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| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 DECEMBER 2016 |
| TITLE OF REPORT: | 151983 - PROPOSED ERECTION OF TWO POULTRY BUILDINGS, NEW ACCESS AND CONVERSION OF BUILDING TO HOUSE BIOMASS BOILER AT ROGERS FARM, BUSH BANK, HEREFORD, HR4 8EP For: G T Williams per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151983&search=151983 |
| Reason Application submitted to Committee - Redirection | |

Date Received: 6 July 2015

Ward: Weobley

Grid Ref: 344947,252366

Expiry Date: 8th December 2016

Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 2 no. broiler units, new access with 250 metre track and conversion of existing farm building to house a biomass boiler at Rogers Farm, Knapton. The farm extends to approximately 44.70 acres (18.09 hectares) located to the east of the A4110 at the southern end of the hamlet of Knapton.
- 1.2 The proposed poultry houses would be situated in what is presently an arable field immediately to the south east of the existing farm buildings and would accommodate approximately 82,500 birds (combined). Access to the site will be gained via a new proposed farm track off the A4110 public highway. The site slopes down from the north-east and it is intended to cut the buildings into the slope so that level access can be provided.
- 1.3 The chicks will be brought in at one day old, as a 50:50 mix of males and females. There will be a maximum of 41,250 chicks in each building, generating a total stocking number of 82,500. The chicks will be brought in from a hatchery with the average crop cycle being 33 - 37 days plus the clean-out period. At the end of the growing period the birds will be collected and transported to a processing plant. The sheds would then be empty for a period of around 10 days during which a full clean-out will take place. There will be on average around 7 - 8 crop cycles per year although this could be slightly less if the turn-around period is longer.
- 1.4 Before the chicks arrive the bedding is put in the buildings, which consists of wood shavings to a depth of around 2cm. The houses are warmed to a temperature of around 34°C. The buildings will be heated using the biomass boilers. The temperature is reduced as the birds grow older and the ventilation rate conversely increases. The feed will be supplied by the processing company. It will be mixed according to the birds requirements at each stage of growth and fed

ad lib. The protein and phosphorous levels are reduced as the birds get larger. The water will be supplied by nipple drinkers which offer water on demand but minimise spillage.

- 1.5 The poultry buildings will each measure 97.5m x 18.3m with a height to the eaves of 2.5m and 5.25m at the ridge. Each building will include a control room, with the northern building including a staff/office room and the southern building including a chemical store.
- 1.6 The buildings will be insulated with fibre glass insulation to the walls and roofs to a U value of <math><0.4 \text{ W/m}^2 \text{ }^\circ\text{C}</math>. This will eliminate condensation on the inner lining of the buildings and minimise any solar heat gain. The buildings will be ventilated by a computer controlled mechanical system.
- 1.7 The ventilation will be of a 'conventional' design with roof mounted variable speed fans and air drawn in at the sides of the building. The fans will operate at a variable rate dependent upon the age of the birds. There will also be 4 emergency fans built into an end wall of each building. It is stated that for the majority of the year the roof fans will provide adequate ventilation and the gable fans will only be needed in very hot weather.
- 1.8 There will be 4 feed bins situated to the front (south-west) of the buildings which will have a capacity of 30 tonnes, with each bin measuring 6.6 metres in height and 2.8 metres diameter. An existing building will be converted to house the biomass boilers used to heat the buildings. A hardstanding area for maintenance access will be situated around the buildings with a yard area in front of the buildings to allow vehicle access and turning. A further, smaller area will allow access to the rear of the sheds.
- 1.9 It is proposed to keep lighting on the site to a minimum to ensure the safe operation of the site but to reduce any light spill outside the unit. Each shed will have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. There will be no use of high intensity lighting.
- 1.10 During hours of darkness the buildings will be lit internally to around 0.4 lux for bird welfare. As the buildings will be clad with high density metal profile sheeting there will be no light spill outside the building. The doors will be shut and windows shuttered at night to stop light spill.
- 1.11 The closest residential property to the site is Rogers Farmhouse which is owned by the applicant. The closest residential property not connected to the farm business is Yew Tree Cottage to the north of the site, which is approximately 100 metres away from the nearest boundary of the site. Various other residential dwellings are located along the edge of the A4110 beyond Yew Tree Cottage, the next nearest dwelling being Micklegarth.
- 1.12 It is proposed that surface water is collected and piped in a sealed system to Honey Lake Brook to the north of the application site with outfall to mimic the existing green-field run-off rate. Dirty water would be collected in a sealed dirty water system consisting of a tank buried beneath the yard. All dirty water would be removed from site for treatment.
- 1.13 The manure management plan concludes that all spent litter will be removed from the site; there being inadequate land upon the holding to utilise the quantity of manure produced. Moreover, the farm lies within a Nitrate Vulnerable Zone (NVZ), which restricts both the location and concentration of nitrogen that can be spread upon the holding. Vehicle movements associated with this have been accounted for in the revised Transport Statement.
- 1.14 The site is in Flood Zone 1 and is not subject to any landscape or heritage designation.

Environmental Impact Assessment

- 1.15 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 define projects that may require the submission of Environmental Statements. The application is Schedule 2 development. Accordingly the application is accompanied by an Environmental Statement which assesses the magnitude, severity and potential for mitigation and reversibility of environmental impacts associated with the construction and operation of the broiler enterprise.
- 1.16 Upon receipt of the application it became apparent that version 1 of the Environmental Statement had omitted to take account of the potential for cumulative impacts arising in conjunction with the egg-laying operation at Garnstone, some 0.5km to the west of the application site. As a consequence the applicants revisited the submission and in May 2016 submitted version 2; updated to reflect the presence of the Garnstone egg-laying operation and the comments of others, including Marches Planning & Property Consultancy, who were commissioned to make representations to the application on behalf of Mr & Mrs Pritchatt at Micklegarth Cottage, Knapton.
- 1.17 This report and recommendation is based, therefore, on the revised Environmental Statement (May 2016).
- 1.18 The Environmental Statement contains chapters on all of the main issues, including noise, odour, air quality, health and climate and transport and these are supported by technical studies including:-
- Odour Assessment: AS Modelling & Data Ltd
 - Noise Assessment: NVC (Noise & Vibration Consultants Ltd.)
 - Flood Risk & Drainage Assessment: Woodsyde Developments Ltd
 - Transport Statement: Badingham Transport and Infrastructure Consultants
 - Manure Management Plan: Berrys
- 1.19 Mindful of the close proximity to third party properties, the Council commissioned an independent review of the submitted odour report and the findings are reported in the Environmental Health Manager's comments at 4.5 and in the Officer Appraisal at Section 6.

Environmental Permit

- 1.20 The proposed development will comprise 82,500 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. This is administered by the Environment Agency.
- 1.21 According to the Agency, the Environmental Permit (EP) controls day-to-day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.
- 1.22 Should the site operator fail to meet the conditions of a permit the Environment Agency would take action in-line with their published Enforcement and Sanctions guidance.
- 1.23 In this case the applicant applied for a bespoke permit for Rogers Farms Limited on 18 December 2014. This permit was made on 17 April 2015. The applicant therefore holds an EP to operate an intensive farm for 82,500 broiler places and a biomass boiler that will not exceed a thermal output of 0.360 MWth.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

| | | |
|-----|---|----------------------------------------------------------------|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS4 | - | Movement and Transportation |
| SS5 | - | Employment Provision |
| SS6 | - | Environmental Quality and Local Distinctiveness |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Biodiversity and Geodiversity |
| LD3 | - | Green Infrastructure |
| LD4 | - | Historic Environment and Heritage Assets |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| SD4 | - | Wastewater Treatment and River Water Quality |
| RA6 | - | Rural Economy |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |

2.2 National Planning Policy Framework

The NPPF has the pursuit of sustainable development as a golden thread running through both plan-making and decision-taking. The NPPF identifies three dimensions to sustainable development; economic, social and environmental. 12 core planning principles are outlined at paragraph 17, including, in the context of this application to "proactively drive and support sustainable economic development" and "always seek a good standard of amenity for all existing and future occupants of land and buildings."

In the context of the EP described above, paragraph 122 identifies that local planning authorities should:

"focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves when these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively."

2.3 National Planning Practice Guidance: Planning Practice Guidance contains advice on noise and emissions to air.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 Reference is made at various points of the application documentation to the potential for cumulative impacts arising from 150602/F - Proposed erection of a barn egg-laying unit (4 sheds) on land west of the A4110, approximately 500m from the current application site. Permission 150602 is now fully operational and was itself an amendment to an earlier permission 133504; which was for 6 no. broiler units.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection

Environmental Permitting Regulations: The proposed development will comprise 82,500 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

4.2 Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in line with our published Enforcement and Sanctions guidance.

4.3 For your information Mr. Williams (the operator) applied for a bespoke permit for Rogers Farms Limited on 18 December 2014. This permit was duly made on 17 April 2015. He now therefore holds an EP to operate an intensive farm for 82,500 broiler places and a biomass boiler that will not exceed a thermal output of 0.360 MWth. The license number is JP3739WQ. In order to be granted this permit the site had to undergo ammonia screening and impact assessments. The site has submitted a coherent odour management plan as well as an accident plan where any risk to the environment through an accident such as fire or flooding is addressed in detail. In order to comply with Schedule 5, the operator submitted an environmental risk assessment, a summary of environmental management systems, technical standards, energy efficiency, amenity risk assessment, raw materials inventory, odour management and noise management plan. All emission point sources have been highlighted and their impact and effect on the environment risk assessed. The Permit has been signed off by the area and approved by the Agency.

4.4 For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

4.5 **Flood Risk:** The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off.'

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

4.6 **Manure Management (storage/spreading):** Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes

that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

- 4.7 **Pollution Prevention:** Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

- 4.8 **Export & Import of Wastes at Site:** Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

- 4.9 **Comments in Respect of Surface Water Drainage:** Similar to most of Hereford and the surrounding area, Rogers Farm is located on a Secondary A Aquifer. The site is not located upon a Principal Aquifer or within a designated Source Protection Zone, although the presence of the adjacent well [serving Micklegarth] has been acknowledged and considered within the amended drainage design. We would not object to pipework within a Secondary A Aquifer.

As stated in my previous response I understanding, through discussion with my Permitting colleagues, that the agent has amended the drainage plan to change the proposal away from a swale to a hydraulic brake and outlet pipe which will be 20 metres away from the drinking water well in the field. This would meet our "Best Available Techniques" (BAT) requirement and so would be acceptable (Ref: EPR 6.09 Sector Guidance Note).

- 4.10 Natural England: No objection

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

- 4.11 **Statutory Nature Conservation Sites – no objection**

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Wellington Wood has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

- 4.12 **Protected Species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the

determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

4.13 **Local Sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

4.14 **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's **SSSI Impact Risk Zones** are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments *likely to affect a SSSI*. The dataset and user guidance can be accessed from the gov.uk website.

4.15 Welsh Water: No objection

Internal Council Consultations

4.16 Transportation Manager: No objection subject to conditions

I have reviewed the amended Transport Statement in regards to the Transportation both in and out of the site, from source to the end of the process and can agree with the assessment that the movements in combination with other operation would be lower than the maximum of the formerly approved 6 broiler units on the opposite side of the road and well within the capacity of the local highway network.

We originally raised concerns in regards to sight lines, turning Radii and passing places, (Mid September 2016). The applicant resubmitted amendments to their proposals following our site visit in October that meet with our approval.

The proposal is now acceptable subject to conditions.

4.17 Environmental Health Manager: Qualified comment.

The comments reported below describe the sequence of events that have taken place in relation to the assessment of odour and noise in particular – referred to in paragraphs 1. and 2. below. These relay the Council's commissioning of an independent review of the applicant's odour assessment and further clarification sought in relation to the assessment of noise. Thus, the comments of the Environmental Health Manager need to be read sequentially, with the comments of 26th July 2016, being supplemented by further comments in August and September following further queries and clarification being raised by objectors and the applicant.

4.18 Environmental Health Manager's comments 26th July 2016

The most likely causes of concern for neighbours from operational activities associated with this type of development are:-

1. Odour, directly from the poultry houses which will vary during a growing cycle but is particularly elevated during harvesting and cleaning operations and can be a problem associated with the storage, disposal and associated manure spreading activities. Officers had particular concerns with this application because of the relatively close proximity of residential properties and with the cumulative effect due to a nearby newly developed Garnstone Farm egg laying chicken houses.
2. Noise from ventilation systems, deliveries and harvesting.
3. Dust from ventilation systems.
4. Insect and rodent infestations.

4.19 The application has addressed these matters in the following manner:

1. A Dispersion Modelling Study of the impact of Odour from the Proposed Broiler Chicken Rearing Housed at Rogers Farm and the nearby Garnstone Farms Egg Laying Chicken Houses, near Bush Bank in Herefordshire, prepared by AS Modelling and Data Ltd., dated 13th October 2015 has been submitted in support of the application. This report concludes that the modelling indicates that odour concentrations that could be attributed to the poultry houses would be below the Environment Agency's benchmark for moderately offensive odours, i.e. a 98th percentile hourly mean of 3.0ou_E/m³ over a one year period.

The Marches Planning and Property Consultancy wrote on behalf of residents on the 25th January 2016 raising a number of concerns about this assessment which have in the main been answered by the applicant's consultant.

Due to officer concerns about the risks posed by odour, Herefordshire Council also instructed Redmore Environmental to firstly undertake a peer review of the applicants odour assessment and then to carry out another independent Odour assessment. The review, whilst highlighting some weaknesses, particularly as regards the limited justification for the use of certain assumptions on input data and absence of reference to the Institute of Air Quality Management (IAQM) guidance, was satisfied with the assessment methodology and the assessment criteria used.

Redmore Environmental was then instructed to undertake an independent Odour Assessment. The odour dispersion modelling used ADMS - 5.1 (V5.1.2.0) software, which matched that used by A S Modelling and Data Ltd. This report concluded that 'The predicted odour concentrations were below the relevant EA odour benchmark at all receptor locations for all modelling years. The significance of predicted impacts was defined as **negligible** at all receptors. In accordance with the stated guidance, the overall odour effects as a result of the proposed poultry unit are considered to be **not significant**' (the stated guidance being IAQM). The Redmore Environmental report predicted 98th percentile odour concentrations to be generally lower than those predicted by AS Modelling, levels being lower at 24 receptors and higher at 6. The report advises that:

'it is considered that variations in emission rates and meteorological data are likely to have produced the most significant differences in model outputs, with terrain inputs anticipated to be very similar. The dispersion modelling adopted by both Redmore Environmental and AS Modelling and Data Ltd would generally be acceptable to the Environment Agency and include a number of conservative assumptions. As such neither set of results are considered more accurate, with actual odour concentrations likely to lie between the two predictions.'

Redmore Environmental was also requested to independently consider the above mentioned concerns raised by the Marches Planning and Property Consultancy and responded entirely independently of the applicant's response. Where they were able to answer they generally concurred with the AS Modelling and Data Ltd response, in many cases they deferred to AS Modelling advising that they should clarify, but advised that should the points that they identified be satisfactorily addressed, it is considered that a reasonable amount of weight can be applied to the Odour Assessment results.

It might be of assistance in the determination of this application if the applicant has not already had opportunity to is given opportunity to consider and respond to both the peer review, and the Redmore Environmental review of the Marches Planning and Property Consultancy representations.

A review of odour and dust chapters of the Environmental Statement by Environmental Pollution Management Lt for Marches Planning and Property Consultancy is critical of the applicants odour analysis but does not provide it's own assessment. It might be appropriate to seek the applicant's views of the criticism.

2. A noise impact assessment report dated the 18th September 2014, has been submitted with the application. The report has been questioned by the Environment Agency and the response dated 2nd March 2015 also submitted. This [noise assessment] was questioned by the Marches Planning and Property Consultancy in the same correspondence as the odour assessment. The concerns have been answered and an addendum to the Noise Impact Assessment dated 2nd February 2016 submitted with the application. I have given all these submissions due consideration and I am satisfied that the predicted noise levels are acceptable. I would however seek clarification from the applicant as regards noise generated by the gable fans which do not appear to be included in the assessment and confirmation of the likely sound levels and the expected impact on the predicted noise levels. Also catching of birds is likely to occur at night and the report advises that Continuous Equivalent Sound (L_{Aeq}) levels would be within the World Health Organisation Guidelines . These guidelines also include advice on individual sound events expressed as maximum levels (L_{Amax}) I would appreciate confirmation that these levels will not be exceeded.
3. Concerns have been raised regarding dust and fine particulate emissions including bio aerosols which are airborne particles that contain living organisms or were released by living organisms e.g. spores, pollens, bacteria etc.

Whilst it is recognised that fine particulates can travel long distances, small particulate matter (PM_{10}) have been found to be reduced to background levels within 100m from the poultry houses. I am not aware of any nationally accepted advice that specifies the separation distance of poultry houses from receptors. The DEFRA screening assessment advice for Local Air Quality Management indicates that there would be no significant risk of exceeding the national; 24hr mean PM_{10} , objective as a consequence of this proposal. Therefore this does not raise concerns as regards local air quality.

4. Insect and rodent infestations do not appear to have been addressed by the supporting documentation however good husbandry and appropriate control measure will ensure that problems do not occur. However, should there be any future problems the Local Authority has adequate powers available as provided by the Environmental Protection Act 1990 and The Prevention of Damage by Pests Act 1949 to require that the appropriate controls are implemented.

This proposal will fall within the scope of the environmental permitting legislation, which considers all forms of pollution to air, land and water, including odour and noise and it will

require a permit from the Environment Agency. The legislation covering the permitting regime allows for a refusal to grant a permit should the applicant not be able to demonstrate that the process can operate without causing undue harm. Also once a permit has been granted, as is the case here, it is an offence not to comply with its requirements which can be varied if necessary or the permit may be suspended and/or withdrawn.

If the matters I raise in 1 and 2 above can be satisfactorily addressed then I suggest that it would be difficult to defend any refusal on the grounds of odour, noise and dust.

Finally if it is minded to grant permission I would suggest that conditions are included as regards, prior approval of any external lighting, covering of vehicles when removing manures from site and, as the noise assessment includes working time restrictions as mitigation measures for certain activities, that these are also conditioned.

4.20 August 2016

Pursuant to receipt of the comments above, Marches Planning & Property Consultancy raised further queries in an email dated 1st August 2016:

"I have seen Aris Trezins' response to the Knapton broiler unit application in which he refers to an odour assessment by Redmore Environmental. Please would you advise whether the Redmore Environmental report modelled the odour impact of clean-out and removal of birds and will this report be published?"

Mr Trezins' point 2 makes no reference to night time noise from bird removal or noise generated by clean-out operations.

Mr Trezins in his point 3 says the DEFRA screening advice indicates there would be no risk of exceeding the national 24hr mean for PM10. He does not show this screening. How has he arrived at this conclusion? It contradicts the findings of Environmental Pollution Management Ltd. This is a critical point given there are receptors within 50m of the site (two residential gardens), including the garden of Mrs Pritchatt whose breathing is already compromised.

While Mr Trezins says he is not aware of any nationally accepted advice that specifies the separation distance of poultry houses from receptors he should be aware that both the Town and County Planning (General Permitted Development) Order 2015 and the Environmental Permitting Regulations (England and Wales) 2010 require detailed scrutiny of intensive livestock units if they are within 400m of sensitive receptors. This is because this is the distance over which impacts likely to affect health and amenity are expected to spread."

Marches Planning & Property Consultancy 1st August 2016

4.21 These queries were further addressed in the Environmental Health Manager's comments dated 5th August 2016, which are reported below:-

- See section 3.4.6 [of the Redmore Environmental Odour Assessment dated 8th January 2016].
- I have considered noise at all times of night and day and I have made specific comment on night time operations including the suggestion for planning conditions
- The closest residence to the proposed poultry units is Rogers Farm House. Although the resident might not be considered as protected for planning purposes, the Local Air Quality Management regime requires that air quality is considered. My assessment is for Rogers Farm house using the Defra screening tool provided in their technical guidance 2016. This considers the number and type of bird, separation distance and indicates that PM₁₀ levels

would be below the nationally prescribed standard. I have read Environment Pollution Management's report which raises concerns about the Environmental Statement provided with the application, making reference to the older Technical Guidance LAQM.TG (09). It does not appear to undertake any assessment.

It is my understanding of LAQM.TG(09) that at a bird capacity of 82,500 this proposed development is under the threshold for the requirement of a detailed air quality assessment and therefore I presume not considered likely to be problematic. Using this guidance, a detailed assessment would only be required for poultry housing of 400,000 birds or more. I apologise if I have overlooked the relevant section in the report and if so perhaps I can be directed to it.

- I am aware of the planning requirements in respect of detailed scrutiny of intensive livestock applications. However, such scrutiny is not intended to prohibit this type of development.

4.22 Environmental Health Manager's final comments – September 2016

I have now had opportunity to consider the submissions from AS Modelling & Data Ltd. and Noise and Vibration Consultants Ltd provided in response to the matters raised in my consultation response dated 26th July 2016 and can confirm that they have satisfactorily addressed these matters. Objectors have also raised concerns about particulate emissions and I would take this opportunity to direct you to my comment in the above consultation response and subsequent reply dated 5th August 2016, to concerns raised by Marches Planning and Property Consultancy.

4.23 Whilst I have some reservations due to the relatively close proximity of this proposal to neighbours, the technical information provided with and commissioned by the Planning Authority has addressed these matters. It must also be recognised that this facility will operate with a benefit of an 'Environmental Permit' issued by the Environment Agency that should ensure that unacceptable pollution is not caused. I therefore conclude that subject to the conditions suggested in my response of the 26th July 2016 it would be difficult to defend refusal of this proposal for reasons of pollution.

4.24 Conservation Manager (Ecology): No objection

Having looked at the original ecological report and recommendations made by Dr Rob Widdicombe and the additional/updated ecological reports dated July 2016, I am happy that the original comments, which recommended a condition, remain relevant and details of enhancements and mitigation should be supplied. Following the updated Great Crested Newt report I recommend that an additional condition be included to cover the identified small potential for GCN to be found on site. These conditions are set out below.

Nature Conservation - Protection

4.25 The Great Crested Newt 'reasonable avoidance measures' detailed in Section 2 of the ecology (Great Crested Newt) report by Star Ecology dated July 2016 shall be implemented and remain in place for the duration of the construction phase unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Nature Conservation – Mitigation and Enhancement

- 4.26 The recommendations set out in Sections 12 and 13 of the ecologist's report from Star Ecology dated June 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4.27 Conservation Manager (Landscape): No objection

I have read the amended LVIA within Appendix 4 of the submitted Environmental Statement. I note the amended landscape proposals Rev B and I am satisfied they are as discussed following my meeting with the landscape architect.

- 4.28 Having read the amended plans and noted the recent representations I am satisfied that the visual impact will not be of a substantial nature. As previously stated the ridge height of these buildings is at 5.2m. The proposals are to be cut in, in order to locate them at the existing ground level of adjacent units which is practical and also allows for the buildings to be read as one complex.

- 4.29 Views from residences to the north west of the proposal will be filtered by vegetation and intervening built form and are not of a substantially adverse nature in my view. Whilst there will be localised impact upon character, this has been mitigated where possible and the residual effects are not to such a degree as to warrant a landscape objection. Notwithstanding the above, a topographic survey outlining the proposals would be helpful in order to fully illustrate construction details.

- 4.30 Conservation Manager (Historic Buildings): No objection

There are listed buildings approximately 850m – 1,000m away from the proposed site. These include the grade I listed St Peter's Church in Birley, the grade II* listed Swanstone Court situated to the north-west of the site and the grade II Hyde Field to the south-west. There are no closer listed buildings or nearby conservation areas. Nevertheless, the setting of these buildings taken into account particularly where there are larger buildings that may have an impact on the ability to read, appreciate and understand the significance of a listed building and its setting. With relevant local and national policy in mind, any assessment of the impact of such proposals should determine whether any aspects of the proposals causes harm to the setting of listed buildings – thereby impacting on the significance of the listed building itself.

- 4.31 Setting is a complex issue defined by a number of factors which are helpfully set out in The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3, published by Historic England. This document and its guidance on how to assess the impact of a scheme on setting has been taken into account in forming this response. There are a number of ways in which to judge the effect of a scheme on setting – one of the most important is to consider views and the inter-visibility between sites. It is also important to consider listed buildings within their immediate and wider setting and the significance of this relationship and to determine whether a proposal that relates to a site between approx. 850 - 1000m away would upset or affect this

relationship in any way. The question to be asked is would the proposed scheme cause harm to the significance of the listed buildings and their setting?

- 4.32 All of the listed buildings noted above are some distance from the proposed site. In addition to this, each has its own particular immediate setting, the significance of which is reinforced by adjoining development or has been diminished through later development. For example St Peter's Church's setting is strengthened by surrounding historic buildings which reinforce the village core and Swanstone Court's original immediate setting has been changed through the erection of largescale farm buildings.
- 4.33 In addition to this, given the location of the site and its distance from the listed buildings noted above, there is no visual link between the listed buildings and the proposed site. The lack of any visual connection arises through the distance, intervening development, and landscape features such as trees and hedgerows. The topography is also an important factor - in the case of Swanstone Court, the undulating land between the listed building and the site further emphasises the lack of visual connection. Swanstone Court is not visible from the road.
- 4.34 With these factors in mind, I would consider that while the proposed scheme would represent a change in the very much wider setting of the listed buildings, I would not consider the proposal to cause harm to the setting of the listed buildings which in each case are relatively well defined and have their own characteristics. I would therefore not consider the proposals to cause harm to the significance of the listed buildings. I therefore have no objection to the proposals from a designated historic environment point of view.

4.35 Public Rights of Way Officer: No objection

4.36 Land Drainage Officer: No objection

The applicant has provided an exceedance flow paths and drainage calculations as well as a surface water management strategy, demonstrating that the proposed surface water drainage system can adequately manage and attenuate a 1:1 to a 1:100 rainfall event, including 20% increase in climate change. Through Drawing RF-DL-100 Rev C and MicroDrainage outputs provided

- 4.37 Greenfield run off rates for the site have been calculated and discharge to the watercourse downstream of the site has been restricted to better than Greenfield rates.
- 4.38 The applicant has undertaken infiltration testing in accordance to BRE 365. It is noted within the 'consultation response' letter submitted by the applicant; the clay nature of the soil impeded any infiltration of water over a 2 hour period. Infiltration techniques as highlighted by the applicant would not be viable within this poorly draining soil.
- 4.39 In principle we do not object to the proposed development on flood risk and drainage grounds. It is however noted within the applicant submission, drawing RF-DL-100 Rev C that an existing highway access will be closed off. As per Policy SD3 – Sustainable water management and water resources' the opportunity should be taken to remove the culvert at this location and restore the open ditch to aid the improvement of drainage and low flows within the area.

5. Representations

5.1 Birley with Upper Hill Parish Council: Objection

The Parish Council has commented on three separate occasions. Firstly and in response to the application as originally submitted, the Parish Council commented as follows:-

With reference to the above planning application the Parish Council has considered the application and support some of the concerns expressed by local residents. The main concerns are:-

- 5.2 **Local Amenity:** The unsuitability of the development for the area in general and the potential adverse impact on neighbouring properties in particular. The site is located in relatively close proximity to local residential properties with the nearest being just 120m away and the majority of properties in Knapton Green being within 300m.
- 5.3 **Highway Issues:** The increase in traffic movement not only from this proposed development but also from a previously granted similar planning application (105602) located on the opposite side of the A4110. Although the access is to be located on a straight length of road with a 50mph speed limit, this stretch of road provides one of a couple of overtaking opportunities within a 14 miles stretch of the A4110. Hence vehicles can often be seen travelling two abreast, very often in excess of 50mph, when overtaking along this straight section. The road through Knapton Green, on the north side of the access, is not sufficiently wide enough to allow two lorries to pass each other comfortably. Also this section of road is subject to a 40mph speed limit however the speeding problem cannot be addressed because the Police claim it to be 'too dangerous' to operate speed traps. It is also suggested that appropriate signage should be erected at Knapton Green and Bush Bank warning of heavy goods vehicles turning both left and right.
- 5.4 **Flooding Issues:** The main concern is the dispersal of the excess storm water running from the buildings and concrete aprons in addition to the normal water generated from the proposed development. To prevent all of this water flooding into the adjoining neighbouring properties and into the Honeylake Brook causing flooding to properties downstream, it is suggested that the water is channelled to the easterly side of the applicants land and then ditched into the brook at a point downstream of the houses in Knapton Green. Should the new access onto the A4110 be permitted it is suggested that the existing entrance be returned to its original state and a ditch be reinstated which will help alleviate the problem of surface water from the new roadway and adjoining land flowing onto the A4110.
- 5.5 **Odour:** With the close proximity of residential properties there is almost certainly going to be an odour issue at certain times. *Environmental Agency: Appendix 4 Sector Guidance Notes - 'care should be taken to site particularly odorous activities away from neighbours. Distance helps to dilute odours'. This guidance should be used for applicants who are in the process of planning for a new installation and there are sensitive receptors (neighbours) located within 400m of the installation.*
- 5.6 **Noise:** Concern also of the noise from ventilation systems, deliveries (especially when blowers are used to unload feed from lorries to the feed hoppers) and other onsite operations. Suggested that if planning is granted one of the conditions being that working hours, including vehicular movement, is limited to 7am to 7pm because of the close proximity of the new buildings to existing residential properties.
- 5.7 One final suggestion from the Parish Council is that a decision is deferred until the impact of Planning Application 150602 on the community is known. Especially with regard to traffic increase on this very busy and potentially dangerous stretch of road. Too often is heard the mantra 'an accident waiting to happen!'
- 5.8 On 27th January 2016 the Parish Council wrote to maintain its objection and also cited concerns regarding the dispersal of storm water which is proposed to run close to the well supplying water to Micklegarth.

5.9 Further comments were received on 20 June 2016:

The Parish Council noted the amended plans which appear to have addressed one or two of the original concerns. However there are still grave concerns that the site is unacceptably in close proximity to many residential properties in Knapton Green and Bush Bank. The majority of residential properties in Knapton Green are within 300m of the development with the closest being just 98m. A number of residential properties at Bush Bank are within 300m to 500m.

5.10 We understand that odour must be considered where there are 'sensitive receptors' i.e. residential properties located within 400m of the installation. For this reason the Parish Council considers that the problems of odour and noise have not been satisfactorily addressed or resolved.

5.11 The comments regarding a ditch being reinstated at the new entrance from the A4110 still apply. This would help to alleviate the problem of surface water from the new entrance and adjoining land flowing onto the A4110.

5.12 Pyons Group Parish Council: Objection. The adjoining parish council first objected on 2 September 2015. Comments received on 8 June 2016 are reported below and have been reiterated recently (2nd November 2016):-

Pyons Group Parish Council notes the amended documents. The parish council remains opposed to planning application 151983 Rogers Farm on the grounds of scale and over-development relative to the size of Knapton; increased traffic, including the impact on the A4110 at Canon Pyon of vehicles servicing the site; flood risk from water run-off to neighbouring properties; and odour given the proximity of neighbouring properties. The proposed poultry buildings would be across the road from another extensive poultry facility, and it is felt this application will lead to over-development. The parish council supports comments made by Birley and Upper Hill Parish Council.

5.13 Dilwyn Parish Council: Objection

1. Scale and over-development also on the increase of traffic, including the impact on the A4110
2. Odour must be considered where there are 'sensitive receptors' i.e. residential properties located within 400m of the installation.

5.14 There have been 27 letters of objection from local residents. The content is summarised below. Some of the comments were received prior to submission of the amended Environmental Statement, but are recorded as contextual background:-

- The relevant distances between the site and adjoining dwellings should be to the edge of curtilage not dwelling-house. People have a reasonable expectation to enjoy their garden areas;
- These broiler units are recognised by the Environment Agency as "industrial installations."
- The submitted noise assessment focuses on noise from the ventilation system and fails to recognise noise from machinery, cleaning, filling feed bins and associated vehicles.
- Digging the units into the site could cause noise to rebound towards nearby dwellings.
- The dispersion of odour is normally represented by concentric circles, but is not on this occasion. There is no explanation for this.
- The model also adopts lower emission rates per bird than for recent, similar applications. Again this is without explanation.

- The odour report accepts that odour concentration and impacts are greatest during the clean-out of the units. This exercise will take longer than the 1-2 hours stated.
- Birds are often caught at night. The noise associated with catching and transporting is not adequately accounted for.
- This is compounded by an under-reporting of the number of vehicles required for cleaning out.
- There is no assessment of the noise emissions of the biomass boiler, gas boiler, fuel hoppers, pumps and deliveries.
- Cleaning out is a noisy process giving rise also to dust and ammonia. On a 35-day cycle there could be 9 clean-outs a year, causing unacceptable disturbance to near neighbours.
- Poultry dust is defined as a substance hazardous to health. The Environmental Statement concludes that dust in potentially harmful concentrations will not travel more than 100m, but this is not supported by evidence.
- There is a very significant under-reporting of vehicle movements. Up to 450 movements a year are not accounted for.
- Given the concerns raised above, clarification was sought from the EA as to why an Environmental Permit was issued for the site. No response has been forthcoming.
- There is a contradiction in the application documents. At some points it is said that manure will be removed from site. In other places it says it will be stored and spread on the farm land.
- The amount of litter is under-reported, with implications for water resources and the potential for conflict with water quality objectives.
- The proposal will be unacceptable within the landscape.
- The proposal utilises Grade II agricultural land. This is contrary to CS & and NPPF paragraph 112.
- The proposal has not taken account of the nearby presence of ponds at Micklegarth and the potential presence of Great Crested Newts.
- The proposal will have the potential to disturb underlying aquifers and pollute or otherwise disturb the private water supply (well) serving Micklegarth.
- Emissions to air will have the potential to cause issues with human health and affect wildlife interests locally, including the orchard at Micklegarth.
- It is unreasonable that neighbours will have their amenity affected to such an extent. The proposal is far closer to neighbouring dwellings than the 400m within which the Environment Agency says that particular care should be taken when considering intensive livestock installations. Neighbours will have to keep windows closed to withstand the noise.
- Residents living within similar proximity to other units approved by the Council attest to significant noise and odour impacts. Highly (as opposed to moderately) offensive odour is present from day 15 of the cycle onwards and dust and feathers are regularly blown towards dwellings nearby.
- The cumulative impacts of this and the Garnstone egg-laying units are not fully understood and it is unreasonable for Knapton to have to suffer two such installations.
- The site is too close to Garnstone, posing unacceptable bio-security risks.
- The surface water drainage is a concern. Putting more water in the Honey Lake brook is not advisable.
- The roadside ditch should be reinstated where it is proposed to close off the existing access. Likewise the new access should not block the ditch.
- There are significant animal welfare issues with these installations.
- If approved, conditions should be imposed to restrict hours of working and lighting.

5.15 One of the objectors also commissioned a review of the applicant's odour assessment.

The Environmental Statement does not assess the existing background concentrations of particulate matter and the significance of impact of the additional contribution of particulates from the operation of the proposed broiler units on residential properties in the vicinity of the

units. As such, the Environmental Statement in respect of impacts on air quality, odour and noise assessment is considered insufficient.

- 5.16 The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151983&search=151983>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 SS4 is the strategic policy dealing with movement and transportation. It requires, *inter alia*, that the safe and efficient operation of the network is not detrimentally impacted. This policy is underpinned by MT1, a criterion-based policy requiring that development proposals operate safely and that traffic impacts can be absorbed on the highway network without adversely affecting the safe and efficient flow of traffic on the network.
- 6.4 SS5 Employment provision, confirms that the continuing development of the more traditional employment sectors, including farming and food and drink manufacturing will be supported.
- 6.5 SS6 Environmental quality and local distinctiveness, requires development proposals to conserve and enhance those environmental assets that contribute towards the county's distinctiveness. Of relevance to this application are considerations arising from landscape impact, biodiversity and local amenity, including air quality, the water environment and management of waste.
- 6.6 All of the detailed policies LD1-LD4 inclusive are relevant to the application as are SD1, SD3 & SD4. The 'LD' or local distinctiveness policies concern themselves with landscape, biodiversity, green infrastructure and heritage. LD1 requires that development proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, with incorporation of landscaping schemes to ensure development integrates appropriately into its surroundings.
- 6.7 LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats. LD3 requires the protection, management and planning of green infrastructure.
- 6.8 LD4 requires development, in accordance with the NPPF and legislation, to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.

- 6.9 SD1 Sustainable design and efficiency is a criterion based policy requiring, *inter alia*, that developments safeguard residential amenity for existing residents and do not contribute to or suffer from adverse impacts arising from noise, light or air contamination or cause ground water pollution. SD3 Sustainable water management and water resources, deals with flood risk, drainage, water resources and water quality. In particular development should not cause an unacceptable risk to the availability or quality of water resources.
- 6.10 Having regard to the Environmental Statement, representations received and the provisions of the Statutory Development Plan and relevant material considerations, officers consider the key issues in the determination of the application are:-
- The impacts of the development upon the living conditions of adjoining residents, including assessment of odour, noise, dust, pests and bio-aerosols.
 - The impacts of the development upon the safe operation of the local highway network.
 - The impact of the development upon flood risk, surface water and private water supplies.
 - The impact of the development upon the character and appearance of the local landscape.
 - Whether, taking the above issues into account, the development is representative of sustainable development such that the positive presumption is engaged.
- 6.11 The report is structured to respond to these issues in turn, with an assessment against the relevant planning policy, national guidance and where relevant, industry standards, before drawing a conclusion in respect of whether the scheme can be held to contribute to the attainment of sustainable development.

Odour

- 6.12 The proposal is for the erection of 2 no. broiler units housing a total of 82,500 birds. The sheds are ventilated by uncapped, high speed ridge mounted fans, each with a short chimney. The birds would be reared from day old chicks to up to 33-37 days old and there would be circa 8 flocks per annum. It is understood that approximately 10 days are left between the end of one flock cycle and the beginning of the next for clean-out and preparation. Normally, for bio-security reasons, on farms with more than one poultry unit it is normal practice that all of the poultry units are cleared out at the same time (i.e. the flock cycles for each building is identical).
- 6.13 What is evident in considering a series of planning applications and appeals for poultry units throughout the County is that one of the prime concerns of the local community revolves around odour and the impact that odour has upon the amenities one would normally expect occupiers of dwellinghouses to enjoy both within their houses and within their gardens (especially during the summer months). In this regard the Local Planning Authority submits that odour is a particularly difficult area to accurately assess. It cannot be measured by a machine in the way, for example, that noise can. Whilst there are standard methodologies and modelling approaches adopted they have inherent limitations and involve subjective judgements. To elaborate on this point, where one has dwellinghouses (receptors) close to a proposed road (noise source) one can model the predicted noise at the dwelling houses, and when the road is subsequently built one can actually measure the noise at the dwelling houses with an instrument. One cannot do that with odour. Both proposed and existing scenarios (where poultry units are in-situ) are modelled.
- 6.14 The Institute of Air Quality Management's Guidance on the assessment of odour for Planning (May 2014) supports this view in that in the forward paragraph 3 it states:-

"The field of odour impact assessment is a developing one. It should be noted that Inspector's decisions on past planning appeals, though useful and often setting precedents, will have been based solely on the evidence that was presented to them, which may have been incomplete or of a different standard to current best practice: caution should therefore be exercised. This

guidance describes what the IAQM considers current best practice: it is hoped it will assist with and inform current and future planning appeals and decisions”

Furthermore paragraphs 5 and 6 state:-

“As experience of using the Guidance develops, and as further research relating to odour becomes available, it is anticipated that revisions of this document will become necessary. The use of some odour assessment tools in the UK suffers from sparseness of published evaluation of the relationship of effects / annoyance to exposure and what level of exposure can be considered to be acceptable. The IAQM is particularly keen to hear of examples of the use of these tools so they can be further evaluated and the presentation of such data to the air quality community will itself improve the practice of odour impact assessment. The guidance also advises on the use of FIDOR, in paragraph 2.2.2 table 1 which has regard to the subjective nature of the perception of odour.”

- 6.15 The application was accompanied by ‘A Report on the Atmospheric Dispersion Modelling Study of the Impact of Odour Emissions from the Proposed Poultry Units’ prepared by AS Modelling & Data Ltd. This was revised to take into account the Garnstone egg-laying units 500m to the west. Separately, and as recorded above, the Local Planning Authority commissioned Redmore Environmental to undertake a Peer Review Assessment and an independent Odour Assessment.
- 6.16 In essence, the Local Planning Authority accept that in terms of the Environment Agency’s (EA) H4 Odour Management guidance the statistic *generally* used in the UK for odour exposure is the annual 98th percentile hourly mean concentration. The EA’s H4 Odour Management guidance provides benchmark exposure levels for moderately offensive odours, which includes livestock rearing, set at 3.0 OU_E/M³. Normally one would not wish any receptor (dwellinghouse other than host Farmer’s) to exceed a maximum annual 98th percentile hourly mean concentration in excess of 3.0 OU_E/M³. In essence, it seems that the accepted guidance is that such levels are acceptable but that higher levels should be accepted in the countryside during the relatively brief periods that poultry units are cleaned out.

H4 – Odour Guidance

- 6.17 The EA published draft guidelines on odour regulation, assessment and control (IPPC H4: Horizontal Odour Guidance Parts 1 & 2) in 2002. The 2002 documents have now been withdrawn and various updated versions, for consultation purposes, have been produced in the interim period. The final version (H4: Odour management) was published in March 2011.
- 6.18 Odour detection thresholds and consideration of whether or not an odour is offensive is discussed in Appendix 2 of the updated H4. In Appendix 3 (of H4) modelled odour concentration benchmark levels are presented for odours of varying degrees of offensiveness. Expressed as a 98th percentile of the hourly mean odour concentrations over a one year period, a threshold of 6.0 European Odour Units per cubic metre of air OU_E/M³) is suggested in H4 as being appropriate for the least offensive odours. This means that a situation should be acceptable, provided that the value of 6.0 OU_E/M³ is not exceeded on more than 2% of occasions. **For moderately offensive and high offensive odours, the equivalent threshold values are 3.0 OU_E/M³ and 1.5 OU_E/M³ respectively.**
- 6.19 Odours from livestock housing are normally placed in the moderately offensive category and the target suggested in H4 for moderately offensive odours is an hourly mean concentration of 3.0 OU_E/M³ at the 98th percentile.
- 6.20 The Local Planning Authority consider that it is common ground and clearly established by a number of appeal decisions that applications for planning permission should be refused if the

odour level at a receptor, other than the host Farmhouse, exceeds 3.0 OU_E/M³ using the annual 98th percentile hourly mean concentration.

- 6.21 The report submitted by AS Modelling & Data Ltd. concludes that no dwellinghouse (other than Rogers Farm) would experience odour levels that exceed the aforementioned critical level of 3.0 OU_E/M³ using the annual 98th percentile hourly mean concentration. This conclusion is also drawn by the Redmore Odour Assessment, which reports that the significance of odour impacts as a result of the development was predicted to be **negligible** at all receptors.
- 6.22 The IAQM guidance¹⁶ states that only if the impact is greater than **slight**, the effect is considered **significant**. As such, impacts are considered **not significant**, in accordance with the stated methodology. The Redmore model returned results that predicted the 98th %ile odour concentrations to be lower than those provided within the AS Modelling & Data Ltd report at 24 receptors and higher at 6 locations. This may be for a number of reasons, including:
- Variations in emission rates;
 - Variations in meteorological data; and,
 - Variations in terrain data.
- 6.23 Overall, and as reported above, the odour issue has been independently assessed on the Council's behalf and the conclusion of both technical reports (AS Modelling & Data Ltd & Redmore Environmental) is that the 98th %ile odour concentrations, even when taking into account Garnstone, will not exceed the 3.0 OU_E/M³ benchmark at any residential property not associated with the holding. On the basis of the technical evidence submitted, it is the Environmental Health Manager's professional opinion that a refusal in relation to odour impacts would be difficult to sustain at appeal.

Noise

- 6.24 CS Policy RA6 confirms that planning applications which are submitted in order to diversify the rural economy will be permitted where they do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design, mass, noise, dust lighting and smell. SD1 adopts a position that requires developments to avoid adverse impacts arising from noise and other potential sources of nuisance.
- 6.25 National guidance is found in the Noise Policy Statement for England (Defra 2010) (NPSE) and this is reflected in the NPPF and NPPG, which makes it clear that whilst noise can be an overriding issue, the expectation remains that noise should not be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
- 6.26 The NPSE sets out established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected. Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

- 6.27 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase the understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.
- 6.28 In relation to World Health Organisation guidance for sleep disturbance, noise levels within bedrooms should not exceed 45dB LAmax. The guidance advises that assuming a bedroom window open the attenuation allowed should be -15dB and therefore the maximum external level to the bedroom should not exceed 60dB LAmax. According to the applicant's analysis this results in the following predictions at nearest sensitive receptors relative to catching at night-time:

| Catching & All Roof and Gable End Fans in operation at night-time Location | Predicted LAeq level from catching & all roof /gable fans [dB LAeq] | Predicted LAmax levels from catching & all roof /gable fans [dB LAmax] | WHO Guidelines For LAmax Levels outside Open Window dB | Level difference between predicted and WHO Guidelines LAmax dB |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------|
| 1. Property to NW | 32 | 37 to 47 | 60 | -23 to -13 |
| 4. Micklegarth Property | 28 | 33 to 43 | 60 | -15 to -5 |

- 6.29 The above table demonstrates LAmax levels are well below World Health Organisation guidelines and are therefore not shown to be significant. On this basis the Environmental Health Manager is content that all potential sources of noise have been assessed and that the results indicate that noise cannot be utilised as a basis for objection. It follows, that assessment demonstrates that noise impacts will not be significantly adverse and that the proposal is not, therefore, in conflict with CS policies RA6 or SD1 nor national guidance on the topic.

Dust

- 6.30 The Environmental Statement includes a chapter on Air Quality, Health and Climate. This confirms that as part of the Environmental Permitting application Ammonia screening was undertaken and the Environment Agency confirmed that no further assessment is required.
- 6.31 A report compiled by Environment Pollution Management on behalf of the occupiers of Micklegarth raises concerns about the Environmental Statement provided with the application, making reference to the older Technical Guidance LAQM.TG (09). This report does not appear to be based on an independent assessment, however. The Environmental Health Manager's observations in respect of LAQM.TG(09) are that an installation with a capacity of 82,500 birds is under the threshold for the requirement of a detailed air quality assessment and therefore considered unlikely to be problematic.
- 6.32 The closest residence to the proposed poultry units is Rogers Farm House. Although the residents might not be considered as 'protected' for Planning purposes, the Local Air Quality Management regime requires that air quality is considered nonetheless. The assessment undertaken by the Environmental Health Officer utilises the Defra screening tool provided in their published technical guidance 2016. This guidance considers the number and type of bird and separation distances involved. Application of the relevant criteria in this case indicates that PM10 levels would be below the nationally prescribed standard. In the circumstances, the results indicate that stocking numbers are well below the level where detailed assessment is required.

- 6.33 On the basis that the scheme accords with the relevant nationally prescribed guidance officers conclude there is no conflict with the Core Strategy or NPPF.

Highway Matters

- 6.34 Relevant transport policies are introduced above. The application is accompanied by a Transport Statement and highway matters are explained further in Chapter 9 of the Environmental Statement. The Transport Statement (TS) is available as Appendix 5.
- 6.35 The TS has been reviewed during the application process to respond to concerns raised that the level of vehicle movements associated with the development was under-reported insofar as it did not take account of trips associated with the removal of litter and deliveries. At 5.1 the revised TS includes a table summarising vehicular movements associated with the day to day operation of the broiler units utilising empirical evidence from similar sites. Movements associated with all facets of the crop cycle are accounted for and result in 58 vehicles visiting the site over the cycle, which equates to approximately 2 two-way trips a day. Having regard to planning policy there are two main points to be borne in mind. Firstly, the trip generations arising from this proposal and the four egg-laying units at Garnstone Farm are demonstrably fewer in combination than would have arisen had the earlier permission for 6 no. broiler units been implemented. This situation is recognised by the Traffic Manager, who also acknowledges that the network is capable of accommodating the additional trip generation without undue impacts on safety.
- 6.36 The southerly of the two existing vehicular accesses serving Rogers Farm i.e. that entering the arable land as opposed to the farmyard, will be stopped up and replaced by the new access and associated track further to the south. This will present the opportunity to reinstate the open ditch to the betterment of surface water conveyance.
- 6.37 The width of the junction onto the A4110 has been increased along with the radius in order to allow for two HGVs to pass simultaneously. The Traffic Manager is content that subject to detailed proposals which place the hedgerow to be removed behind the visibility splay, safe access will be provided and no conflict with the objectives with MT1 or NPPF guidance is found.

Landscape

- 6.38 It is a core planning principle of the NPPF that planning should take account of the *'different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'* CS Policy LD1 and its objectives are introduced above.
- 6.39 The landscape hereabouts is not subject to any statutory landscape designation and is not considered a 'valued landscape' within the meaning of paragraph 109 of the NPPF. The Environmental Statement in considering possible alternatives to the scheme, as is required by the Environmental Impact Regulations, explains why the site has been chosen in favour of alternative locations within the holding. Principally it was determined that grouping with the existing farm complex is optimal insofar as minimising impacts within the landscape is concerned.
- 6.40 A Landscape and Visual Impact Assessment has been submitted together with a planting specification and management proposals.
- 6.41 The Conservation Manager (Landscape) is satisfied that the visual impact will not be substantial. In drawing this conclusion regard has been had to the proposals to cut the units into the sloping ground, which will reinforce the sense of containment with the existing farmstead and the formation of the vehicular access, which will necessitate the removal of a significant stretch of roadside hedgerow with replanting behind the visibility splay.

- 6.42 Views from residences to the north west of the proposal will be filtered by vegetation and intervening built form and are not considered to represent impacts that are significantly adverse. Whilst there will be localised impact upon character, this has been mitigated where possible and the residual effects are not to such a degree as to warrant a landscape objection and the requirements of LD1 are satisfied.
- 6.43 A landscape condition is recommended to ensure that the planting specification is implemented. On this basis officers considered that residual impact is adequately mitigated and that the scheme affords the potential for a net increase in green infrastructure and associated enhancement of bio-diversity in a manner consistent with Core Strategy Policies LD2 and LD3.

Drainage and Flood Risk

- 6.44 The land drainage officer has no objection to the proposal, but requests that where the existing field access it to be stopped up, the culvert under this access should be removed and the highway ditch reinstated. On this basis the scheme is considered to accord with CS Policies SD3 and SD4.

Ecology

- 6.45 The Council has screened the proposal against the Habitat Regulations and is content that there will be no likely significant effects on European sites. The Council's Ecological Advisor has also confirmed no objection in relation to the potential impact of the development upon protected species. Planning conditions are recommended and are attached to the recommendation. The scheme is considered to accord with Core Strategy Policies LD2 and LD3, these policies reflecting the equivalent policies of the NPPF.

Heritage

- 6.46 The detailed response of the Conservation Manager (Historic Buildings) highlights the heritage assets that have the *potential* to be affected by the development. However, the advice concludes that because of separation distances, landform and other intervening features it can be concluded that there will be no impacts, direct or indirect, on the significance of heritage assets and this matter need not be considered further or factored into the planning balance. The scheme does not, therefore, conflict with CS Policy LD4 of NPPF guidance; with which LD4 is consistent or the overarching statutory duty enshrined at S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impacts on Private Water Supplies

- 6.47 Objections made by and on behalf of the owners of Micklegarth concern the potential for disruption of the minor aquifer underlying Rogers Farm and consequent impacts for the availability and quality of water abstracted via the well serving that property. The well is some 78m from the corner of the north-west corner of the northern poultry unit.
- 6.48 Notwithstanding officers are of the view that this is a civil as opposed to planning matter, the Environment Agency has been approached by both the owners of Micklegarth and the Council for advice. It is understood the Environment Agency has advised the applicant to ensure that in order to avoid potential contamination, the sealed drainage system conveying the collected surface water to the Honey Lake Brook, is maintained at a sufficient distance from the private water supply.
- 6.49 As such, it is your officer's opinion that an objection on this basis is not sustainable and there is no discernible conflict with Core Strategy Policies SD3 or SD4.

Manure and Dirty Water Management

- 6.50 The application is accompanied by a manure management plan (Environmental Statement Appendix 11), which confirms that owing to the farm's comparatively small size and location within a Nitrate Vulnerable Zone (which reduces the concentration of Nitrogen that can be applied to land) all spent litter will be removed from site and spread elsewhere. As above, the vehicle movements associated with this (which will occur at the end of cycle and thus explain the increased vehicle movements associated with clean out operations), are accounted for in the revised TS.
- 6.51 Likewise, all dirty water, collected in the 6,000 gallon tank under the yard, will also be removed by tanker and treated elsewhere. Accordingly there will be no on-site storage of spent litter. A planning condition is recommended to ensure enforceability. On this basis the potential for leaching of nitrogen and ammonia within the NVZ will not occur.

7. Summary and Conclusion

- 7.1 S38 (6) requires that determination of planning applications must be in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The Core Strategy and NPPF have the pursuit of sustainable development at their core and identify the three roles of sustainable development as, in the terms of the CS, Social Progress, Economic Prosperity and Environmental Quality. These roles are mutually dependent and to be pursued jointly. Impacts arising under these roles are weighed in the planning balance, having regard to the development plan and material considerations.
- 7.3 In this instance officers cannot dispute that the proposal is for farm diversification, with attendant economic benefits and modest social benefits arising from an increased ability for the UK to become self-sufficient as opposed to a net importer of chicken for human consumption.
- 7.4 As recorded above, the main issues arise in the environmental sphere. However, the careful assessment of impacts arising in relation to the main issues outlined in the appraisal, indicate that none of the adverse impacts would warrant that the application be refused. In particular, the Council's own independent review of the submitted odour assessment indicates that the applicant's report can be afforded weight and in fact regarded the applicant's assessment as over-stating the modelled impacts in relation to the majority of the receptors identified.
- 7.5 In reaching this conclusion, officers are mindful that the operation is subject of an Environmental Permit which regulates odour emissions, noise, vibration, pests and outputs from the biomass boiler. NPPF paragraph 122 reminds the decision-maker that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. In particular "local authorities should assume that these regimes will operate effectively."
- 7.6 Overall, officers find net benefits arising in the economic sphere. Social and environmental impacts are conjoined in this case, but having regard to the available evidence and consultation responses, officers are content that the scheme fulfils the requisite objectives of policy such that refusal cannot be sustained.

RECOMMENDATION

That planning permission is granted subject to the conditions below and any other further conditions considered necessary by officers.

1. C01 Time limit for commencement (full permission)
2. C06 – Approved plans
3. C13
4. The Great Crested Newt ‘reasonable avoidance measures’ detailed in Section 2 of the ecology (Great Crested Newt) report by Star Ecology dated July 2016 shall be implemented and remain in place for the duration of the construction phase unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The recommendations set out in Sections 12 and 13 of the ecologist’s report from Star Ecology dated June 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. CAB - Visibility splays
7. CAC - Visibility over frontage
8. CAD - Access gates
9. CAE - Vehicular access construction.
10. CAG - Access closure
11. CAH - Driveway gradient
12. CAL - Access, turning and parking
13. CAN - Turning and parking: change of use – commercial
14. CAO - Parking/unloading provision - submission of details
15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) means of access for construction traffic and site operatives;**
- ii) the parking of vehicles of site operatives and visitors;**
- iii) a noise management plan;**
- iv) wheel washing facilities;**
- v) measures to control the emission of dust and dirt during construction;**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;**
- vii) delivery, demolition and construction working hours;**

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16. CBN - Drainage in accordance with approved plans**
- 17. C96 - G10 Landscaping scheme**
- 18. Prior to the commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

Reason: To ensure light pollution is minimised in the interest of adjoining amenity and ecological interests so as to comply with CS Policies LD2 and SD1.

- 19. CBK – Hours of working**
- 20. CCK – Slab levels**
- 21. Ridge mounted high speed fans – minimum velocity requirement**

INFORMATIVES:

- 1. I09 Private apparatus within the Highway**
- 2. I11 Mud on the highway**
- 3. I45 Works within the Highway.**
- 4. I05 – No drainage to discharge to highway**
- 5. I43 – Protection of visibility splays on private land**
- 6. I51 – Works adjoining highway**
- 7. I47 – Drainage other than via highway system**

- 8. **I35 – Highways Design Guide and Specification**
- 9. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**
- 10 **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

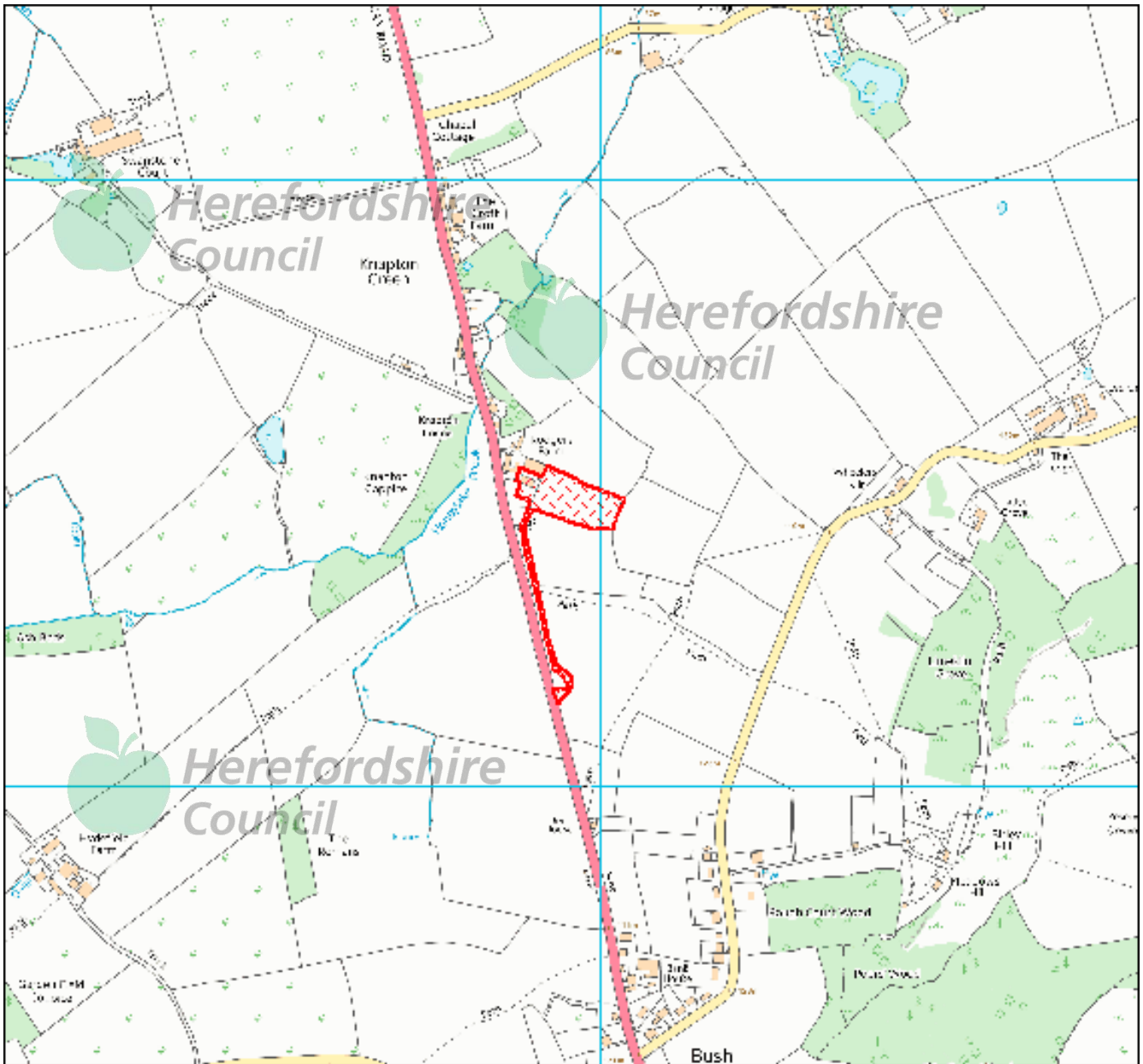
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151983

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479