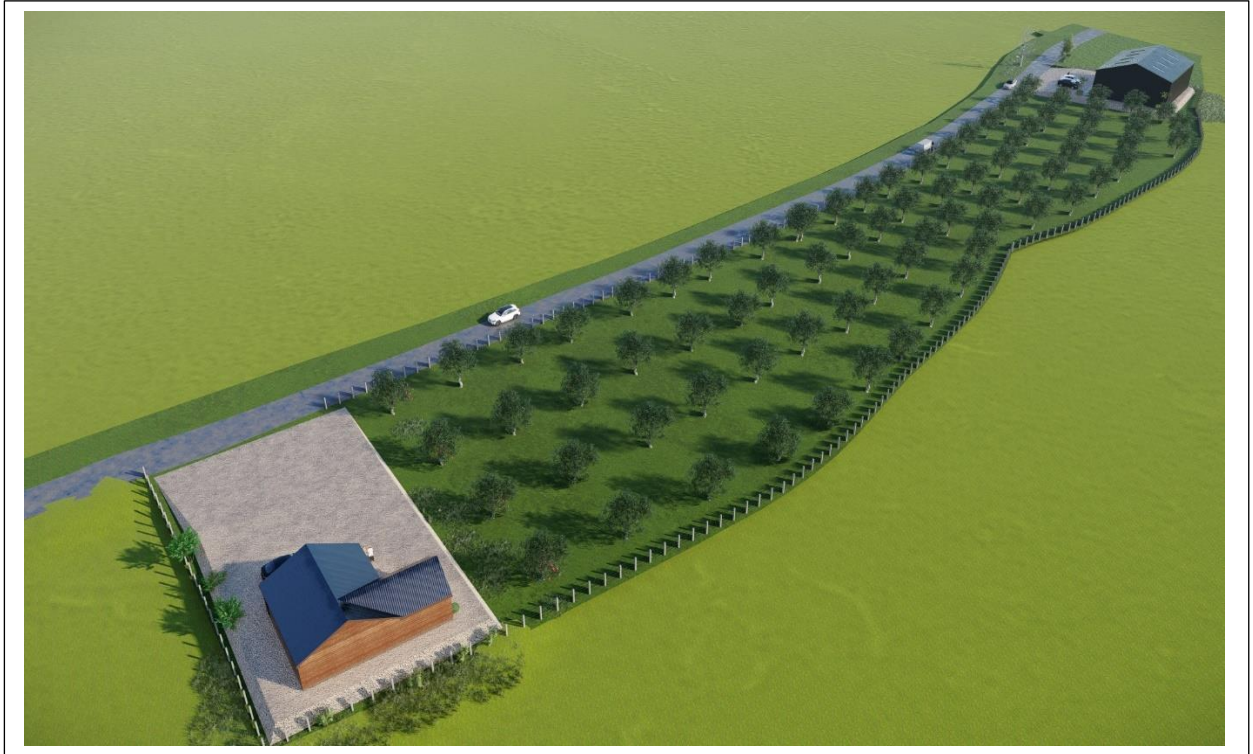


NOVEMBER 1, 2023



PLANNING SUPPORT STATEMENT

CONSTRUCTION OF A BUILDING FOR MICROSCALE FRUIT PROCESSING/PRESSING

Submitted on behalf of Mr Marc O'Mahoney

DR HAZEL ANN NASH

RURAL ADVISOR LTD

Lys y Llan, Pumsaint, Llanwrda, Carmarthenshire, SA19 8AX

1. Application

- 1.1 Rural Advisor Ltd has been instructed to complete a Planning Support Statement by Mr Mark O'Mahoney. This statement is submitted in support of a planning application for the construction of a building for microscale fruit processing/pressing on land south of Rhos along the Neath Road.
- 1.2 The application seeks planning permission for a detached timber clad building. The building will be used for the washing and processing of apples into cider from the adjoining orchard which lies south of the proposal site and to the west side of Neath Road, identified on Figure 1 below.

Figure 1. Location Plan



- 1.3 Therefore, the proposal includes as part of these works the following development:
 - (i) alterations to existing ground levels;
 - (ii) improved and enlarged access from the highway into the site;
 - (iii) the constructions of a single storey "L" shaped timber framed building facing south into the site.

2. Description of Existing Site

2.1 Location

- 2.1.1 The site is located approximately 350m to the south of Rhos, on the west side of Neath Road, as shown below in Figure 2. The site is owned by the applicant who has been developing a micro enterprise consisting of an apple orchard which extends in a linear format along the west side of Neath Road. To the immediate south of the orchard is a building, which serves as storage for the equipment associated with the orchard.

2.2 Constraints

2.2.1 The site itself adjoins a Site of Special Scientific Interest (SSSI), Fforest Goch Bog, shown on Figure 2 below.

Figure 2. Plan showing location of SSSI to proposal site



2.2.2 There are no listed buildings within a 400m radius of the site. Similarly, there are no scheduled monuments located in proximity to or within the wider area, see Figure 3 below.

Figure 3. Plan showing location of listed buildings and scheduled monuments (Cadw Register (25/01/2023))

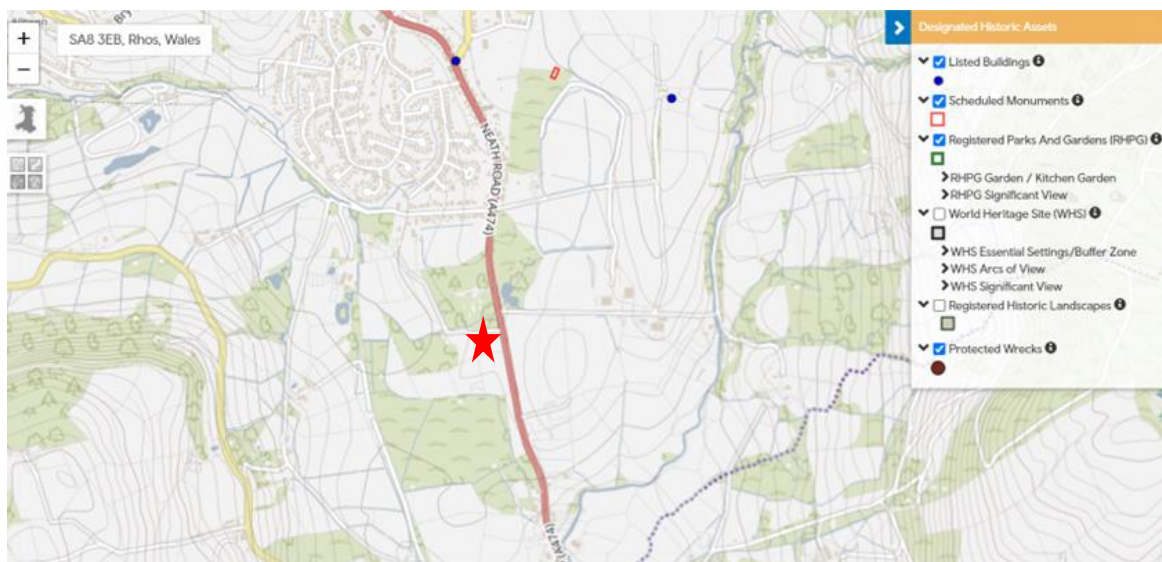
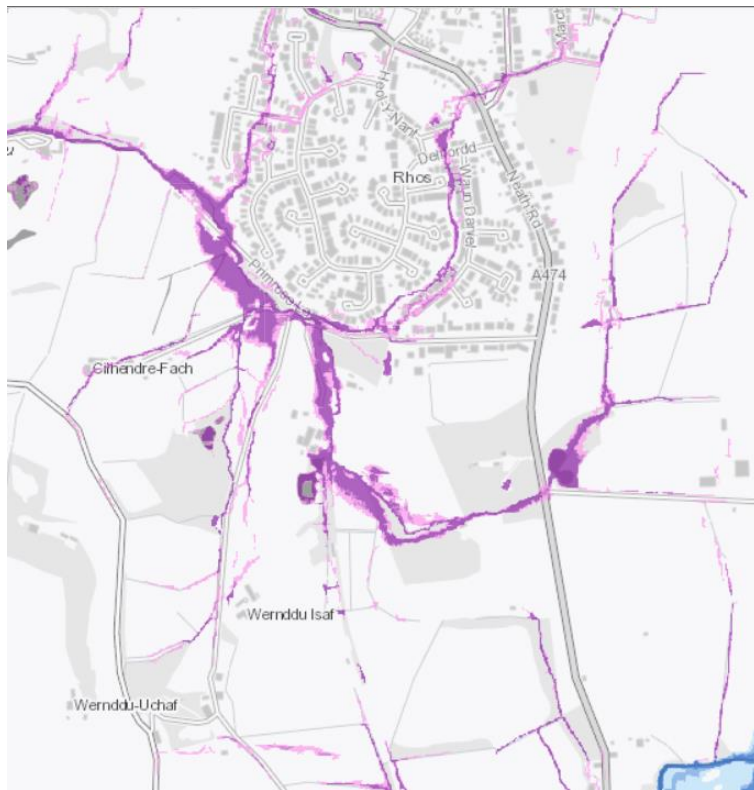


Figure 4, Flood Risk Map for Proposal Site (NRW, 2023)



2.3.1 The site benefits from an existing access which is used to access the agricultural land owned by the applicant, used for growing apple trees. See Figures 11 and 12 below.

2.3.2 Two small metal containers have been placed on the site to provide welfare facilities associated both with managing and tending to the land and also in preparation for the construction of the proposed fruit processing and cider making building, see Figure 5 below.

Figure 5, Photo showing the two small metal containers used as ad hoc welfare facilities.



3. Details of the Proposal

- 3.1 The proposal is for a detached building for the processing and pressing of fruit from the orchard. The building is sited set back from the roadside and in proximity to natural and mature lines of hedgerow and trees which border the parcel of land to the north and west. Due the ground level dropping away slightly from the highway into the plot, some levelling work will need to be undertaken. Figure 6 below provides a plan showing the existing and proposed ground levels.

Figure 6, Plan showing existing and proposed ground levels



- 3.2 This reason for this siting is to (i) mitigate any adverse visual landscape impact from the public realm; and (ii) to provide safe access and egress to the building enabling vehicles to fully pull onto the site manoeuvre on the site and leave in a forward gear whilst minimising the area of land needed for this development. Highways safety considerations are further discussed under Section 5.4 below.
- 3.2 The proposed building itself is "L" shaped, orientated to reflect the siting of the building in the northwest corner of the plot. The principle elevation faces south providing an entrance into the office area and window as well as the large service doors where the produce will come in to and out from. There are no apertures to the east and west elevations, in order for the building to embed within its environment as an agricultural building. One rear door is position to the north elevation.
- 3.3 The building is proposed to have a dual pitched roof with gable being of a maximum ridge height of 4.525m and eaves height of 2.460m. It would measure at its maximum 13m (L) x 10m (W). It should be noted that the greatest width to the building is set farthest from the road and screened by native border. See Figures 6 and 7 below.
- 3.4 The proposed finish to the timber framed building is horizontal timber boards sourced sustainably being either oak, douglas fir or western red cedar. The window and doors with likewise be timber framed double glazed units. The roof will be black metal sheets.

Figure 7. Proposed south and west elevations.

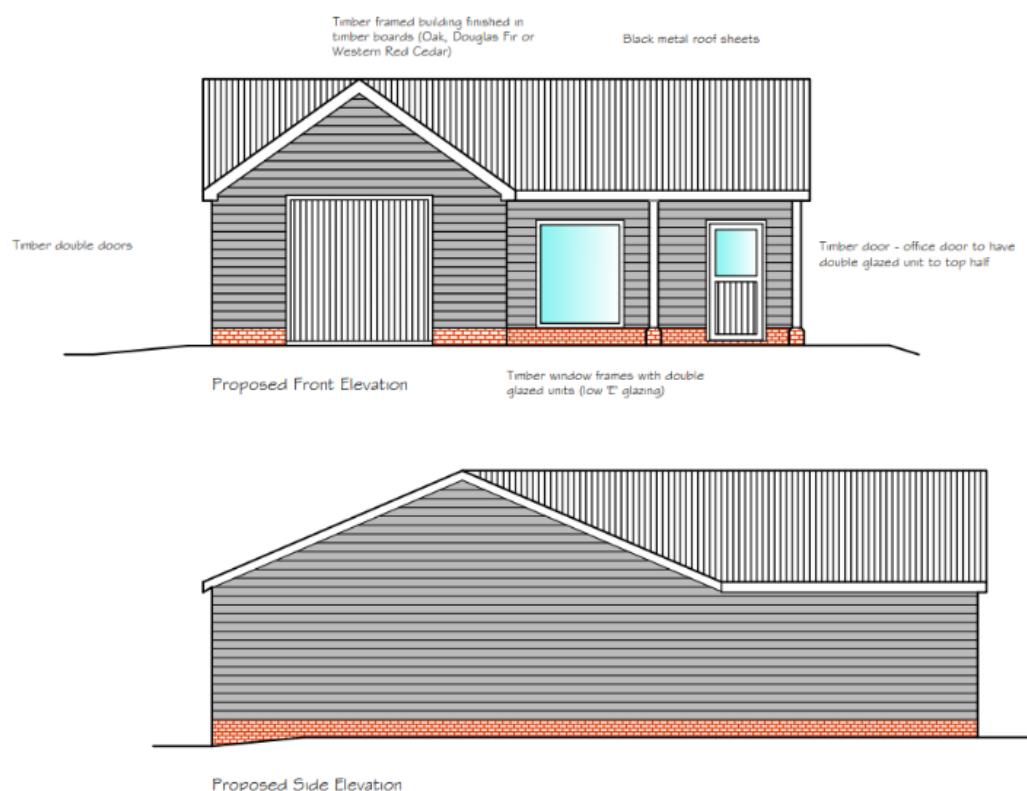
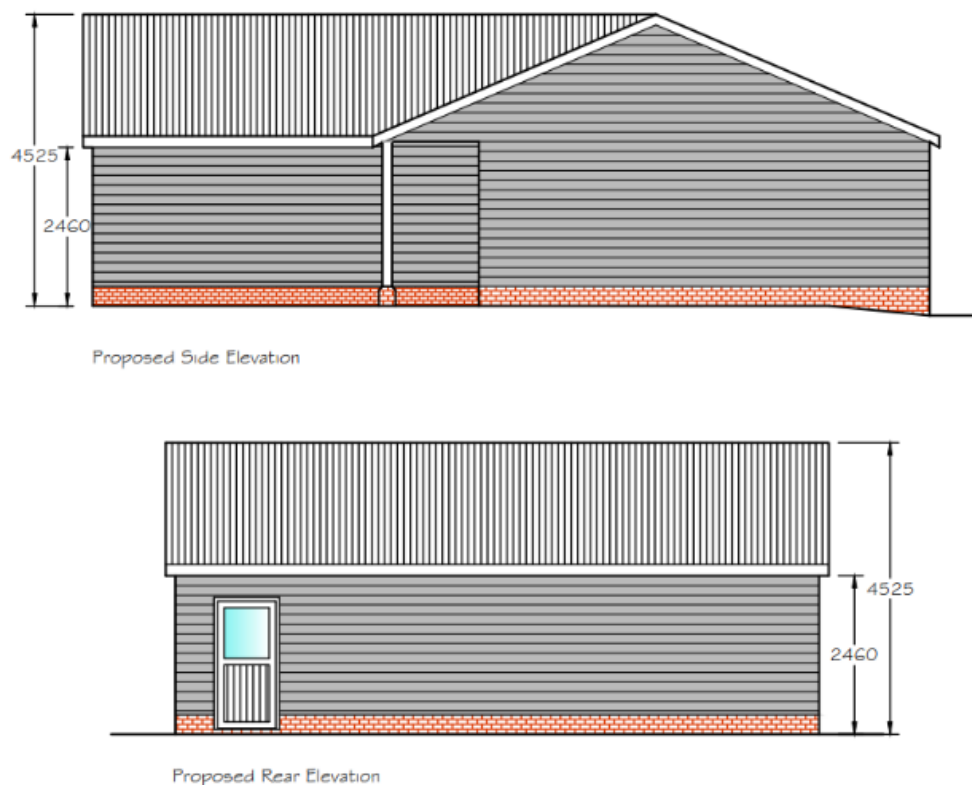


Figure 8. Proposed east and north elevations.



4. Assessment of Policy

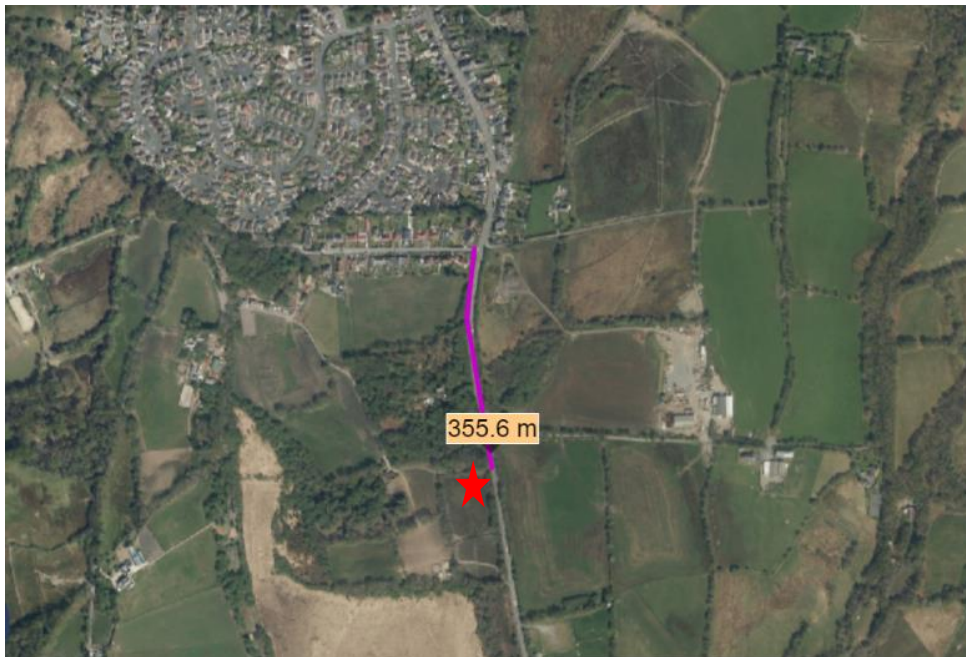
4.1 Relevant National and Local Planning Policy

4.1.1 The proposal is assessed against the relevant national and local planning policies as required under s.38(6) of the Planning and Compulsory Purchase Act 2004 which provides that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Accordingly, the proposal has been informed and shaped by Planning Policy Wales (PPW) ed.11, the Neath Port Talbot Local Development Plan and Supplementary Guidance, in particular the Design and Landscape documents. Consideration has also been given to the Well-Being of Future Generations (Wales) Act 2015. Of particular relevance are policies SP3, SP15, SP20, SC1, BE1, TR2, EN8 and EN31 as well as SPG Design.

4.2 Principle of Development and Location

4.2.1 The proposal site is not situated within the Rhos settlement limit, being approximately 355m south of the boundary for Rhos. Policy SP3 (Sustainable Communities) provides that outside settlement limits inappropriate development will be resisted by the Council. Policy SC1 sets out the circumstances under which development outside settlement limits will be permitted, including point (3) it constitutes the small scale expansion of an existing business and (10) it is associated with either agriculture, forestry, minerals or energy generation.

Figure 9, Aerial Plan showing proximity of site to Rhos settlement



4.2.2 This proposal satisfies two separate circumstances under Policy SC1 enabling the principle of the development to be supported in this location outside of a settlement limit. First, the proposed fruit pressing and processing building constitutes the natural step in the growth of the applicant's cider making business, allowing expansion to cater for the local and wider demand of their product. Please refer to the Business Plan for more detail on the current business operation and future projections This satisfies Point 3 of the policy. In addition, the enterprise is clearly associated with agriculture, as can be supported by the statutory definition of agriculture provided under the Town and Country Planning Act (TCPA) 1990, s.336 which states:

"agriculture" includes horticulture, **fruit growing**, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly. (emphasis added).

4.2.3 As such the principle of the proposed fruit processing and pressing building should be considered for the purposes of the planning assessment as development associated with agriculture. This is further demonstrated by the intention of the applicant to plant a further 72 No. Apple trees within the orchard, see Figure 7 below.

4.2.4 In addition, the case of *Millington v SoS & Another* 25/6/99 held conclusively that the small scale making of products derived from material produced at a particular farm may be viewed as ancillary. On appeal the court held that the production of wine or cider on the scale of the appellant's business was found to be perfectly normal as

incidental to the growing of grapes as part of normal farming activities and reasonably necessary to make the product marketable.

Figure 10. Proposed Site Plan showing new apple tree planting.

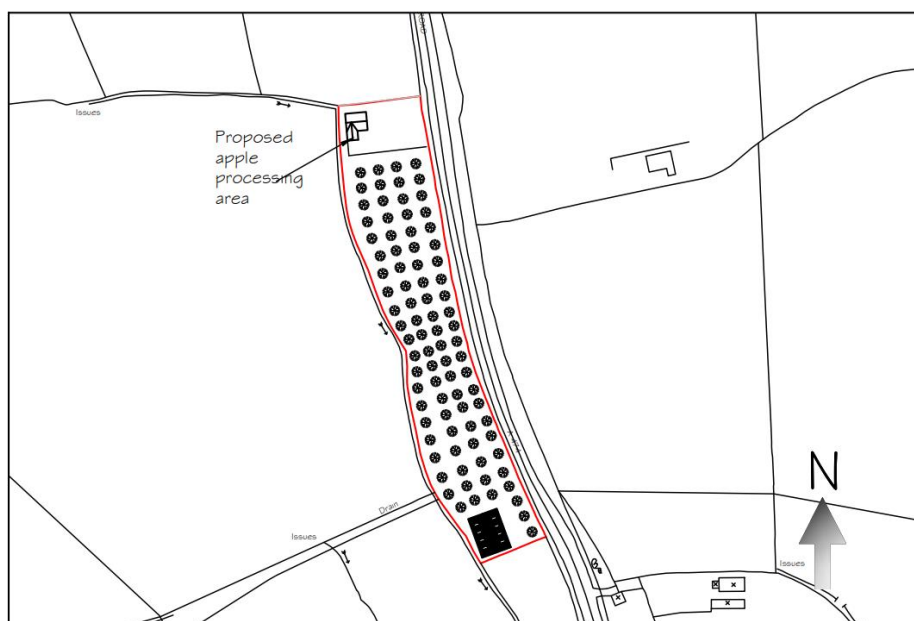


Figure 11, Photo showing apple tree planting



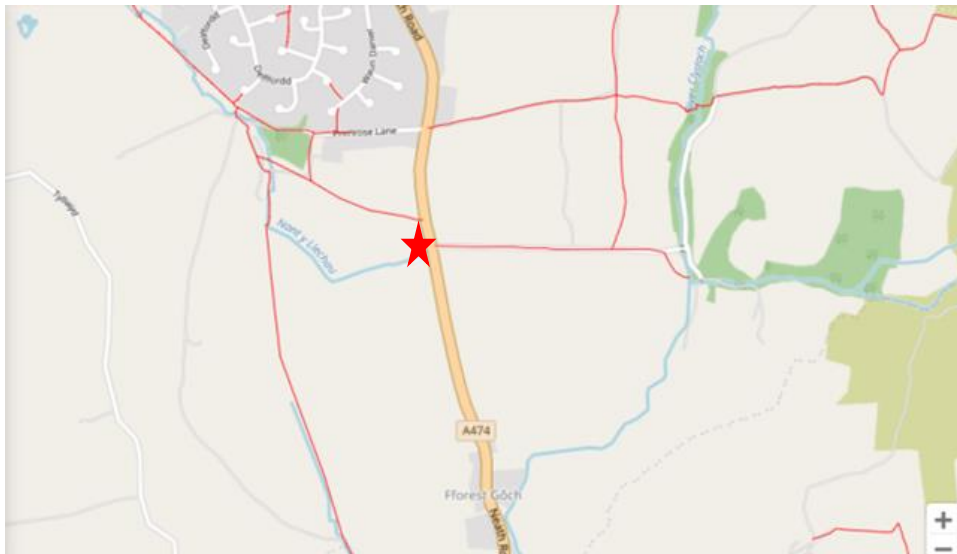
4.2.5 Where the principle of development outside settlement limits is established, as in this case, Policy SC1 goes on to require that all new buildings must be located adjacent to existing buildings or settlements wherever possible. Given the proximity of the site to the southern limit of Rhos, the location of the building seeks to comply with this, as far as practicable, through being sited to the north end of the plot, closest to the

fringes of the settlement. Furthermore, the Policy requires new buildings in countryside locations to be “of an appropriate scale and form”. This will be discussed immediately below under Design (Section 4.3).

4.3 Design

- 4.3.1 Policy BE1 (Design) provides that proposals must demonstrate high quality design which takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. It goes on to set out ten criteria proposals must satisfy, where relevant, to be permitted. Furthermore, the SPG on Design sets out that the design response would include siting to, amongst other things reduce prominence on the site, taking into account the context and topography.
- 4.3.2 This site has been selected as the most suitable and appropriate site for the fruit processing building on the basis that (i) it provides sufficient external space around the proposed building for the manoeuvring of vehicles within the site; (ii) it can take advantage of the existing natural screening from the public realm (see paras 4.3.3 and 4.4.4 below), (iii) does not impact detrimentally on the nearby SSSI which is considered to be more likely where this proposed building was instead situated adjacent to the agricultural storage building to the south of the land in the applicant’s ownership. Indeed, it is considered that the cumulative impact of two buildings located at the southern plot, where the SSSI runs in proximity to the land’s western boundary would not be appropriate for the designation.(iv), siting the buildings together would result in a density of built development which is, uncharacteristic in this locality and (v) it is of paramount importance to ensure the health and safety of those working on the land and those visiting the land. The south is unable to safely and conveniently accommodate the fruit pressing building and the associated operations and activities.
- 4.3.3 The plot occupies a well screened position to the west of Neath Road. Whilst considered in policy terms to be in the open countryside, it is approximately 350 metres south of the fringes of Rhos. The site is bordered by trees to the north east and west which provides visual screening from the public realm. The nearest public footpath lies approximately 50m to the north of the site and runs in a northwesterly direction from the Neath Road towards Rhos.

Figure 12. Map showing location of public footpaths and rights of way.



- 4.3.4 Furthermore the trees and hedgerow to the northern and western boundaries of the application site screen views from these direction. Accordingly, in both the siting and orientation of the proposed building the natural existing screening has been utilised to mitigate visual intrusion into the landscape and integrate the building within its plot and the wider environment. Equally, both the construction of the building (timber framed) and the finish in horizontal timer boarding under a metal roof has been carefully considered through the design process in order to most effectively integrate the building into its context and location and provide the appearance of a rural building of suitable and reflective vernacular to what it in existence along this stretch of Neath Road.
- 4.3.5 It is not only the siting, orientation and ultimate finish that has been considered against the policies of design under BE1 of the NPTLDP and the accompanying SPG (2017) but also in the construction of typology of the structure itself. The proposed timber structure is both a sustainable and naturally sourced material, which enables the structure to be largely constructed off site, in a modular style format, before being brought onto site. This reduces the construction phase impacts associated with the build including increase in vehicular traffic, highway safety implications, noise, disruption and, most importantly perhaps, any adverse implications of the construction to the nearby Fforest Goch Bog SSSI. (This is further discussed under nature conservation and biodiversity).

Figure 13. Photo showing existing north access from the west boundary to the site (Googlemaps, 01/02/23)



Figure 14, showing existing north access, looking south along the Neath Road from Rhos



- 4.3.6 The proposed fruit pressing building responds to existing business pressure requiring expansion of operations to increase the level, quantity and efficiency in the production of cider. At present this rural enterprise is constrained by its current operational capacity and needs to “scale up” to meet demand. This involves a separate on site building for the washing, preparation, processing and bottling of apples. There are no adverse effects associated with this development proposal on biodiversity, heritage or landscape given that (i) no changes need to be made to the land or boundaries to provide the new building, (ii) existing trees and hedgerows remain untouched and unaltered by the proposal and (ii) the location of the proposal site does not affect any listed buildings or ancient monuments and is not within of adjacent to any designated sites (see Figure 3 above) and (iv) the building is of a height, scale, size and siting that is sympathetic to the landscape and wide context in which it is to be located. Consequently, the development proposal protects the landscape
- 4.3.7 Therefore, as a matter of fact and degree the proposal by virtue of the scale, form, design, layout and characteristics complies with relevant land use planning policy.

4.4 Impact on Highways

4.4.1 Policy SP20 point 7 requires development proposals to be designed to provide safe and efficient access and promote sustainable transport and point 8 requires appropriate parking provision. This is supported by Policy TR2 (Design and Access of New Development) which lists the criteria development proposals must satisfy to be capable of being permitted, namely:

- (i) The development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation;
- (ii) Appropriate levels of parking and cycling facilities are provided and the access arrangements for the site allow for the safe manoeuvring of any service vehicles associated with the planned use;
- (iii) The development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes;
- (iv) Transport Assessments and Travel Plans are provided for developments that are likely to create significant traffic generation.

4.4.2 The nature of the proposed development does not increase the volume of traffic sufficiently to compromise highways safety. It is expected that there will be on average four (4) movements per day but this is likely to fluctuate across the year with less movements in the winter and spring due the apple growing, harvesting and processing season.

4.4.3 An area to the front of the building is allocated for vehicular parking and on site manoeuvring. The area is adequate for the parking of 5 passenger vehicles and can accommodate 7.5 tonne lorries for deliveries and collections. This external parking area includes also cycle storage to encourage sustainable transport use when possible.

4.4.4 The proposed plans includes the installation of 4 dropped kerbs to facilitate easier and safer access and egress from the existing access point to Neath Road.

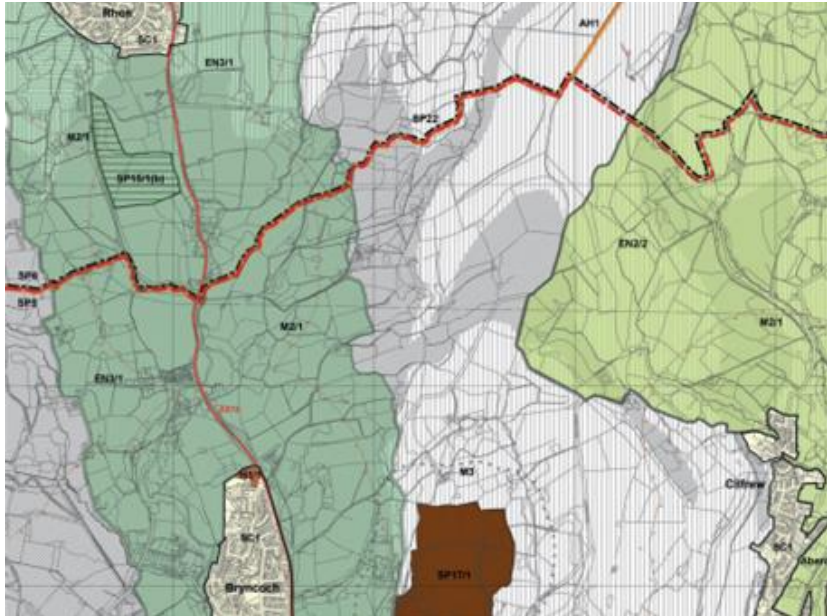
4.4.5 In terms of public transport, Bus 256 or 56 from Neath travels north to Rhos along Neath Road. The nearest train station is Neath which lies at a distance of approximately 4.1 miles from Rhos. From Rhos, the site lies 350m south along Neath Road and can therefore be easily cycled. There is a pavement on the east side of the carriageway enabling pedestrians and cyclists to travel safely to the site entrance from Rhos.

4.4.5 Therefore, in terms of the negligible increase in traffic likely to be created by this development, the provision of on site parking and cycle storage and the ability to reach the site using sustainable modes of transport such as bus, bicycle and foot, the proposal complies with the Policies SP20 point 7 and TR2 of the NPTLDP.

4.5 Landscape Impact and Green Wedge

- 4.5.1 The council has identified a Green Wedge in Rhos under EN3/1, as shown on the map in Figure 15 below.

Figure 15, Map showing Rhos Green Wedge



- 4.5.2 PPW para 3.73 provides that *[s]ubstantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation*. The effect of the green wedge under Policy EN3 (Green Wedges) is to resist inappropriate development in this location. Whilst the proposal site lies within the green wedge in Rhos, the suitability of the proposal in this area is determined by its appropriateness.
- 4.5.3 PPW para 3.75 sets out the exceptions to the presumption against inappropriate development. This includes where the development is for the purpose of: (i) a justified rural enterprise need. Given that the applicant has an established and thriving cider making business, which has been recognised by Neath Port Talbot Local Planning Authority as satisfactorily substantial to require a secure equipment and product storage building (see Planning Application Reference P2021/1240) on the green wedge, it is reasonable and rational to conclude that the applicant's cider making and supply business is a Council recognised rural enterprise. The need for this proposed processing building is clearly justified in the accompanying Business Plan.
- 4.5.4 Planning Policy Wales, paragraph 5.4.4 provides that "wherever possible, planning authorities should encourage and support developments which generate economic prosperity". This is reflected to some extent, within Policy SP14 of the NPTLDP which, whilst aiming to conserve the County Borough's countryside, landscapes and undeveloped coast, also supports rural enterprise in sustainable locations (para 5.3.3).

- 4.5.5 The proposed siting of the fruit pressing building utilises the natural ground level, which slopes downwards from the access point west. This will minimise the appearance of the building on the site, embedding it within the plot and integrating it sympathetically by virtue of both its modest overall height and the soft external finish of a n agricultural vernacular.
- 4.5.6 Accordingly, the proposed building will have limited impact within the wider landscape, being well screened by mature and substantial hedgerow and trees. Upon full planting of the orchard to the immediate south of the plot, the building, proposed to be set back form the roadside, will be further screened.
- 4.5.7 In conclusion, this proposal is appropriate development within the green wedge, satisfying the exceptions as set out under PPW para 3.75. Furthermore, when taking a realistic assessment of the impact that this development will have on the site and open character of the green wedge, the proposal protects the surroundings and character (see *LOGS v Liverpool City Council and Ors* [2020] EWCA Civ 86).
- 4.5.8 Similarly, the impact of the proposed building on the landscape is considered to be limited by virtue of its siting on lower ground level to the highway, the surrounding of natural screening to the north and west boundary as well as the screening from the public realm including footpath and Neath Road upon the full planting of the orchard. Therefore it is considered that this proposal is capable of complying with policy SP14 of the NPTLDP.

4.6 Nature Conservation and Biodiversity

- 4.6.1 Policy SP15 establishes the importance of protecting, conserving, enhancing and managing habitats, species and sites of geological interest. Alongside this application a preliminary ecological assessment report has been submitted, undertaken by Gould Ecology Ltd.
- 4.6.2 The study concluded that risks of adverse impacts to the SSSI could be caused through inadvertent damage during the construction phase or through pollution caused during construction or in the long term. However, the risks of pollution or changes to hydrology were considered to be very low, as the land-form and existing drainage channels would carry water from the site away from the SSSI.
- 4.6.3 The proposed application seeks to ensure that mitigation measures are established proactively to ensure that any risks of adverse impacts to the SSSI are avoided. To this end appropriate construction phase working methods will be developed which includes, amongst other things appropriate temporary onsite toilet facilities.

4.7 Pollution and Land Stability

- 4.7.1 Policy EN8 resists development which would have an unacceptable adverse effect on health, biodiversity or local amenity as well as expose people to unacceptable risks associated with air, noise, light, water pollution, contamination and land instability.

- 4.7.2 The process undertaken for apple washing and pressing is set out in a flowchart separately provided as part of the application. There are two machines which the applicants have identified as needed for the process these are: the fruit pressing belt press (Vorán EBP350 belt press¹) and the washing and milling unit (Vorán WA LC wash mills and elevator²).
- 4.7.3 The applicants have requested information on sound levels associated with the equipment from the manufacturers. At the time of writing, this information is still awaited.
- 4.7.4 In terms of the seasonality of the process, the apples are ready to harvest from September to December each year. As they are a natural product the timings of harvesting due to ripeness will vary each year depending upon weather conditions, amount of rainfall and temperature. So too will the yield. However, operation will be undertaken between 9am and 5pm Monday to Friday. It is anticipated that this will be one-two days per week between September and January inclusive each year.
- 4.7.5 The site is not in an area of flood risk, as seen from the flood risk map reproduced from Natural Resources Wales, set out above at Figure 4 and there is no indication of land instability in this area.

4.8 Waste

- 4.8.1 Waste associated with the fruit processing is largely apple pomace. This is fed to the applicant's pigs and used as natural fertiliser for the orchard. This means that the apple waste does not leave the site.
- 4.8.2 other waste such as cardboard or glass that can't be reused on site will be recycled and collected from the site already separated.

4.9 Residential Amenity

- 4.9.1 The amenity of neighbouring uses is a relevant planning consideration to this proposal. Set out under BE1(4) is the requirement on all new development to protect amenity of occupiers of adjacent land or the community.
- 4.9.2 The site is situated in a countryside location between Rhos to the north and Fforest Goch to the south. The site is not in close proximity to any residential properties. Indeed, the closest dwelling is approximately 80m northwest of the proposal site. The Neath Pony Club is located approximately 128m due southeast and on the opposite side of Neath Road.

5. Conclusion

- 5.1 This application for the construction of a fruit processing building on land adjacent to Neath Road, south of Rhos complies with the national and local planning policies as

¹ Details associated with the belt press machine are available at: <https://www.vigold.com/cider-juice/Equipment/presses-apple/3-phase-ebp350-voran-belt-press> (Correct 31/10/23).

² Details associated with the washing and milling tool is available at: <https://www.vigold.com/Catalogue/mills-apple/Voran-WA-LC-wash-mills-elevator> (correct 31/10/23).

examined above, in particular Policies SP3, SP15, SP20, SC1, BE1, TR2, EN8 and EN31 as well as SPG Design.

- 5.2 The proposal meets a pressing business need, as can be seen from the accompanying Business Plan, supports the local economy in NPT and does not detrimentally impact on either the green wedge of Rhos or the adjoining SSSI. The development is associated with agriculture and is demonstrated through both the activities within the buildings, their relationship to the orchard and recent case law as ancillary to the agricultural activities on site.
- 5.3 Consequently, the principle of development is established at this site. The size, siting and material finish reflect the agricultural character of the area and will embed within the green wedge ensuring that the open character of the green wedge is maintained.