings at Cae Mor that also include the appeal site. The appeal site was part of the historic landholding associated with the listed buildings and the proposal would be in their setting<sup>1</sup>.
23. The appeal proposal would introduce a large agricultural building into some views in which the historic asset is experienced. However, there would be a significant level of separation between Cae Mor and the proposed structures, which would be emphasised by the extent of existing and proposed screening. These factors would ensure that the immediate setting of the listed buildings at Cae Mor would remain open fields, an adjacent single track highway and vegetated boundary treatments.
24. The proposed building would be a contemporary agricultural structure set in a predominantly agricultural landscape. While the appeal proposal would have an impact on the setting of the listed buildings at Cae Mor, for the reasons above it would not be significant. The immediate setting of Cae Mor (and other historic assets in the locality) would be preserved as it would remain predominantly vegetated and agricultural in character.

### Conclusion on character and appearance

25. Matters set out above demonstrate that there are exceptional circumstances for not positioning the proposed development closer to Cae Mor farmhouse. The proposed location would be within the farm holding, and the siting of the development would enable its successful incorporation into the landscape, while also ensuring that it would be easily accessible from both the highway and Cae Mor farmhouse.
26. The particular circumstances of this site and farm, along with the proximity of existing development to that proposed, indicate that while the appeal scheme would not extend an existing farm yard, nor would it result in an isolated structure.
27. As such and for the reasons set out above, the proposed development would have an acceptable impact on the character and appearance of the locality and, overall, complies with UDP Policy EC3 and would meet the requirements and objectives of UDP Policy EC5, along with the relevant parts of Planning Policy Wales - 9<sup>th</sup> edition ('PPW').

### Other matters

#### Odour

28. This is a rural area where occasional odours associated with farming activity are likely to be experienced. The proposed unit would be of a size and stocking density that, if not managed effectively, would have the potential to release significant levels of

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<sup>1</sup> Matters in this sentence are noted by Cadw in comments dated 10/08/16

odour. Application documentation includes an *Odour Management Plan* that provides procedures in regard to a range of operational matters that could affect the potential for odour to be produced and released. If this appeal were to be allowed, the Odour Management Plan would be the subject of a condition that would ensure the level of odour released by the proposed development would be acceptable.

### Noise

29. A number of activities associated with the proposed unit could result in noise being experienced by the occupiers of nearby premises. Some of the features of the unit, such as extractor fans and alarm systems, may not be found on nearby farms. However, in relation to the potential for noise and disturbance, activities associated with the proposed development would be comparable to those on other farms in the area, such as, noise from delivery and collection vehicles, livestock, and personnel. Suggested planning conditions would ensure that, if this appeal were to be allowed, noise would be limited to an appropriate level and potentially disturbing activity would occur at suitable times.

### Water quality

30. A development of the type and size proposed could have effects on the water environment. At the application stage, concerns were raised regarding water abstraction points in the locality and the potential for groundworks and subsequent stocking levels and ranging areas to cause contamination of water supplies.
31. Natural Resources Wales ('NRW') has considered the effect of the development and the associated ranging area for the poultry<sup>2</sup>. NRW correspondence notes that responsibility for protecting private water supplies lies with the local authority, but that a site operating in compliance with the advice in the *Code of Good Agricultural Practice* would protect surface waters feeding into private water supplies.
32. During the hearing the Council relayed the views of its Environmental Health Officer ('EHO') that: the EHO had raised no concerns about the likely effect of the development on private water supplies, and noted the onus to be on the owner of the private water supply; the Council was not obliged to test the water supply; and there would be more risk to a stream than a ground water supply.
33. The appeal scheme would house 16,000 birds. It was confirmed during the hearing that units of this type would be expected to collect 80% of the poultry manure within the building, which reduces considerably the potential loading of nutrients/contaminants on groundwater. Outside the building, the birds would have an extensive ranging area.
34. My attention has been drawn to information regarding the possible effect of nitrates on public health, and the regulation of water quality. Mr Rayner's evidence estimates that the proposal would cause at least a 300% increase in the nitrogen loading of the ground in comparison to sheep stocking<sup>3</sup>, and his evidence on this has not been challenged. The potential receptors of drinking water contamination are downhill of the ranging area.

<sup>2</sup> NRW letters of 06/01/17 and 04/08/15

<sup>3</sup> Hearing Document 2

35. Spring lines referred to during the hearing are in the locality of the ranging area<sup>4</sup>. A 300% increase in nitrogen loading is clearly significant in numerical terms, but it does not follow that environmental harm would be likely to result from it. It has not been adequately explained how the evidence in this case would support a conclusion that the geology of the area would result in a '*...short shallow, residence time...*' that causes nitrates to be less attenuated where springs issue<sup>5</sup>. However, it is apparent that surface water could be directly affected if it were not isolated from the ranging activity.
36. The appellant confirmed that in recent years there have been many developments of the type proposed. These are typically in rural areas where private water supplies can be expected to be present. Despite this, there is no case law (or other evidence) that confirms a free range building and ranging area of the type proposed to have been caused an unacceptable adverse impact on a private water supply.
37. It is suggested that the precautionary principle indicates that it is necessary to impose a planning condition regarding the possible effects of the development on groundwater. The effects described by Mr Rayner may be considered dangerous if the contamination of the spring water occurred and it were to be used in a private water supply without first undergoing treatment. However, the appeal proposal is something where the nature of the risks is understood and regulators have commented on it. Neither the EHO nor NRW have suggested that the evaluations carried out fail to allow the risk to be determined with sufficient certainty.
38. If this appeal were to be allowed, a planning condition would be necessary to ensure that direct contamination of watercourses is prevented within the ranging area. However, it has not been shown that it would be necessary for the condition to address other matters, such as monitoring for nitrates within a private water supply.

#### Protected species

39. NRW notes that the proposed development is unlikely to have any effect on protected ecological sites or species. Nevertheless, section 4.3 of the *Ecological Appraisal* by QUANTS Environmental Ltd, dated June 2015, includes recommendations regarding lighting that should minimise any disturbance of bats. A suggested condition would address this, and other conditions would address matters relevant to the recommended biodiversity enhancements within section 4.1 of the *Ecological Appraisal*.

#### Public rights of way

40. The hearing site visit provided an opportunity to see the relationship between the appeal site and the footpath that runs south eastwards from Cae Mor<sup>6</sup>. There would be a considerable separation distance between the activity immediately around the proposed building and the footpath. While the footpath was noted to cross parts of the proposed ranging area, there is no evidence that activities associated with the proposed development would be likely to impede or restrict the use of the footpath.

<sup>4</sup> There is no evidence that demonstrates a culvert runs under the appeal site

<sup>5</sup> Evidence includes, amongst other things, details of soakaway design, and final comments from the appellant's environmental geology consultant

<sup>6</sup> Noted in the Council Officer's report on the application to be footpath PROW 25,



### Highway safety

41. Heavy Goods Vehicle ('HGV') traffic serving the proposed development would include a rigid bodied HGV twice a week for egg collection, a feed delivery every 9 days and vehicle movements to remove manure. The Highway Authority has no objection to the proposal and has noted the requirements of the new access, which would be onto a highway with a low 85<sup>th</sup> percentile vehicle speed due to the geometry of the road<sup>7</sup>.
42. Application drawings and the hearing site visit confirmed that suitable visibility splays would be achievable from the proposed new vehicular access point onto the B4579. The most likely route for HGV movements would be along the B4579 through Selattyn. While it is not a road built to current design standards, it carries existing farm traffic to and from the locality. These factors indicate that the nature and frequency of the vehicle movements associated with the proposed development, and the proposed site access, would be suitable for this site and provide an appropriate and safe highway environment.

### Economic viability

43. Any business has the potential to be challenged by market conditions and in this case other factors, such as illness within the flock, could also threaten its viability. However, the economic model for a development of the type proposed is well understood. The site is within 10 miles of the packing station that the eggs would be intended to be delivered to, and the packer has commented on the suitability of the scheme within the unit sizes available.
44. A condition has been suggested that would limit the use of the building to free range egg production. Consequently, any alternative operation would have to be the subject of a new planning decision that would enable the possible effects of the proposal to be addressed. If this appeal were to be allowed the resulting planning permission would be permanent. Given its agricultural use and rural location, the likelihood of the appeal site being left unused or derelict is remote and therefore, a condition to address site restoration would be unnecessary.
45. Paragraph 3.1.2 of Technical Advice Note 6 – *Planning for Sustainable Rural Communities* ('TAN 6') states that support should be given to the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need for travel. The appeal scheme would support these objectives, which attracts significant weight in favour of the proposal.
46. There is no physical or operational link between the proposed building and Cae Mor farmhouse that would prevent one being sold independently of the other, and they would have separate accesses. However, the background to the application was set out during the hearing. It is clear that: Mr Morris lives at Cae Mor; the appeal scheme would be his business; it has been subject to extensive preparation and planning; and, potential benefits of the scheme would be lost by its siting elsewhere.

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<sup>7</sup> Memorandum, dated 13/01/16, from the Council's Service Manager Environment included with the appellants' final comments

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### Conclusion on Other Matters

47. These *Other Matters* are addressed by UDP Policy GDP1 – *General Development Principles*, and for the reasons above, the appeal proposal complies with the relevant parts of UDP Policy GDP1, PPW and TAN6.

### **Conclusion**

48. Each application and appeal falls to be considered on its own merits. The appeal proposal would be a contemporary structure that evidence confirms to result from, and responds to, changing agricultural markets and the economies of scale required to meet them. It would be a distinctive new feature in the landscape, but planning conditions could ensure that its presence would be substantially mitigated.
49. Positioning the proposed development closer to the listed Cae Mor farmhouse and adjoining building would significantly diminish the setting of these historic assets. A balanced approach has been achieved in the selection to the proposed site. It would make use of the topography and screening in many views of Cae Mor and the appeal site to provide a significant degree of separation, while still being associated with Cae Mor. The proposed building would be in sufficient proximity to Cae Mor to provide pedestrian (and off-road vehicle) access from the farmhouse for the day to day management of the poultry, while also enabling a suitable highway access to be provided for large vehicles.
50. The appeal proposal complies with UDP Policies EC3, EC5, and GDP 1 and the relevant parts of PPW and TAN6. All matters that have been raised in representations have been taken into account, but none have been found to outweigh the identified policy compliance. It is evident that with appropriate planning conditions the appeal scheme would be a suitable form of development for the location proposed.
51. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

### Conditions

52. Possible conditions contained within the Council’s statement have been considered within the context of the evidence in this case and discussions during the hearing.
53. For the avoidance of doubt and to ensure an appropriate form of development, a condition shall be imposed regarding the approved drawings.
54. In the interests of protecting the character and appearance of the locality conditions shall be imposed to address external facing and roofing materials, earthworks and associated activities, and external lighting. For this reason, conditions shall also be imposed to address landscaping with requirements that reflect the importance of landscaping and the resulting screening to the acceptability of the development.
55. To protect the living conditions of nearby residents, conditions shall be imposed to address noise, odour, the poultry use of the building, and the hours for works to implement the permission and for haulage to and from the site. The condition

regarding hours for implementation works and deliveries does not seek to restrict the day to day management of the poultry within the unit nor the farmer's activities on the holding to address their welfare.

56. To protect the natural environment and living conditions in the locality, conditions shall be imposed to address biodiversity, site drainage and water disposal, and surface water protection.
57. In the interests of highway safety, conditions shall be imposed to address the creation of the site access and its visibility splays, and the provision of a Construction and Operational Traffic Management Plan.
58. For the reasons above and subject to these planning conditions, the appeal should be allowed.

*Clive Sproule*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing number: RJC-MZ-1845-01A – Location Plan
  - Drawing number: RJC-MZ-1845-01B – Landscaping Plan
  - Drawing number: RJC-MZ-1845-01C – Drainage Plan
  - Drawing number: RJC-MZ-1845-02 – Proposed Block Plan
  - Drawing number: RJC-MZ-1845-03 – Proposed Elevations
  - Drawing number: RJC-MZ-1845-04 – Sections Plan
  - Drawing number: RJC-MZ-1845-05 – Proposed Highway Specification Plan
  - Drawing number: RJC-MZ-1845-06 – Land in Ownership
- 3) The building hereby permitted shall only be used as a free range egg laying unit, as described in the application documentation.
- 4) No part of the development shall commence until an ecological habitat management plan has been submitted to and approved in writing by the local planning authority. The plan shall include actions to achieve biodiversity enhancements in relation to the adjoining Wildlife Site in accordance with the threats identified in section 4.1 of the submitted Ecological Appraisal by QUANTS Environmental Ltd, dated June 2015. The approved scheme shall be implemented in accordance with a timescale to be approved as part of the plan and shall be maintained in accordance with the plan thereafter.
- 5) No part of the development shall commence until samples of all external facing and roofing materials including the colour(s) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No part of the development shall commence until a detailed site layout plan of the access point onto the B4579, including existing and proposed levels, has been submitted to and approved in writing by the local planning authority. The plan shall show the full extent of visibility splays measuring 2.4 x 56m in either direction from the access point. Within the splays shown on the plan, there shall be no obstruction in excess of 1m above the level of the nearside edge of the highway, and the splays shall thereafter be permanently retained clear of any such obstruction to visibility. In addition the access shall be surfaced with hard bound materials for a minimum distance of 5m from the adjoining highway. The access shall be constructed in accordance with the approved details and shall be fully completed prior to the development hereby permitted being brought into use.
- 7) No part of the development shall commence until a Construction and Operational Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the local planning authority. The Construction and Operational Traffic Management Plan shall be implemented as approved and retained for the duration of the use hereby permitted.
- 8) No part of the development shall commence until a scheme for the comprehensive and integrated drainage and water disposal of the site indicating



provision for foul water (including wash down), surface water and land drainage has been submitted to and approved in writing by the local planning authority. The building hereby permitted shall not be occupied and stocked until the drainage scheme has been completed and the drainage and water disposal of the site shall thereafter be managed and retained in accordance with the approved scheme.

- 9) No part of the development shall commence until a scheme for all earthworks, excavation, land regrading, retaining structures and ancillary walls, fences or bunding has been submitted to and approved in writing by the local planning authority. Details in the scheme shall include existing and proposed levels and contours, cut and fill lines, existing vegetation and site features of the development. Details of soil stripping, storage and replacement shall be included where appropriate. Development shall be carried out in accordance with the approved scheme.
- 10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping and a management plan for the landscaping and associated/resulting screening, which shall include indications of all existing trees, shrubs and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Planting within the scheme of landscaping shall include proposals for the road frontage and the access road.
- 11) The approved scheme of landscaping shall be carried out within 12 months of the commencement of the development hereby permitted; and any trees or plants which within a period of 5 years from the date of planting 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 the local planning authority gives written approval to any variation.
- 12) Subject to the exceptions detailed separately in this condition, all works in relation to the implementation of this permission, and deliveries to or from the site, shall be undertaken only between the hours of 07:30 and 18:00 Monday to Friday, and 08:00 to 14:00 on a Saturday and at no time on a Sunday, Bank or Public Holiday. Vehicles associated with the delivery or collection of the birds shall be allowed on the site from 06:30 hours with loading and unloading taking place from 07:00 hours. The removal of manure from the site shall not take place on Saturdays, Sundays, and Bank or Public Holidays.
- 13) The rating level of any noise generated by plant associated with the development shall not exceed the pre-existing background levels by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive properties, and measurements and assessment shall be made in accordance with BS4142:2014 - *Methods for Rating and Assessing Industrial & Commercial Sound*, or any successor document.
- 14) The odour minimisation measures as contained in the Odour Management Plan of Roger Parry and Partners LLP, dated October 2015, shall be implemented and retained thereafter.
- 15) A scheme for the protection of surface water in accordance with the DEFRA publication entitled *Protecting our Water, Soil and Air – A Code of Good Agricultural Practice for farmers, growers and land managers*, or any successor document, shall be submitted to and approved in writing by the local planning authority before the building and structures hereby permitted are brought into

use. The scheme shall be implemented as approved and surface water protection measures shall thereafter be managed and retained in accordance with the approved scheme.

- 16) A scheme for external lighting shall be submitted to and approved in writing by the local planning authority before the building and structures hereby permitted are brought into use. External lighting at the site shall thereafter only be installed in accordance with the approved scheme and retained as such.

## **APPEARANCES**

### FOR THE APPELLANT:

Richard Corbett  
BSc(Hons) MRICS FAAV

Roger Parry & Partners LLP

Francesca Iribar

Viento Environmental Limited

Julian Morris

The appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Philip Forster

Wrexham County Borough Council

### INTERESTED PERSONS:

Edward Rayner

Sue Mintz

Joan Jackson

N J Reeves

GG & JE Jones

Graham Barrow

## **DOCUMENTS**

1. Historic Wales Report – Cadw Listed Buildings for *Cae Mor Farmhouse and adjoining farm building*
2. A letter from Mr & Mrs Rayner regarding the necessity for a planning condition to address the possible effect of the development on private water supply, enclosing a letter from NRW, dated 06/01/17.
3. An e-mail, of 13:43hrs 09/01/17, offering no further comments from the Council
4. An e-mail, of 16:45hrs 09/01/17, offering no further comments from the appellant other than reliance on the NRW comments enclosed with Hearing Document 2