Application Ref: NP/16/0428/FUL

Case Officer

Matt Dash

Applicant

Mrs E Hill, Pembrokeshire Falconry Ltd

Agent Proposal Mr C Beddis, QCI Ltd

Establishment of 'Bird of Prey Visitor Centre' with erection of 35 Aviary buildings, 1 feed store room, a ticket office, and a compacted gravel pathway in the

Woodland Gardens, Picton Castle, The Rhos

Site Location

The Nest Woodland, Picton Castle Gardens, The Rhos.

Haverfordwest, Pembrokeshire, SA62 4AS

Grid Ref

SN01131367

Date Valid

12-Aug-2016 Target Date

06-Oct-2016

Summary

This application seeks approval for the creation of a Bird of Prey Visitor attraction within an area of the Grade II* Listed Picton Castle Gardens PGW(Dy)42(PEM), known as Bluebell Wood. The site consists of a medieval castle with an extensive curtilage of approximately 40 acres that contains several listed buildings and is in the vicinity of the scheduled monument known as Picton Castle Mound (PE277).

The proposal consists of 35 aviary structures of varying sizes and forms, ranging in size from 2m x 2m and 2.5m in height, to 8m x 4m and 3m in height, to be constructed from close timber boarding, profile sheeting on the roof and aviary mesh, together with a single weighing room building and a Ticket Office/Shop building, constructed of the same materials, which are all to be linked with a newly constructed wheelchair accessible path constructed from compacted hardcore which will also combine the route for water and electric services throughout the site.

The proposal has been accompanied by an Ecological Survey Report, Tree Survey Report, a Planning Report which includes an analysis of the proposal and its Justification as well as a Design and Access Statement. A proposed site layout plan indicating the proposed siting of the structures, the path, existing trees as well as a statement clarifying how the cleaning of the aviaries will be dealt with, whether staff will be on site over-night, and how external lighting will be provided was also submitted in support of the proposal.

Due to the number of constraints on site, a number of statutory consultees were consulted, including NRW, CADW, Dyfed Archaeological Trust, PCC Drainage, as well as the PCNPA Building Conservation Officer, PCNPA Tree and Landscape Officer, PCNPA Ecologist and the PCNPA Development Plans team. The Uzmaston, Boulston and Slebech Community Council were also consulted, as were neighbours through the placing of site notices and advertisements in the local press.

No objections were received from any of the above mentioned consultees. however as of the writing of this report we are still awaiting a response from NRW and the Community Council. If received, any update will be provided at Development Management committee. A number of objections have been received from neighbours, from visitors of the historic gardens as well as neighbouring farmers, estate owners and the Chairman of the Pembrokeshire Branch of the Campaign for the Protection of Rural Wales. These objections are largely based on the impact that it is alleged the birds of prey would have on local wild birds as well as birds kept for game shooting and poultry farming, as well as the risk they pose to members of the public, particularly young children. These objections have been considered and are addressed within the report, however no evidence has been provided to support these concerns, particularly as the flying of the birds of prey has been ongoing at the site for several years with no apparent ill-effects, and due to no objections being received from consultees, they cannot be considered reasons for refusal of the proposal.

The principle of the proposal is supported by Policy 35 of the LDP and also complies with the relevant Policies 1, 7, 8, 9, 11, 13, 15, 29, 30, 32, 49 and 53 and as such is recommended for approval subject to conditions.

The Director of Planning considers that as a member and senior employee of the National Park Authority are Trustees of Picton Castle it is in the interests of transparency that the application comes before committee for consideration

Consultee Response

PCC - Drainage Engineers: No objections, however if ground conditions prove unsuitable for the use of soakaways/infiltration type SuDS, an alternative method of surface water disposal will be required, which should be agreed in writing by the local planning authority.

PCNPA - Ecologist: No Objection subject to a condition regarding external lighting – The PCNPA Ecologist (also employed by Pembrokeshire County Council) firstly began by refuting a claim circulated to local residents, that - The Environment Officer at the Council had in discussions, stated that the proposal would have 'a seriously detrimental impact on the garden and wild bird population' or that 'small birds only have to see the shadow of a bird of prey to feel themselves in danger and leave'.

The PCNPA Ecologist's response then goes on to state that an Ecological Walkover and Phase 1 survey was undertaken for evidence of protected species and high value habitats. Trees were also assessed for their potential use by bats. The survey did not record any evidence of badgers or protected species on site. Several trees were identified as having the potential to support bat roosts however it has been agreed that those with medium and high potential will be retained on site and not affected by the proposed development.

The site is adjacent to a SSSI component site of the Pembrokeshire Bat Sites and Bosherston Lakes SAC. The proposed development will not directly impact features of the SAC, including Greater and Lesser horseshoe bats, as there is to be no impact on roost sites or foraging habitat. The area of woodland affected is small and can continue to be used by bats if development is permitted. The only potential impact is lighting, which is recommended to be low level and hooded.

The ground works will result only in a minor localised level of impact and will not result in any significant adverse impacts or significant loss of habitat.

The PCNPA Ecologist then addresses the issues raised by objections regarding the introduction of the birds of prey themselves and their impact on local wild bird populations. She states that she has seen no evidence that would indicate the proposals will have significant impacts on local biodiversity and has considered the following points:

- 1. The birds are already flown at Picton Castle Gardens on an almost daily basis so their presence overnight is not a major deviation from their current status.
- 2. The birds are captive, trained, display birds and fed from the hand, thus greatly reducing their desire to hunt.
- 3. From the list of birds to be kept, few are hunting birds that would predate on small birds to the level that would be likely to result in a detrimental impact on local populations. Kites and Vultures predominantly feed in carrion, the wild Owls are nocturnal and will not be flown at night, the wild Hawk feed predominantly on small mammals, as do Buzzards although they may also feed on carrion and small birds. It is to be noted that there is already a local population of wild Buzzards nesting in the vicinity. Kookaburra, Eagles and Kestrels are more likely to feed on small rodents, mammals, fish and occasionally small birds and the Falcon will rarely be flown on experience days.
- 4. Having said the above, it should also be noted that these are not wild birds, and so their feeding regimes will differ, as they are captive display birds and are fed by staff.

In conclusion the PCNPA Ecologist states that in assessing the proposal we must be reasonable and proportionate and that although there may be the occasional incidence where the birds of prey feed on carrion and hunt small mammals and birds, the level to which this will occur is very unlikely to result in significant or detrimental impacts on local populations.

Natural Resources Wales: Awaiting response, update to be provided verbally at Committee.

Dyfed Archaeological Trust: No objection

CADW - Protection & Policy: No objection - The proposed development is some 370m to the west of Picton Castle Mound (PE277), a small medieval earthwork castle, however it appears that the existing woodland will screen all views from the designated monument to the proposed development area. The buildings and aviaries will be of a timber construction, including mesh for

the aviaries, to minimize the impact on the woodland setting. They have been sympathetically sited to ensure there is no impact from the buildings or the linking paths on the existing mature trees, which, together with the existing laurel, will screen the proposed development from the rest of the registered garden, including the historic drive. There is potential for further screen planting in the future if required. There is a no dig policy at Picton Castle and therefore services will be run above the ground along the edges of the footpaths and will be covered. The paths will be of a similar construction to those already running through the woods at Picton, which are simple and sympathetic to the historic setting.

The supporting documents refer to the need for CCTV and this should be sited sensitively to minimize any visual impact on the park and garden. Similarly, signage should be unobtrusive and kept to a minimum within the historic setting.

PCNPA - Park Direction: No objection - Policy 35 of the Local Development Plan allows for visitor attractions in defined centres. Proposals in the countryside need to demonstrate why the location is essential. In this instance the proposal is for a particular attraction that would not be suited to a location within a Centre and therefore a countryside location would be considered appropriate.

Whilst in the countryside, this proposal is within the grounds of an existing visitor facility with already established facilities such as car parking and restaurant facilities. There would be cross-benefits of establishing this facility in this location.

New buildings are proposed, and whilst these are within the trees and therefore well screened, if there are opportunities to use existing buildings then this should be prioritized over new buildings if possible, in line with Policy 35.

PCNPA - Tree and Landscape Officer: Conditional Consent - subject to the submission and agreement of an Arboricultural Method Statement

PCNPA - Buildings Conservation Officer: No adverse comments - The main issue is the setting of the listed buildings (S. 66 1990 Act), namely the castle complex and the lodges at Ladies Cross. In my view, given the extensive wooded cover and the nature of the proposed development, there will be little or no impact on the setting of the listed buildings.

Public Response

The application was advertised by site notice displayed at the site, at the entrance to Slebech Park Estate, and in the centre of The Rhos hamlet, on

the 1st September 2016, as well as by a notice in the local press dated the 26th August 2016.

A large number of responses have been received, approximately 27 from neighbours and other concerned parties, including the owners of a local Organic Poultry Farm, and a manager of a nearby Pheasant Shoot. These objections largely cite concerns regarding the impact the birds of prey will have on local flora and fauna within the gardens, particularly birdlife, as well as the impact on nearby pheasant shoots, and the organic poultry farm. As well as these issues, a number of the objections also state concerns for the health and safety of visitors, particularly young children and babies.

A number of the objections mentioned above, cite comments made in a notice circulated by a concerned member of the Picton Castle Trust to the community council, and other neighbours of the site, which alleges that the Environmental Officer at Pembrokeshire County Council has serious concerns, and stated that the proposal would have a Seriously detrimental impact on the garden and wild bird population and that the small birds only have to see the shadow of one to feel themselves in danger and leave. This member of the Trust has objected to the proposals, for the same reasons discussed above.

It should be emphasized again that the PCNPA Ecologist, who is also employed by Pembrokeshire County Council has denied this, and has no objection to the proposals.

A single response was received from a local farmer supporting the application. They state that they farm 780 acres of land in the surrounding area, and are well aware that the applicants already operate from the site, flying birds of prey, on an almost daily basis, and have seen no issues with farm animal losses and nor would they expect to if the proposal was to go ahead. They go on to state that there is an ever increasing population of Buzzards and Red Kites as well as Ravens and Herons within the several hundred acres of woodland contained within their farm. They also go on to say they consulted the Head of Conservation at the Hawk Conservancy Trust and was advised that having closely monitored the bird bio-diversity at its HQ, there is no evidence of a decline in songbirds where there are captive wild birds housed and exercised. In addition the letter of support goes on the say that they were impressed to see that the Trip Advisor website ranked Pembrokeshire Falconry as the second most popular thing to do in Pembrokeshire.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website - http://www.pembrokeshirecoast.org.uk/default.asp?PID=549

Circular 60/96 - Planning and the Historic Environment: Archaeology

LDP Policy 01 - National Park Purposes and Duty

Item 5 - Report on Planning Applications

LDP Policy 07 - Countryside

LDP Policy 08 - Special Qualities

LDP Policy 09 - Light Pollution

LDP Policy 10 - Local Sites of Nature Conservation or Geological Interest

LDP Policy 11 - Protection of Biodiversity

LDP Policy 13 - Historic Landscapes Parks and Gardens

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 32 - Surface Water Drainage

LDP Policy 35 - Visitor Economy

LDP Policy 49 - Retail in the National Park

LDP Policy 53 - Impacts on traffic

PPW8 Chapter 04 - Planning for Sustainability

PPW8 Chapter 05 - Conserving and Improving Natural Heritage and the

Coast

PPW8 Chapter 06 - Conserving the Historic Environment

PPW8 Chapter 07 - Economic Development

PPW8 Chapter 11 - Tourism, Sport and Recreation

SPG05 - Sustainable Design

SPG06 - Landscape

SPG10 - Safeguarding Mineral Zones

SPG13 - Archaeology

SPG20 - Accessibility

TAN 05 - Nature Conservation and Planning

TAN 06 - Planning for Sustainable Rural Communities

TAN 10 - Tree Preservation Orders

TAN 11 - Noise

TAN 12 - Design

TAN 13 - Tourism

TAN 15 - Development and Flood Risk

TAN 23 - Economic Development

Constraints

Ancient and Semi Natural Woodland - within 25m

LDP Mineral Safeguard

Biodiversity Issue

Historic Landscape

Safeguarding Zone

Recreation Character Areas

Low Coal Risk CADW Regd Gardens - within 25m

Officer's Appraisal

Background and Description

The application site consists of part of the Grade II* Listed Picton Castle Gardens, known as Bluebell Wood, located over 100m to the north of the main house. The wider site consists of a medieval castle with an extensive curtilage of approximately 40 acres that contains several listed buildings and is in the vicinity of the scheduled monument known as Picton Castle Mound (PE277). The house and gardens are operated as a visitor attraction, and is located on the northern side of the Cleddau Estuary.

The Bluebell wood is accessed via a compacted gravel drive from the visitor car park, which narrows to a compacted gravel footpath allowing current visitors to walk amongst the level area of predominantly broadleaf semi natural woodland. The whole development area is protected under Tree Preservation Order 48, as is the woodland immediately adjacent to the site.

Constraints

- Ancient and Semi Natural Woodland within 25m.
- LDP Mineral Safeguard
- Biodiversity Issue
- Historic Landscape
- Safeguarding Zone
- Recreation Character Areas
- Low Coal Risk
- CADW Registered Gardens within 25m
- Tree Preservation Orders within 10m

Relevant Planning History

No Relevant Planning History

Current Proposal

The proposal consists of 35 aviary structures of varying sizes and forms, ranging in size from 2m x 2m and 2.5m in height, to 8m x 4m and 3m in height, to be constructed from close timber boarding, profile sheeting on the roof and aviary mesh, together with a single weighing room building and a Ticket Office/Shop building, constructed of the same materials, which are all to be linked with a newly constructed wheelchair accessible path constructed from compacted hardcore which will also combine the route for water and electric services throughout the site.

Key Issues

- Principle of Development
- Siting, Design and the Protection of Historic Buildings, Gardens and Landscapes
- Amenity and Privacy
- Protection of Biodiversity
- Drainage
- Other Matters

Principle of Development

The PCNPA Development Plans section was consulted to ascertain whether the principle of development was supported by the Local Development Plan. Their response detailed above, clearly shows that the proposals for a visitor attraction at this location is supported by Policy 35 specifically of the LDP, and therefore the principle of the development is accepted. It should also be noted that there are no suitable existing buildings on site for the housing of birds, however the applicants have endeavoured to utililize other existing facilities within the castle gardens such as toilet and restaurant facilities rather than provide them separately.

Siting, Design and the Protection of Historic Buildings, Gardens and Landscapes

Due to the nature of the site, being both within a historic landscape, as well as a Grade II* Listed Garden, in proximity to several listed buildings and a scheduled monument, a number of parties were consulted. These included the PCNPA Building Conservation Officer, CADW and Dyfed Archaeological Trust. As discussed previously within their responses section of this report, no objections were raised, stating that the proposals would not have an adverse impact upon the Listed Gardens, Buildings or the Scheduled Monument or their character. The proposals therefore comply with Policy 13 of the LDP as well as PPW8 Chapter 6, SPG 6, SPG 13 and TAN 12, and are therefore acceptable.

Amenity and Privacy

The proposal site is located in the countryside, some considerable distance from neighbouring properties, and will not therefore an adverse impact upon their amenity or privacy. The proposals therefore comply with Policy 30 of the LDP.

Protection of Biodiversity

During pre-application discussions with the applicant, they were informed that due to the nature of the proposal and its siting with the woodland, an Ecological Report and Tree Report would be required to be submitted with any subsequent application. This was duly carried out and accompanied the planning submission.

The PCNPA Ecologist was consulted, as was NRW to assess the impact of the proposals upon the biodiversity of the site. They have been in consultation with the author of the Ecological report, and has subsequently provided an in depth response, clearly considering the specific impacts of this proposal, and as described above, has no objections to the proposal, subject to a condition relating to external lighting being on a sensor, and a timer to limit the 'on time' of any lights. The PCNPA are still awaiting a response from NRW, and a further update will be made at committee.

These expert opinions are clearly at odds with the majority of public responses, however no empirical evidence to the contrary has been submitted in support of their objections, and as it stands the site is already used on an almost daily basis for flying the birds of prey as witnessed by the case officer, minutes after which the woodland and surrounding area was full of a number of wild birds.

The PCNPA Tree and Landscape Officer was consulted in order to assess the submitted Tree Report and Tree Protection Drawings. Having reviewed these details, he states that further information is required and suggests a condition for an Arboricultural Method Statement to be imposed and to be agreed in writing by PCNPA. Provided all these details are received and agreed, the proposal will comply with Policy 9 and 11 of the LDP.

Drainage

Due to the relatively large area of combined roof area proposed, the PCC Drainage Department was consulted. The documents submitted with the proposal stated, that soakaways would be used to remove surface water, and the PCC Drainage response stated that there will therefore be no detrimental impact on ordinary watercourses with regard to additional flows. They do however go on to say that if ground conditions are not suitable for the use of soakaways/infiltration type SuDS, an alternative method of disposal will be required, which should be agreed in writing by the local planning authority. They also state that the applicant should be made aware that all impermeable areas created by the development should be disposed of to a soakaway or another form of sustainable drainage system. Provided that the above is adhered to, the proposal will comply with Policy 32 of the LDP.

Other Matters

One of the points noted in the response from the Campaign for the Protection of Rural Wales (CPRW), stated an inconsistency between the number of aviaries proposed. This occurred due a discrepancy between the application form submitted which stated 33 aviaries together with a ticket office and a weighing room, and the site plan layout which lists and shows the position of 35 aviaries plus the ticket office and weighing room. Clarification has been sought from the applicant, and the description has been amended to correctly state the proposal is for 35 aviaries, plus the ticket office and a weighing room.

Conclusion

The proposals will not have an adverse impact upon the historic landscape, the Grade II* Listed Gardens, the other listed buildings on site, the scheduled monument, local biodiversity, neighbouring amenity or surface water drainage and is supported in principle by the relevant policies of the LDP and is recommended for approval subject to conditions.

Recommendation:

Approve subject to the following conditions:

- 1. The development shall begin not later than five years from the date of this decision.
 - **Reason:** Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).
- 2. The development shall be carried out in accordance with the following approved plans and documents: Report on Trees in Relation to Design, Demolition and Construction Ref: TW2910, Tree Protection Plan Ref: TW2910, Section of Proposed Footpath, Proposed Site Layout Drwg No. P01, Planning Application Report including Design and Access Statement, Ticket Office Plan and Elevations, Food Store and Weighing Room Plan and Elevations, Location Plan, Ecological Survey and supporting letter, clarification letter, 8m x 4m Aviary Plan and Elevation, 4m x 4m Aviary Plan and Elevation, 3m x 3m Aviary Plan and Elevations, 5m x 5m Aviary Plan and Elevations, 2.5m x 2.5m Aviary Plan and Elevations, 2m x 2m Aviary Plan and Elevations received on 3rd and 9th August and 2nd, 16th and 29th September 2016.

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

3. Prior to the erection of external lighting, a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats shall include external lighting to be dim as possible, on a sensor to reduce the amount of 'on' time and not point at roost features or habitat corridors, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National

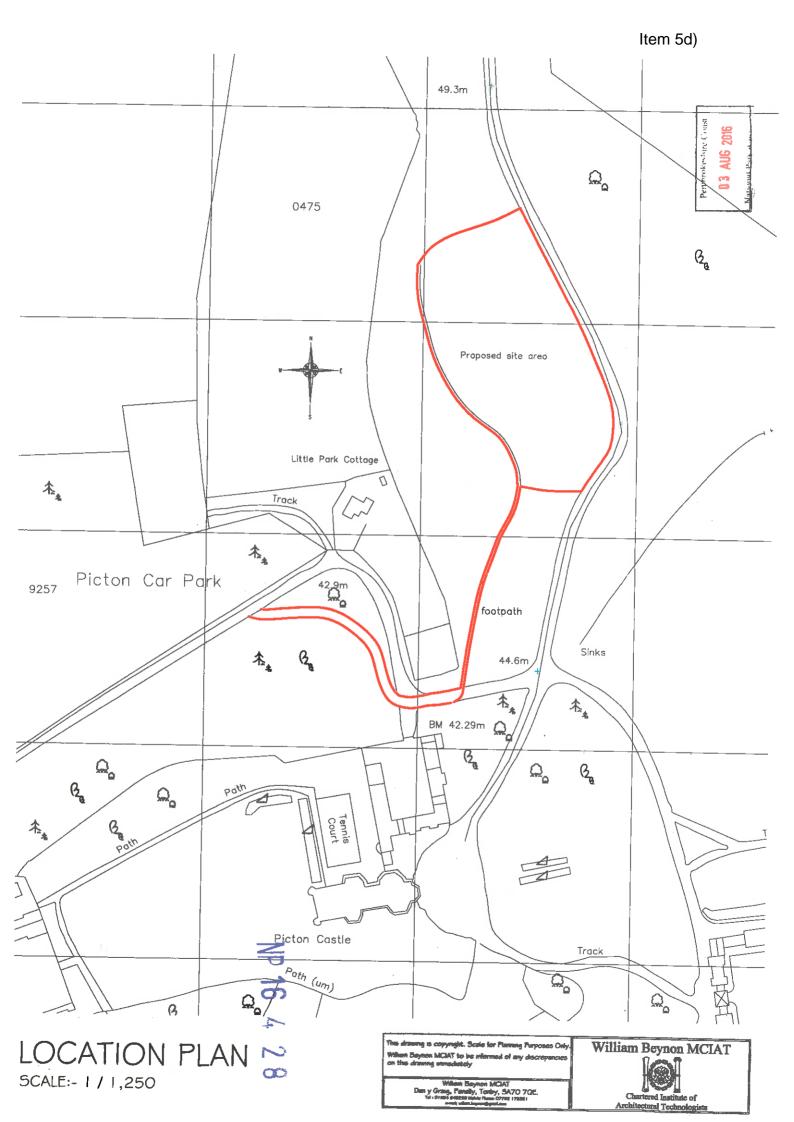
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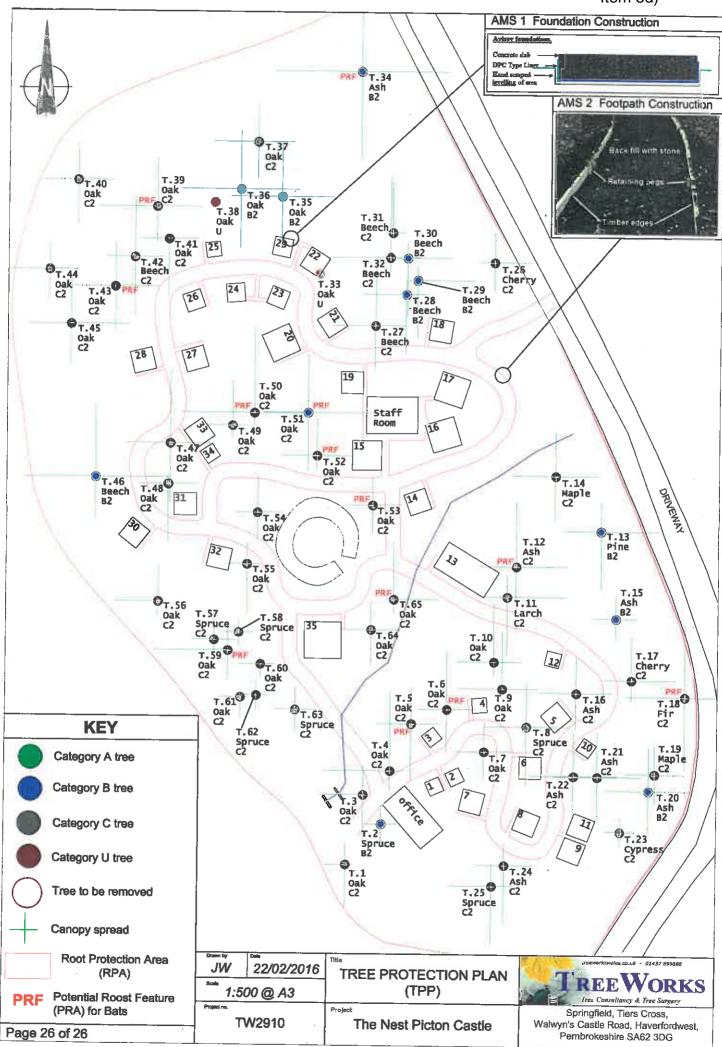
- 4. Details of construction design and excavations to take account of existing trees shall be submitted to and approved in writing by the local planning authority before the commencement of the development. Development shall thereafter take place in accord with the approved details.
 - Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area. Policy: Local Development Plan Policy: 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 15 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity)
- 5. Prior to the commencement of development details of the CCTV shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be implemented as approved. Reason: In the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

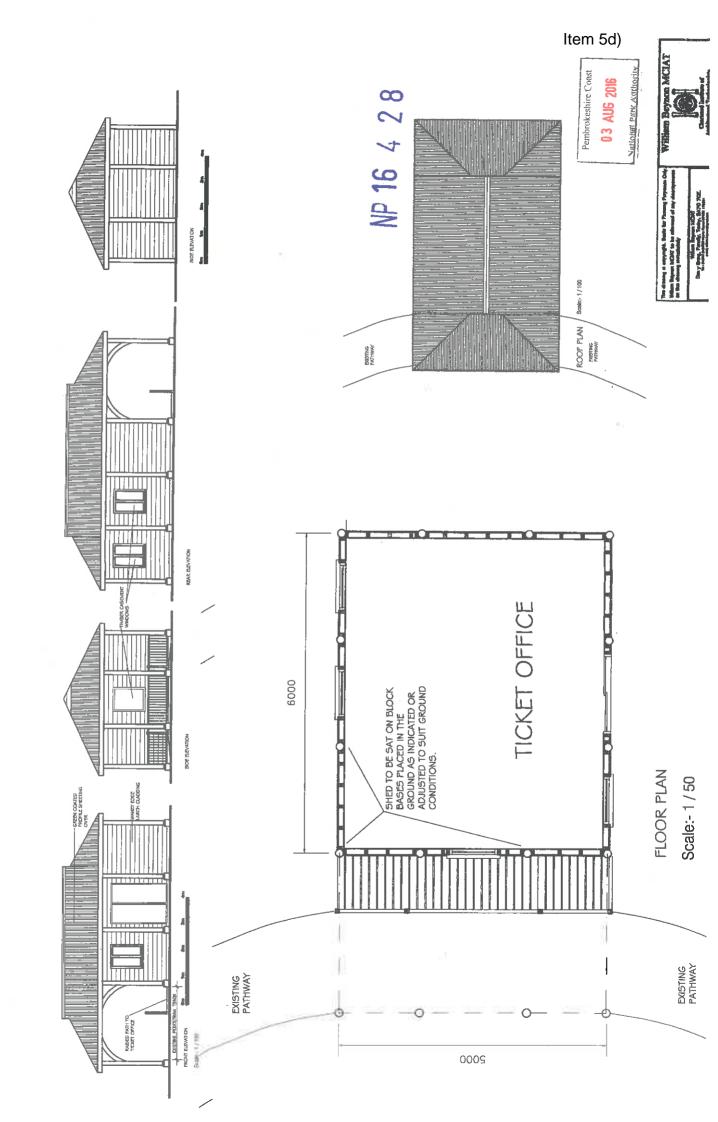
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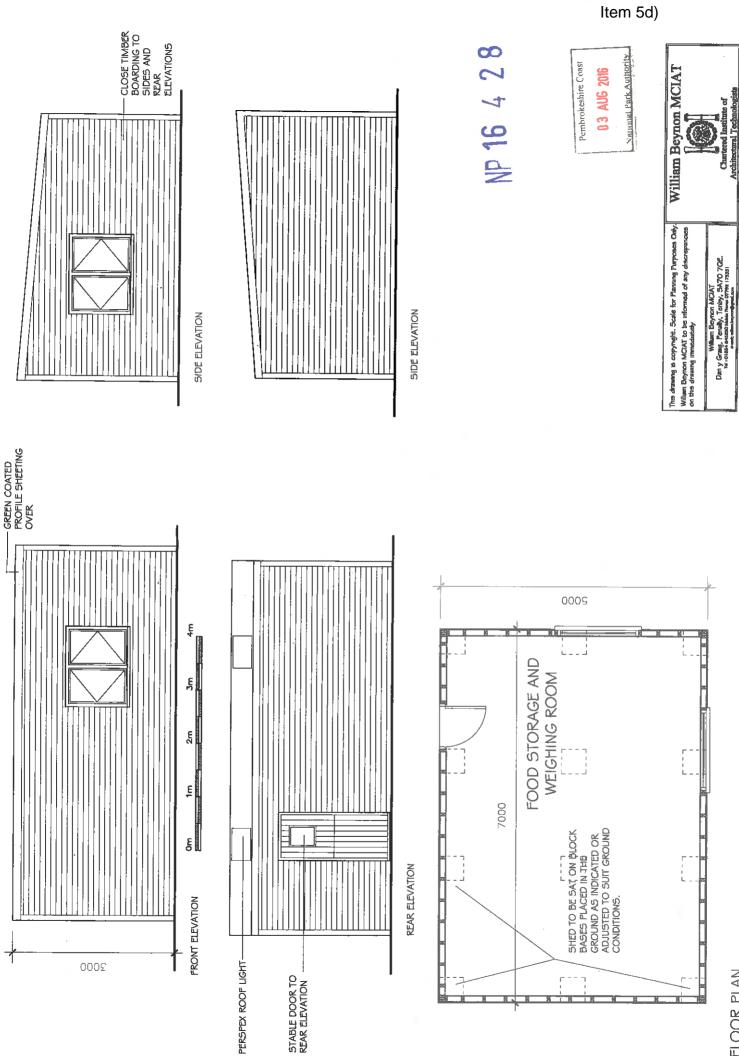
If ground conditions are not suitable for the use of soakaways/infiltration type SuDS, an alternative method of disposal will be required, which should be agreed in writing with the local planning authority.

The applicant should be made aware that all impermeable areas created by the development should be disposed to soakaways or some other form of sustainable drainage system.

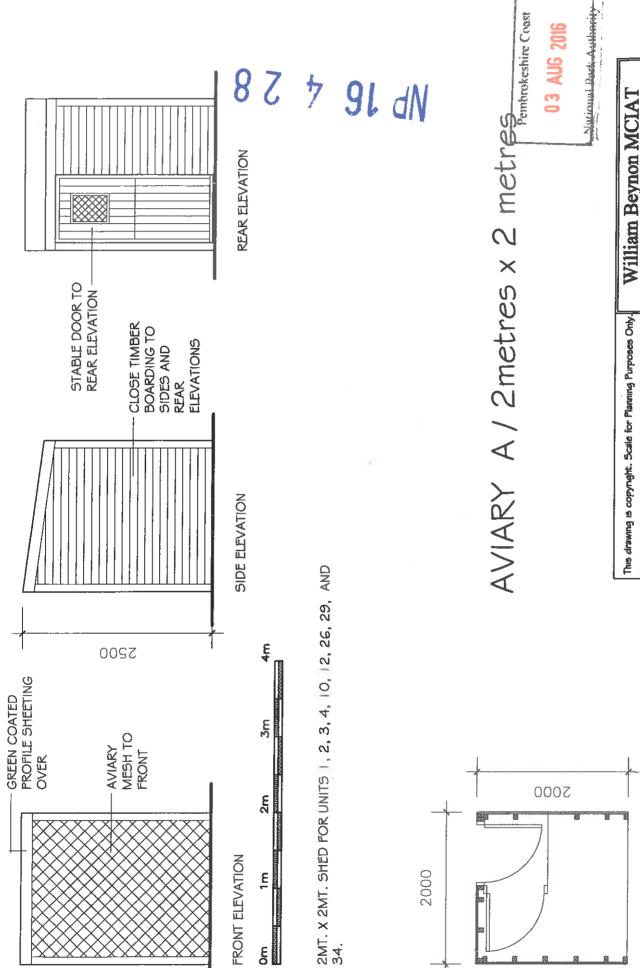








FLOOR PLAN



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William Beynon MCIAT

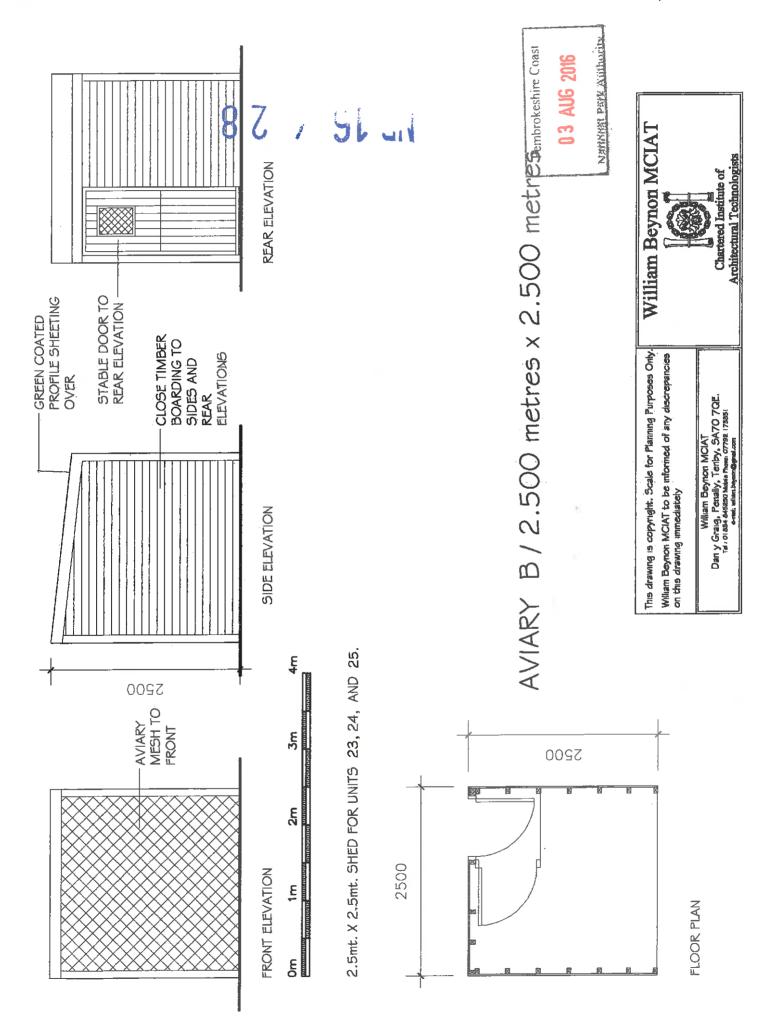
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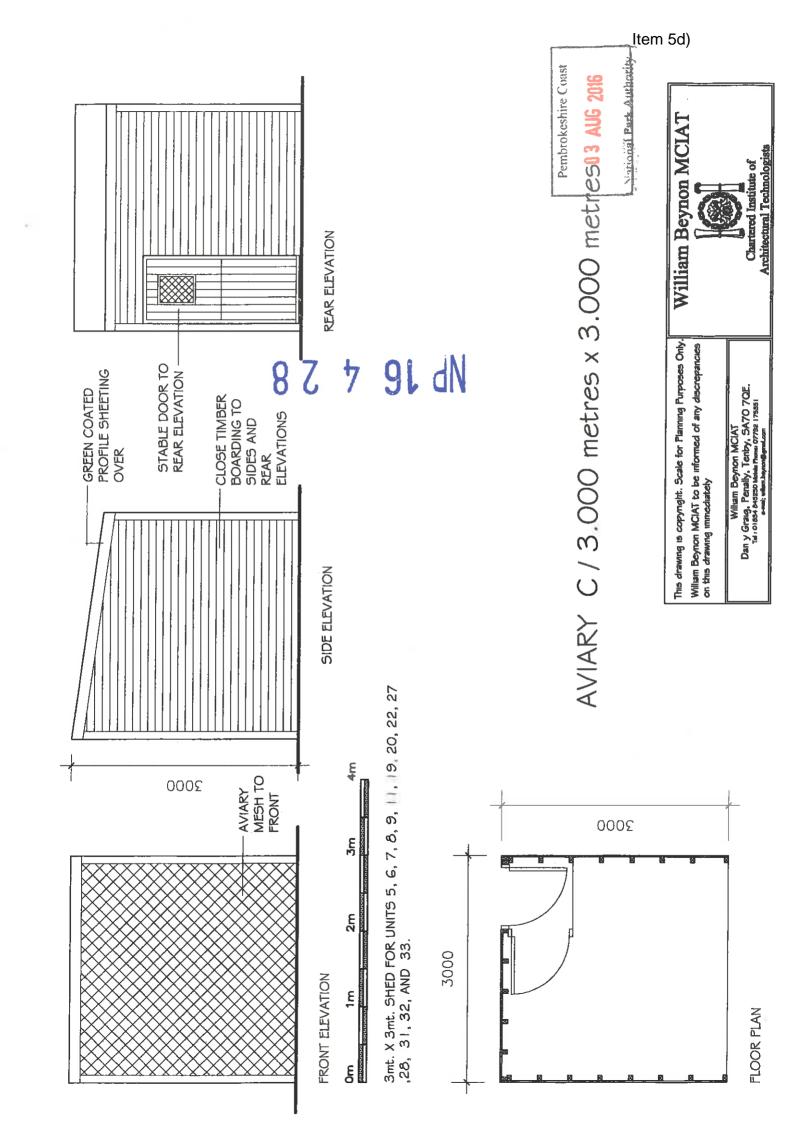
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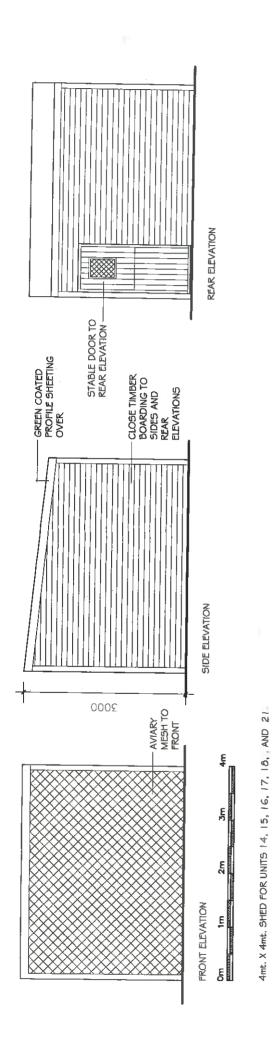
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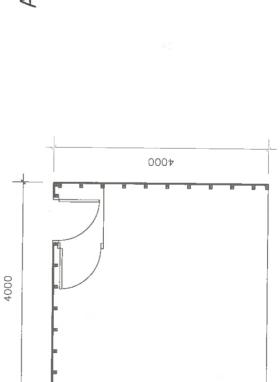


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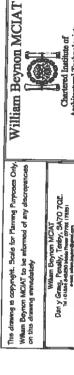
Pembrokeshire Coast 03 AUG 2016



AVIARY D / 4.000 mts x 4.000 mts



FLOOR PLAN



National Park Authority



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William Beynon MCIAT

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AVIARY E/5.000 metres x 5.000 metres

REAR ELEVATION

SIDE ELEVATION

5mt. X 5mt. SHED FOR UNITS 35.

FRONT ELEVATION

STABLE DOOR TO REAR ELEVATION --

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- AVIARY MESH TO ALL ELEVATIONS

