

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>4 OCTOBER 2017</b>
<b>TITLE OF REPORT:</b>	<p><b>162556 - ERECTION OF TWO POULTRY UNITS, FEED BINS, WIDENING OF EXISTING ACCESS, NEW ACCESS TRACK AND ASSOCIATED DEVELOPMENT AT LAND WEST OF EATON HILL, LEOMINSTER, HEREFORDSHIRE.</b></p> <p><b>For: Mr Corbett per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162556&amp;search=162556">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162556&amp;search=162556</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 15 August 2016**

**Ward: Leominster  
East and Leominster  
North & Rural**

**Grid Ref: 350488,259234**

**Expiry Date: 7 April 2017**

Local Members: Councillors JM Bartlett & J Stone

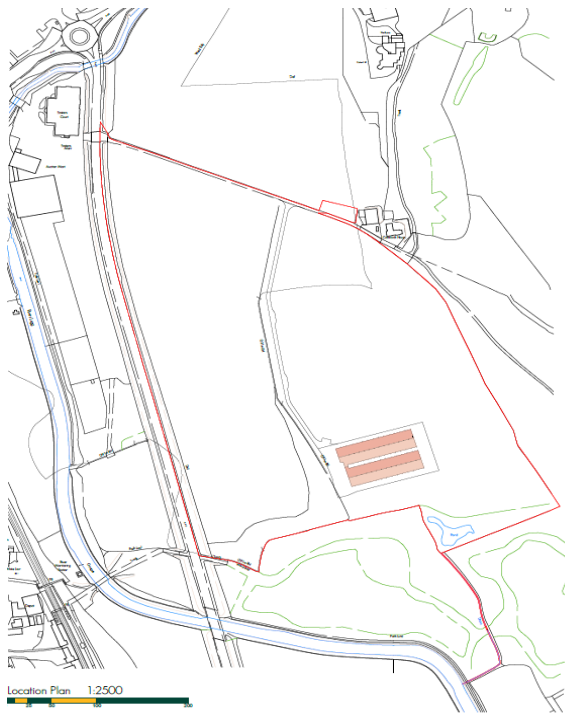
## **1. Site Description and Proposal**

- 1.1 The site forms part of Eaton Hill Farm, which is situated east of the A49 and Leominster. It is part of a large agricultural field, surrounded to the south and east by woodland. A hedgerow defines the boundary with another field to the west, with a belt of trees and the A49(T) beyond.
- 1.2 The area is largely flat, although rising on the lower slopes of Eaton Hill to the east. An existing access onto the A49(T) is located to the north west and would serve the proposed development. The drive also defines the line of a public footpath.
- 1.3 The site is close to the River Lugg which is designated as a Site of Special Scientific Interest (SSSI) and a Special Wildlife Site (SWS). A gas pipeline also runs parallel to the A49(T) and is crossed by the farm access.



- 1.4 The area to the south of the site comprises woodland, known locally as Easters Wood, which is used for recreation purposes. Informal paths have been created through the woodland and these provide access from the R. Lugg into the area. A gated ramp allows vehicular access from the A49 at a point to the north of the river crossing. It is possible to access this area from the Herefordshire Trail, a recreational route that follows the river.
- 1.5 The proposed poultry enterprise will operate as a breeder rearing site accommodating a total of 30,000 birds split between two sheds. The birds are reared for 18 weeks before going onto laying sites resulting in approximately 2.2 cycles per year.
- 1.5 The proposed poultry houses are positioned parallel to one another, running horizontally (east to west). Each building measures 85.5m x 22.86 with a ridge height of 5.6m. There will be an adjoining control room at the western end of the poultry houses and feed bins immediately to the south.
- 1.6 The buildings will be of standard construction and consist of steel-framed clad externally with profile sheeting. The precise colour is to be agreed but will be chosen to minimise the visual impact of the proposed development.
- 1.7 The site will include a hardstanding area for access and circulation around the buildings. Access will be via the existing farm entrance and new access track, which will run along an existing hedge line in an approximate north / south direction.
- 1.8 The application has been screened under Schedule 2 of the Environmental Impact Assessment Regulations. The Council's formal determination was that the proposal **did not** constitute EIA Development and therefore would not require the submission of an Environmental Statement.
- 1.9 The application is made in full and is supported by the following documentation:
  - Design & Access Statement
  - Landscape & Visual Impact Assessment (including a Landscape Mitigation Plan)
  - Odour Assessment
  - Ammonia Assessment
  - Environmental Noise Assessment
  - Site Waste Management Plan
  - Transport Statement
  - Ecology Assessment
  - Flood Risk Assessment

## Location and block plan for the site



## 2. Policies

### 2.1 The Herefordshire Local Plan - Core Strategy

The policies that are considered to be of relevance to the consideration of this application are:

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement & Transportation
- SS5 - Employment Provision
- SS6 - Environmental Quality and Local Distinctiveness
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- E1 - Employment Provision
- LD1 - Landscape and Townscape
- LD2 - Bio-diversity and Geo-diversity
- LD3 - Green Infrastructure
- SD3 - Sustainable Water management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality
- RA6 - Rural Economy

### 2.2 National Planning Policy Framework (NPPF)

The following paragraphs and sections are considered to be relevant to this application:

- Paragraphs 1-14 (inclusive) – These set out the purpose of the NPPF and its presumption in favour of sustainable development
- Paragraph 17 – This sets out the twelve core planning principles that under-pin both plan-making and decision taking
- Paragraph 32 – Refers to matters of highway safety
- Section 1 - Building a strong, competitive economy
- Section 3 – Supporting a prosperous rural economy
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 - Conserving and enhancing the natural environment

### 2.3 National Planning Practice Guidance (NPPG)

The section relating to 'Flood Risk and Coastal Change' is particularly relevant to this application.

### 2.4 Leominster Neighbourhood Development Plan (NDP)

With regards to the Leominster Area Neighbourhood Plan and in line with paragraph 216 of the NPPF, material weight will be dependent on the following:

- Progress of the plan - The Neighbourhood Area was designated on 27th July 2012. The plan has reached submission in January 2016 and the consultation was undertaken under Regulation 16 between 20 January and 2 March 2016. However that plan was not progressed to examination (15 March 2016) due to concerns regarding conformity with the adopted Core Strategy and the NPPF which would result in the plan not meeting the required 'Basic Conditions' to be successful at examination. A revised Leominster Area NDP has yet to be submitted to the Council.
- Outstanding objections to policies – 6 external and 5 Herefordshire Council internal comments were received during the consultation period. A number of these (both internal and external) expressed concerns regarding the Leominster Area NDP's compliance with both the NPPF and the adopted Core Strategy.
- Conformity with Core Strategy and NPPF - there are a number of policy concerns regarding the submission plan.

With the requirements of paragraph 216 in mind, at this stage limited weight can be attributed to the Leominster Area Neighbourhood Plan.

### 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/info/200185/local\\_plan/137/adopted\\_core\\_strategy/2](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2)

## 3. Planning History

### 3.1 There is no planning history relevant to this application

## 4. Consultation Summary

### Statutory Consultations

### 4.1 Environment Agency

In their original consultation response of 14<sup>th</sup> September 2016 the Environment Agency **objected** to the application. **In summary** their concerns were as follows:

- Parts of the site fall within Flood Zone 3 (High Probability) of the River Lugg. Modelled information provided by EA suggests that the site does not flood in up to a 1 in 50 year event. The proposed use is a suitable use for the Zone, but the FRA will need to demonstrate that the development is safe over its predicted lifetime, does not increase flood risk elsewhere and ideally reduces flood risk overall.
- The FRA lacks clarity in respect of the reference points that it has used for assessing potential flood events

- The FRA has used modelled information to assess increases in peak flows in a 1 in 200 year flood event, 1 in 500 year event and 1 in 1,000 year event. However, it does not contain any information to confirm if any assessment of flows has actually taken place. The modelled information is precautionary but uncertain. EA advice is that where it possesses a model and a major development is proposed, an FRA should incorporate a model re-run to produce new figures.
- Finished floor levels should be set 600mm above the 1 in 100 year plus climate change (35%) modelled level but this should be based on better evidence on climate change on the R. Lugg. The suggested finished floor level of 70.00m AOD may be acceptable but should be based on a more thorough analysis of climate change impacts.
- A Flood Management and Evacuation Plan as proposed in the FRA is advocated.
- A main area of concern is the potential impact on third parties. Loss of flood storage has not been calculated and a flood storage compensation scheme is not proposed. This should be provided for any loss of storage in the 1 in 100 year plus climate change (35%) floodplain extent.
- It is noted that the attenuation pond to the west of the site is wholly within Flood Zone 3. It is recommended that it is within Flood Zone 1. Should it remain in the same location with raised sides to ensure that it does not become washed out in a flood event then this should be considered in the compensation measures as outlined above.

4.2 ***Following the receipt of additional information to address the matters raised in the comments outlined above, the Environment Agency has offered the following further comments:***

I refer to additional information received in support of the above application and, specifically, our concerns raised with regards flood risk. Having reviewed the revised Flood Risk Assessment (Hydro Geo, Reference: HYG277R 161027 CB Eaton Hill Leominster FRA V2 dated 27/10/2016) we are in a position to remove our objection and would recommend the following comments and conditions are applied to any permission granted.

Flood Risk: Parts of this site fall within Flood Zone 3 (High Probability) of the River Lugg on our Flood Map for Planning as defined in Table 1 of the National Planning Policy Framework (NPPF). The proposed use of poultry units would be classified as 'Less Vulnerable' in planning policy terms. The modelled information provided by the Environment Agency, which is included in Appendix 1 of the Flood Risk Assessment (FRA) produced by Hydrogeo Ltd (Ref: HYG277 dated 11/08/2016), suggests that the site does not flood in up to a 1 in 50 year event. Therefore the site falls partly within Flood Zone 3a but not the functional floodplain (3b) and therefore is a suitable use for the Zone (Table 3 of the NPPF refers).

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 100–104 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required (see Paragraph 102 of the NPPF).

Flood Risk Assessment (FRA): The revised FRA has sought to address the issues raised in our previous response of 14 September 2016. In this response we queried the climate change

figures used in the FRA which would have implications on the proposed finished floor levels and also for flood storage compensation which would be required for any raising of land in the 1% plus climate change (35%) floodplain extent.

Section 4.2.1 of the revised FRA confirms that Hydro Geo have use the Environment Agency's modelled River Lugg data to create a stage discharge curve and produce modelled levels for the new climate change allowances which are shown in Table 4.3. Although the application is not for minor development (our area climate change guidance states that FRAs should rerun existing models where available for major development) we are satisfied with this approach on this occasion as:

- 1) the River Lugg model is reliable and relatively new and has lots of return periods on which to base this type of assessment; 2) the 1% plus 35% figure of 69.53mAOD is 370mm higher than the 1% figure. Our assessment of the River Lugg, when producing the nominal figures in our area climate change guidance, suggested a rise of 300mm so the FRA's results are more precautionary; 3) The proposals are for Less Vulnerable use. We would not consider this approach suitable for More Vulnerable major development.

Drawing 5 shows the flood extent in a 1% plus 35% flood event (69.53mAOD). The FRA confirms that the floor level of the units are proposed at 70.00mAOD which is 470mm above the 1% plus 35% flood level. Again, for Less Vulnerable development such as this we would be satisfied with this providing resilient techniques are incorporated to a minimum of 70.13mAOD. Section 8.4 of the FRA states that resilient techniques will be incorporated to 70.30mAOD and this is acceptable. As can be seen from Table 4.3, the proposed floor levels would be higher than all modelled levels including the 1% plus 70% climate change allowance and the 1000 year or 0.1% modelled level. We are therefore satisfied that the development should be safe over its lifetime.

In order to ensure third parties are not affected by the proposals, a flood storage compensation scheme is required to offset any raising of levels/new buildings in the 1% plus 35% floodplain extent and this has now been included in Revision 2 of the FRA. The FRA has calculated that the proposals would result in the displacement of 5533.878m<sup>3</sup> volume of storage. Section 7.3 of the FRA confirms that this can be compensated for on a volume for volume (with betterment resulting from a gain as 6,187.29m<sup>3</sup> can be provided), level for level basis (comparing tables 7.2 and 7.3 to Table 7.1) in 2 separate locations either side of the proposed units as shown in Drawing 10 of the FRA. We are therefore satisfied with the proposed flood storage compensation scheme outlined in the revised FRA.

Whilst the proposals are shown to be safe from flood risk over their lifetime and will not affect third parties, these are still considerable volumes of storage so in terms of a sequential approach we would question whether this is the most suitable location for the poultry units though accept this is a matter for the LPA.

The LLFA should lead on the surface water drainage proposals but we note from Section 7.1.2 of the FRA that the attenuation pond will be located within the floodplain. Whilst the FRA confirms that additional storage will be included in the storage volume to allow for inundation of fluvial floodwater, attenuations features should generally not be located within the 1% plus climate change floodplain extent.

*Condition: Finished floor levels shall be set no lower than 70.00mAOD in line with Revision 2 of the FRA dated 27 October 2016 (Section 8.3) with flood resilient techniques incorporated to a level of 70.30mAOD (Section 8.4) unless otherwise agreed in writing by the LPA.*

*Reason: To protect the proposed units from flood risk for the lifetime of the development.*



*Condition: Flood storage compensation, shall be carried out, in accordance with the details submitted, including Revision 2 the FRA dated 27 October 2016 (Section 7 and Drawing 10) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.*

*Reason: To minimise flood risk and enhance the flood regime of the local area.*

Pollution Prevention: We note that the proposed development comprises 30,000 birds which is below the threshold (40,000) for regulation under the Environmental Permitting (England and Wales) Regulations. As such we would defer to your Public Protection team, in consultation with Natural England with regards to the adjacent SSSI designation, to comment upon the appropriateness of the proposed development with regard to emissions such as odour, noise and operation.

*Informative: All pollution prevention guidance (PPGs) that was previously maintained by the Environment Agency has been withdrawn from use and can now be found on The National Archives (<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>) but may still be of assistance to inform the above. Pollution prevention guidance contained a mix of regulatory requirements and good practice advice. The Environment Agency does not provide 'good practice' guidance. Current guidance explains how to: report an environmental incident, get permission to discharge to surface or groundwater, manage business and commercial waste, store oil and any oil storage regulations, discharge sewage with no mains drainage, work on or near water and manage water on land.*

#### 4.3 Natural England

Natural England's original consultation response advised that they considered the application to contain insufficient information and that the following be requested:

- Location of the septic tank and soakaway proposed for foul drainage
- Clarification of whether manure will be stored on site. If it is to be stored on site then details of the location and how it will be stored

*Following the receipt of additional information Natural England provided the following response:*

No objection subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- measures to address potential impacts from foul drainage and surface water.
- We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

#### **Further advice on mitigation**

- Details of the size, design and dimensions of the raised mound should be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of works. The constructed soak away (raised mound) is the solution for land which does not drain freely and is therefore an acceptable addition in terms of phosphate management in the flood plain.

The size and dimensions of it will have to be designed to effectively treat the waste to a low level of Phosphate and therefore it is likely to be of a size larger than would normally be expected. The LPA should ensure that the developer has a design specifically built for Phosphate stripping from a reputable source.

- Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

Maintenance of the sustainable drainage system proposed is essential to ensure that it continues to function as designed and constructed. The long-term monitoring and maintenance of the surface water drainage system should be secured by condition or legal agreement.

- We understand that manure will not be stored at the site and will be taken off site in sheeted trailers and will be spread at least 1.5km from the site according to DEFRA best practices guidelines and that details of where it has been stored and spread and who took the manure will be kept. We also understand that dirty water will be collected in a sealed system and stored in an underground tank and taken off site to be spread under appropriate conditions and in accordance with DEFRA best practice guidance. This information should be included in the HRA assessment.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### 4.4 Welsh Water

##### Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development. New connection recommended to the 4" SI main along the A49.

##### Sewerage

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

#### 4.5 National Grid – Network Maintenance Pipelines

The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within 14 metres Building Proximity Distance of the proven pipeline position and with an approximate standard easement width of 12.2 metres, furthermore, we strongly advise that you seek guidance from the Health and Safety Executive who may specify a greater distance than we require and the land use planning document, (PADHI).

N/B. Any road crossings or parking areas over the pipeline will need protection to National Grid specification and at the developers cost.

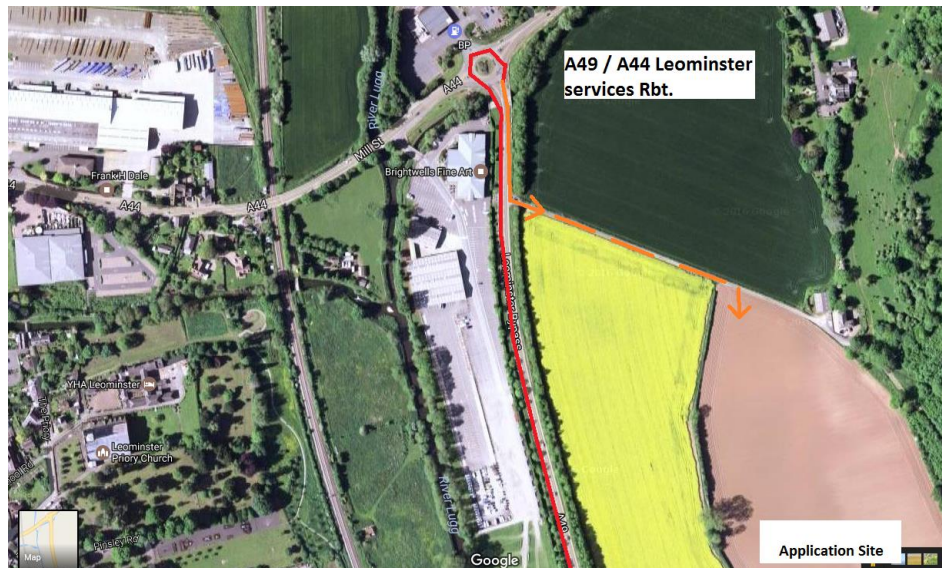
#### 4.6 Highways England – No objection



## Internal Council Consultations

### 4.7 Transportation Manager

I would suggest a " Northbound No right turn agreement " be made as a planning condition as the Leominster roundabout is a short distance north of the access location allowing some turning moments to be reduced as illustrated in the swept path analysis supplied by the applicant (shown above, no right turn suggested route below).



### 4.8 Minerals and Waste Officer

#### Minerals

The saved minerals policies in the Herefordshire Unitary Development Plan (HUDP), National Planning Policy Guidance (NPPG) and the National Planning Policy Framework (NPPF) are currently the primary planning policy considerations when determining planning applications which affect mineral resources.

Part of the site lies within a wider area which is identified in the HUDP as a Minerals Safeguarding Area as it has a potential reserve of sand and gravel, which I can confirm from current BGS mapping is still the case. As such, saved HUDP Policy M5 (Safeguarding of Minerals Reserves) needs to be taken into account in the consideration of this application.

The NPPF requires mineral planning authorities to maintain a minimum land bank of 7 years for sand and gravel. The quantity of sand and gravel that could be extracted under current planning permissions within Herefordshire meets the sub-regional apportionment at the present time with extant permissions extending until 2026, thereby giving the County a 9-10 year land bank for sand and gravel.

Further, given the nature and scale of the proposal (two poultry buildings on a concrete base with some structural steelwork), there would be limited volumes of as-dug materials (i.e. soils, subsoils, overburden, minerals etc.) that would be excavated and could potentially be removed from the landholding.

In light of the above, I am satisfied that at the current time, the Council should not insist on any further information, including a geological assessment of the site. As such, I have no objection to the application.

However, I would recommend that, with regard to any engineering works that may be necessary, the site geology should be investigated in advance. If any useable minerals (sand

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

and gravel) are found, opportunities to use this material on site should be pursued. If the application is recommended for approval, I would request the following condition be included as follows:

*No as-dug excavated materials (soils, subsoils, overburden, minerals etc.) shall be removed from the land-holding or sold on to third parties.*

*Reason: To safeguard mineral reserves and because such removal would constitute minerals extraction which would require specific consideration by the Local Planning Authority under saved Policies S9, M2, M3 and M5 of the saved Herefordshire Unitary Development Plan, and the National Planning Policy Framework.*

I would also request that the following informative is attached to the decision notice:

*It is brought to the landowner/applicant's attention that the application site is identified under saved Policy M5 of the saved Herefordshire Unitary Development Plan (2007) as an area where there is the potential for sand and gravel deposits. If sand deposits are found during construction of the development and is of such a quality that you wish to prior extract this mineral resource you are advised to contact the Local Planning Authority.*

#### Waste

The Council needs assurance that any potential for emissions to air, land and the water environment from the proposed poultry units are satisfactorily addressed and appropriate management and mitigation measures are put in place to reduce the risk of pollution to the receiving environment to within an acceptable level, whilst ensuring the development itself is an appropriate use of land in this location.

In terms of operational waste generated by poultry production, the risk of pollution could arise from the use of poultry feed, housing design and operation, slurry and manure storage and spreading. These activities should be carried out in accordance with the requirements of Best Available Techniques (BAT) and relevant Government guidance.

I have reviewed the submitted Manure Management Plan and I am concerned that it does not provide an adequate level of detail, particularly how spent litter/manure and dirty water would be stored, transported, managed and disposed of. This is of particular concern as these waste materials are classed as being typically high readily available Nitrogen manures and this area lies within a Groundwater Nitrate Vulnerable Zone (based on EA mapping).

Further information should be provided by the applicant regarding this as aspect of the proposal and the submitted Plan should be reviewed and updated in accordance with the Code of Good Agricultural Policy (COGAP), the Nitrate Vulnerable Zones (NVZ) Action Programme and other associated guidance.

During the construction phase, any waste produced during excavation or any other aspect of this development must be disposed of in accordance with all relevant waste management legislation and options for its reuse or recycling should be utilised where possible.

I would therefore recommend that if this application is approved, the following informative is also attached to any decision:

*Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permitting Regulations (England and Wales) 2010. 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 Land Drainage Engineer

The following is a **summary** of the comments submitted in response to the application as originally submitted:

We recommend that the following information is provided prior to the determination of the application;

- a detailed design of the proposed attenuation pond and all control structures and outfalls, a management regime for the attenuation pond to show how blockage will be reduced and or managed,
- how extreme events will be managed within the development and how foul shed 'clean down' water will be separated from the proposed surface and foul system, and
- how the safe access and egress from the development will be achieved from the development during periods of flooding.

### ***Following the receipt of additional information the Land Drainage Engineer has offered the following further comments:***

The Applicant has submitted a statement entitled 'Outstanding Issues' within which they address the points raised above. This has been supported by a conversation between WSP and the Applicant's engineers HydroGeo, on 30th August 2017.

#### Mitigation to address loss of floodplain storage

Within the Outstanding Issues document, HydroGeo confirms that the following approach will be adopted in the detailed design:

- The proposed attenuation basin will be designed to operate effectively up to the 1 in 100 year plus climate change event (35% allowance) through the provision of a flood bund. The top of the bund will be set 300mm above the 1 in 100 year plus climate change event flood level. The bund will therefore have a maximum height of 1.13m above the lowest adjacent ground level.
- Floodplain compensation will be provided on a level-for-level basis in areas of the site that are hydraulically connected to the existing floodplain but which are not currently indicated to be at risk during the 1 in 100 year plus climate change flood event. Compensation will be provided for the loss of all fluvial floodplain associated with the proposed poultry buildings and the proposed (bund) attenuation pond.
- A detailed review of the calculations has not been undertaken to inform our review of these proposals. However, the proposals are considered to be acceptable in principle. Detailed drawings will be required prior to construction to demonstrate the provision of floodplain compensation, the construction of the proposed bund protecting the attention pond, and the construction of the proposed attenuation pond including inlet, outlet and high level overflow arrangements.

#### Designing for high water levels in the receiving watercourse

Within the Outstanding Issues document, HydroGeo provide analysis of the receiving watercourse and an estimate of times when the proposed attenuation pond may not be able to discharge due to high water levels in the receiving watercourse. HydroGeo state that the proposed attenuation pond will have sufficient capacity above the 1 in 100 year plus climate change (20% allowance) design event to manage incoming flows for a period of 52 hours without discharge. HydroGeo state that this is above their calculated (maximum) period of c. 45 hours when discharge to the receiving watercourse may not be viable.

A detailed review of the calculations has not been undertaken to inform our review of these proposals. However, the proposals are considered to be acceptable in principle. Prior to construction, the Applicant will be required to provide details of the proposed outfall and any associated non-return valves.

#### Overall comment

The information provided by the Applicant is considered sufficient to demonstrate that consideration has been given to the loss of floodplain storage and the inability of the drainage system to discharge when water levels in the receiving watercourse are high. We have no further objections to granting planning permission.

Prior to construction, we recommend that the Applicant is requested to submit the following information within suitably worded planning conditions:

- Detailed drawings of the proposed attenuation pond and surrounding bund including plans, cross sections, design water levels, freeboard, invert levels, top of bank levels, inlet structures, outlet structures, and high level overflow.
- Detailed drawings demonstrating the level-for-level flood compensation for all works that result in loss of the existing floodplain for the 1 in 100 year event with 35% climate change.
- Detailed drawings of proposed outfall structures to the receiving watercourse.
- Demonstration that there is sufficient capacity within the pumping station in the event of a 24 hour pump failure.
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the EA.

Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

We also recommend that a Flood Evacuation Plan is developed in consultation with the Council's emergency planning team.

Conservation Manager

#### 4.10 Landscape

The Landscape Character of the site is that of Riverside Meadows which are associated with the River Lugg floodplain. The site is well contained from the West, East and South by existing native mature hedgerows and native woodland. From the North the site is more open to longer distance views. At present there are no distracting features which are not characteristic to this Riverside Meadows landscape character, other than Comfordt House and its outbuilding when seen from the nearby public right of way footpath KB51 to the North of the site.

As the proposal for two poultry sheds do not follow the natural contouring of the land (they run at a right angle to the contours) they do not blend into this valued landscape. Also mitigation planting proposals as seen on the Landscape Mitigation Plan, Figure 2, No Revision, Dated June 2016 are not all characteristic trees for this Riverside Meadows landscape. A Riverside Meadows Landscape Character has a high percentage of Alder (*Alnus*) and Willow (*Salix*) which are the main characteristic trees for this landscape. The tree mitigation screening would also take five years plus to screen the proposal efficiently. There would also be a traffic presence along the new access road with delivery Lorries. This proposed road without mitigation screening would also impact on the visual amenity of this open landscape when seen from the existing nearby footpath KB51 and the Southern boundary of the Unregistered Park and Garden. It should also be noted that only 5% of the proposed screening vegetation is evergreen and that winter views of the proposed sheds will therefore be visible. Native evergreens such as Holly (*Ilex*) are also not characteristic of this Riverside Meadows Landscape Character.

The adjacent Unregistered Park and Garden Eaton Hill on the Northern boundary of the proposal site presently has unrestricted open rural views in a southerly direction towards the proposal. The proposed tree planting to mitigate visual impact will reduce this long distance open rural view from the southern boundary of the Unregistered Park and Garden which will impact on its setting. The mitigation planting will also take five years plus to screen the proposal. Also at present based on the Landscape Mitigation Plan, Figure 2 there is no proposal to screen the new access road. Views of vehicles using this new access road will dilute the rural open character when seen from the Southern boundary of the Unregistered Park and Garden. This shows that great weight in conserving this designated asset has not been applied.

This development proposal does not conserve or enhance the Unregistered Park and Garden when seen from the southern boundary of the Unregistered Park and Garden. The parklands extended visual rural amenity when seen from the southern boundary is restricted by the proposed screening mitigation measures. This loss of setting for the Unregistered Park and Garden does not contribute to the counties distinctiveness.

The impact on the setting of the southern boundary of the Unregistered Park and Garden by the proposed restricted views and the loss of a rural context demonstrates that the nature, scale and site selection of this application has not been positively influenced by this designated area.

The green infrastructure proposals as seen on the Landscape Mitigation Plan, Figure 2, No Revision, and Dated June 2016 provide a wide selection of native tree planting. Most of these proposed native trees are not in character with the Riverside Meadows Landscape Character. The Riverside Meadows Landscape Character is dominantly that of Alder (*Alnus*) and Willow (*Salix*). The proposed trees should reflect these tree species of Alder and Willow as the dominant visual amenity of this landscape so to protect and preserve this valued landscape character.

Parallel and adjacent to the A49 road on the sites Western boundary there is an existing native tree and hedgerow comprising of up to 60% of Ash trees (*Fraxinus excelsior*). In the summer months this native tree hedgerow presently screens the site when seen from the A49 road. As Ash Die Back has now been recorded within Herefordshire this hedgerow of Ash trees could be lost within the next five years. This would open up views to the proposed Chicken sheds when seen from the A49 road. Proposed tree planting on the western boundary of the Chicken sheds are also a singular row of trees. These would prove inadequate as screening if the existing Ash trees are lost due to Ash Die Back. This would mean that the visual impact would be particularly high during the winter months when seen from the A49 road.

*Following the receipt of additional information the Landscape Officer has offered the following further comments:*

I have seen the following revised landscape information for this application:

1. Landscape Mitigation Plan, Figure 2, Revision B and
2. The proposed construction of two poultry sheds on land at Eaton Hill, Leominster – Landscape and Visual Impact Assessment. (Revised May 2017)

With reference to my Landscape Consultation of 20th October 2016 these are my landscape comments relating to these latest revised landscape proposals.

- Views from Public Right of Way footpath KB51 on the southern boundary of Eaton Hill and on the boundary of the Unregistered Park and Garden, now have mitigation screening identified as NH1 and NH2 (as seen on the Landscape Mitigation Plan Figure 2, Revision B). Further native tree planting is also proposed along the proposed access road. Native woodland planting is also proposed around the proposed poultry sheds which in time will also mitigate views of the proposal when seen from these visual receptors.

- There will be a loss of good agricultural soil to this development.
- Native trees which associate with this landscape have now been included on the Landscape Mitigation Plan, such as Alder (*Alnus*) and Willow (*Salix*).
- The hedgerow translocation adjacent to the A49 is acceptable. This translocation needs to be done outside the bird nesting season and during the dormant winter months. Proposed new native tree planting adjacent to the A49 such as Oaks (*Quercus*) and Willows (*Salix*) are acceptable.
- The proposed attenuation pond is now in a more appropriate position adjacent to the existing pond on site.
- With reference to the Flood Plain and associated flood risk impacts, please refer to comments by the Environment Agency.

On this basis I have no landscape objections to this revised proposal for two poultry sheds at Eaton Hill.

#### 4.11 Ecology

Thank you for forwarding the amended Flood Risk Assessment from May (FRA) 2017 which contains the details of the arrangements for managing dirty water from the flock cycle and foul waste treatment via a package treatment plant. I note the previous advice received from Natural England in December 2016 regarding the requirement for further information. As far as I can judge, the conditions suggested by the Environment Agency (EA) concerning flooding address this; the EA state that they are satisfied with the flood storage compensation and that the development '... should be safe over its lifetime.' The storage of dirty water in a sealed container and its removal from the site is confirmed in the amended FRA thus ensuring none reaches the R. Lugg SSSI.

In addition the proposal for a package treatment plant for site sewage and discharge of treated foul waste from this to a mound filtration system appears satisfactory assuming specification compliance for this as per Part H of the latest Building Regulations (2010) for this means of disposal. This should ensure residual phosphate is absorbed prior to ground water percolation to the R. Lugg which is some 230 metres distance from the site with the main Hereford-Leominster rail track between.

With regard to Natural England's comments and the above details I would now deem that the proposal should have No Significant Effect on the R. Lugg in relation to phosphate levels and that the application can be screened out of the need for further Habitats Regulations Assessment.

#### Condition

*The recommendations for species and habitat enhancements set out in the ecologist's report from Turnstone Ecology dated August 2016 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A five year plan for habitat establishment and for management should be submitted to the local planning authority for approval. The plan 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.*

#### *Reasons:*

*To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).*



*To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).*

#### 4.12 Archaeology

There is a record on the county Historic Environment Record (ref HHER 5248) relating to the potential Saxon interest of Eaton Hill. I assume this is what the objection refers to.

However, I would have to say that this record is speculative and un-validated, and is not clearly evidenced either in terms of the documentary record or anything on the ground. Whilst of course the presence of Saxon interest cannot be totally discounted, it is no more likely on the application site than anywhere else. I would give little weight to the issue.

#### 4.13 Public Rights of Way Officer – No objection

#### 4.14 Environmental Health and Trading Standards

From a noise and nuisance perspective our department has no objections to this application. The applicant has supplied a dispersion modelling study of the impact of odour from the pullet rearing houses. The study uses the Environment Agency guidelines for the 98th percentile hourly mean to assess odour emissions and the benchmark of 3.0ouE/m<sup>3</sup> for moderately offensive odours. The study finds that all of the nearest sensitive receptors have a predicted odour concentration of less than 0.6ouE/m<sup>3</sup> for the maximum annual 98th percentile hourly mean which is well within the benchmark.

It is noted that the noise report recommends that where practicable, feed deliveries, the catching of the pullets and the cleaning out of the sheds takes place during daytime hours. I do not see the need for a condition to this effect but would recommend this as an informative to protect the amenity of occupants in the locality. The informatives recommendation regarding these activities should be extended to minimise these activities on Sundays and Bank Holidays.

It is recognised that dust from poultry houses may contain small particulate matter (PM10's) and that in certain circumstances this can have an unacceptable effect on local air quality including for dwellings inhabited by persons directly involved with the poultry farming operation.

DEFRA has advised that poultry rearing operations should be included in the assessment for Local Air Quality Management (LAQM) and has recently published a screening assessment methodology for PM10's taking into considerations the number of birds, the distance of the receptor to the poultry units and the background PM10 concentrations.

Based on the distance of the closest receptor of 250 metres identified in the "Environmental Noise Assessment Report, Relating to Poultry Unit Development at Eaton Hill Leominster prepared for Corbett Farms Ltd". The DEFRA screening calculation indicates that there would be no significant risk of exceeding the national 24hr mean PM10 objective as a consequence of this proposal.

The assessment calculation should also include any farm workers buildings. Therefore, if there are any closer receptors than those receptors identified in the noise report, I would recommend that the applicant revise the calculation to include the new distance of the receptor to the poultry units.

Based on the submitted information available at the current time and the results of the DEFRA calculation, this proposal does not raise concerns in respect of local air quality.

## 5. Representations

### 5.1 Leominster Town Council

Concerns were raised regarding the following points:

- The proposal constitutes an industrial process and should therefore be sited in a more appropriate location;
- The proposal will inevitably impinge on the visual and historic amenity of Eaton Hill;
- Potential for run-off from the site to cause contamination of local waterways and woodlands, with particular reference to the fact that the River Lugg is a designated SSSI;
- Possible impact on local residents due to noise and odours;
- Lorry access along existing public footpaths would constitute a potential safety hazard;
- Positive impact on local employment opportunities is likely to be minimal, given low staffing requirements for the facility;
- Leominster Town Council recommends that a full Environmental Statement be required for the development.

### 5.2 Kimbolton Parish Council

Kimbolton Parish Council have the following concerns with this application: the site is too close to a large populated residential area; causing pollution into the nearby river; length of the access road; environmental issues with the smell; access road too near to the busy roundabout exit.

### 5.3 Hereford & Worcester Gardens Trust – Object to the application. In summary the points raised are as follows:

- The landscape is attached to a dignified late Victorian Italianate villa – Eaton Hill.
- This house was the centre of a 384 acre estate, which extended southwards along the slopes of Eaton Hill.
- The landscape at Eaton Hill is discussed in the Survey of Historic Parks and Gardens in Herefordshire (2001), p. 146 where it states that ‘this is an excellent example of late Victorian landscaping, perhaps by a professional surveyor....(it) is a composition of high quality and every effort should be made to secure its character in the future’.
- The pleasure grounds of the house extend to the south along the foot of the hill where on the large-scale OS plans of the late 19th and early 20th centuries there were lawns and flowerbeds either side of a south approach to the mansion.
- It is within the extended curtilage of Eaton Hill that Easters Wood was created by the Woodland Trust. Here there are veteran tree, which were probably planted for amenity purposes in the extended parkland landscape attached to Eaton Hill. This was part of the Millennium Woods Project and will be seriously compromised by the proposed development.
- A similar detrimental impact will be imposed upon the unregistered park and garden, which adjoins the woodland. Thus, the new units will undoubtedly diminish these amenities, made accessible to the public by rights of way from Eaton Bridge and Broadward Hall.

### 5.4 Woodland Trust – Objects to the application. In summary the points raised are as follows:

- Adverse impacts on the adjacent Easters Wood, a Woodland Trust-owned site. Easters Wood was created with the involvement of the local community as part of the Trust’s ‘Woods on Your Doorstep’ Millennium Woods project. It is also set to become one of the Trust’s Top 250 Welcoming Sites in 2018, aimed at promoting enhanced local community access and engagement.
- We have serious concerns about the impact of the proposals on Easters Wood, both in its use as a local community woodland and its ecological function. We are also

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

significantly concerned about the impacts on a number of local veteran trees listed on the Trust's Ancient Tree Inventory

- Large-scale chemical impacts on our site through acidification, eutrophication and toxic pollution, in particular ammonia, released from the poultry units;
- Considerable impacts on our site's use by the local community on account of odour from the units;
- Disturbance by noise and light during both construction and operational phases;
- There will be significant changes to the local hydrology. The introduction of drainage ditches and run offs from the development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination.
- The close proximity of this development to our site could have considerable adverse impacts on the health of the woodland.
- We are concerned specifically about the release of ammonia and effluent in to our woodland. Ammonia deposition causes local and widespread eutrophication; the increase and accumulation of chemical nutrients. Eutrophication can alter the composition of plant communities, changing competitive interactions that determine relative species and the composition of the site. This also results in damage to the woodland's abundance and diversity by differentially stimulating plant species growth.
- Furthermore it is apparent that the discharged surface water to the drainage ditch will lead to the River Lugg, consequently resulting in harmful effluents passing through our site and into the natural environment.
- Damage to these veteran trees would be unacceptable, particularly as the small population of veteran trees in this area may provide suitable habitat for rare and important species.

5.5 Twenty nine letters of objection have been received. In summary the points raised are as follows:

#### Environmental Impacts

- The proposed development will set a precedent for the future
- Impact of surface water run off on the R. Lugg SSSI
- Insufficient information submitted in respect of waste water management, impact on the R. Lugg and other habitats in the locality
- The site is within a border-line area of flood risk

#### Highway Safety

- The safety of public footpath users will be compromised by shared use of the footpath with HGVs
- Highway safety on the A49 will be compromised by vehicles turning into and out of the junction
- HGVs should only be allowed to turn left into and out of the site
- Heavy traffic movements associated with the use of Brightwells on a Sunday have not been taken into account by the applicants highway report

#### Amenity

- Detrimental impact of noise and odour associated with poultry units on local residents
- Already poultry odours in the local area that will be made worse by this development
- The proposal may give rise to increased levels of air pollution
- The poultry units will have a detrimental impact on West Eaton Nursing Home. The care of residents depends upon their ability to enjoy fresh air
- Easters Wood is used extensively one of the few green areas within walking distance of the town. Its use will be severely compromised by the proposed development
- The proposal is inappropriate due to its close proximity to residential areas

### Landscape Impacts

- The proposal will have a detrimental impact on the landscape setting of Eaton Hill, which is a prominent landmark on the edge of Leominster
- The massive scale of the development will dominate the local area
- The proposal is contrary to the local rural ambience of the area
- The fields mark the beginning of the countryside from the edge of the town

### Other Issues

- Possible archaeological significance as there is evidence to suggest that this the site of the first Anglo-Saxon palace of Merewald
- The proposal will have a negative impact on tourism
- The arguments made by the applicant regarding job creation are spurious
- Once constructed the applicant could change his mind about the use and produce broilers rather than pullets

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=162556&search=162556](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162556&search=162556)

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**

### Principle of Development

6.1 The application is for the provision of an agricultural development. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:-

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

6.2 It is generally accepted that rural areas are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality is not adversely affected to an unacceptable degree.

6.3 There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011- 2031) that support the continued development of the more traditional employment sectors such as farming and food manufacture (Policy SS5), support the diversification of existing agricultural businesses (Policy RA6) and provision of employment (Policy E1). These are positive policies that support the creation of new developments such as that proposed here.

6.4 The weight that they are attributed is to be determined and balanced against other material considerations, particularly those relating to environmental quality. In particular these will relate to effects on the landscape (Policy LD1), biodiversity and impacts of river water quality (Policies LD2 and SD4), potential increases in flood risk (Policy SD3), effects of development on amenity in terms of noise, odour and air quality (SS6 and SD1)

## Landscape Impacts

- 6.5 One of the key issues when considering applications for large agricultural buildings; whether poultry sheds or otherwise, tends to be landscape impact. There are two facets to this - the impact upon landscape character and visual impact. Each of these will be considered in turn.

### Landscape Character

- 6.6 The site falls within an area defined by the Council's Landscape Character Assessment Supplementary Planning Guidance (the SPG) as Riverside Meadows. These are linear, riverine landscapes associated with a flat, generally well defined, alluvial floodplain, in places framed by steeply rising ground where settlement is typically absent.
- 6.7 The SPG suggests that built development should be actively discouraged as it will always lead to a conflict with flood water as well as being contrary to the landscape character. The scale of the proposal is such that it will clearly be seen from the nearby footpath KB51 to the north of the proposal and development would not protect or enhance this valued landscape.
- 6.8 The LVIA submitted by the applicant considers the landscape character of the area. It concludes that, although the site is categorised as being within the Riverside Meadows landscape type, it actually exhibits very few of the associated characteristics. In particular it opines that there is a very limited physical or visual relationship with the R. Lugg, it substantively lying to the west of the site and separated from it by the A49(T) and its wooded embankment. The river does traverse the road and passes to the south of the site. In this case the LVIA is of the view that the recently planted woodland effectively cuts off views and any awareness of the river.
- 6.9 The area is significantly defined by its proximity to the A49(T) and the edge of Leominster. The large commercial buildings of Brightwells auction rooms, together with the petrol filling station and restaurant to the north of the site are prominent as one passes along the A49(T). The area is neither secluded nor pastoral and this is another key identifying feature of Riverside Meadows in the SPG.
- 6.10 The proposed landscape mitigation for the scheme would introduce some of the characteristics identified as being typical of the Riverside Meadows landscape type. The proposed drainage attenuation structure will be a narrow, meandering feature, lined with Alder and Willow which are typical species in this landscape type. A belt of trees will run along the southern edge of the development and will connect visually the new attenuation ditch with the existing pond. This is located in the woodland immediately to the south of the proposed sheds and is currently overgrown. It is a feature that is characteristic of the landscape type but has been lost through a lack of management. The proposed mitigation for the scheme includes the management of woodland around the existing pond which will in turn re-establish this feature.
- 6.11 While the proposal will introduce a significant built form into an area where **there isn't** any, your officers are inclined to concur with the view that the proximity of the town, the presence of the A49 and the established arable land use are at odds with the description of the landscape character as Riverside Meadows. Its character has been eroded to a degree and it is not considered that a reason for refusal based on impacts on landscape character could be substantiated. The scheme does propose mitigation measures that would re-introduce features more akin to the landscape character type, particularly the meandering belts of woodland planting that are not currently evident.

### Visual Impact

- 6.12 There is a nearby Unregistered Parkland; Eaton Hall, to the north of the site. Presently there are views from the parkland in a southerly direction of the Riverside Meadow landscape.



6.13 However, the site is quite well visually contained in a wider context. Mature hedgerows and woodland frame the site to the south, east and west and it is unlikely that the proposed development would be prominent from the A49(T) or from footpaths to the south. The visual effects of any development will be most evident from the north looking in a southerly direction as the following photographs show.

*View of the site from the public footpath looking south*



*View north of the site from footpath alongside the A49*





View from the A49 at the site entrance looking south



- 6.14 It is clear that the site will be visible from public footpath KB51, as the first photograph shows. Views will be gained by walkers as they pass along the footpath for approximately 375 metres until the footpath enters Comfort Wood and will be seen against the backdrop of the woodland.
- 6.15 Views from the A49(T) are more fleeting as drivers pass along the road in a southerly direction and will be mitigated by a combination of existing hedges and trees and proposed new planting. The roadside hedge that can be seen in the third of the photos is to be removed and translocated in order to provide appropriate visibility in a southerly direction.
- 6.16 The Landscape Officer has fully considered the mitigation measures proposed and is of the view that they are acceptable. On this basis your officers are of the opinion that the proposal accords with Policy LD1 of the Core Strategy.

#### Highway Safety

- 6.17 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where '*the residual cumulative impacts of development are severe.*' (NPPF paragraph 32).
- 6.18 The proposal will bring about intensification in use of the existing access in terms of vehicle movements and the proposal acknowledges this through its intention to improve visibility in a southerly direction. These improvements have arisen through discussions with Highways England and Members will note that they offer no objection to the proposals (Paragraph 4.6).
- 6.19 The Council's Transportation Manager has suggested the imposition of a restriction on right turns into the site. This reflects concerns raised by local people about highway safety and, should Members be minded to approve the application, it is recommended that a condition be imposed to require the submission of both a Construction Management Plan to consider; amongst other things, vehicle movements during the construction phase, and a Traffic Management Plan to regulate movements once the development is operational.
- 6.20 As referred to elsewhere in the report the access also follows the alignment of a public footpath and some objectors have raised concerns that the safety of its users would be compromised by its use by HGVs. The Transport Statement which accompanies the application advises that the proposal will generate 237 vehicle movements during a single 23 week (161 day) crop cycle. This period includes a two week lead in period and three weeks at the end of the cycle to clean

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

down and prepare the sheds for the next flock. The majority of vehicle movements (190) are shown to be car borne with staff moving to and from the site. Thirty one are shown as HGV movements, and half of these (16) are associated with the clearing down of the sheds at the end of the cycle to remove spent litter.

- 6.21 There will a period at the end of the flock cycle where traffic movements are more intensive, but generally they will amount to one or two per day. There is good visibility along the public footpath and room for walkers to seek temporary refuge to allow a vehicle to pass should the need arise. Officers are therefore content that the proposal will not compromise the safety of its users.
- 6.22 In conclusion, your officers are satisfied that the traffic impacts of the proposed development can be mitigated through the imposition of suitably worded conditions. The proposal therefore accords with Policy MT1 of the Core Strategy and paragraph 32 of the NPPF.

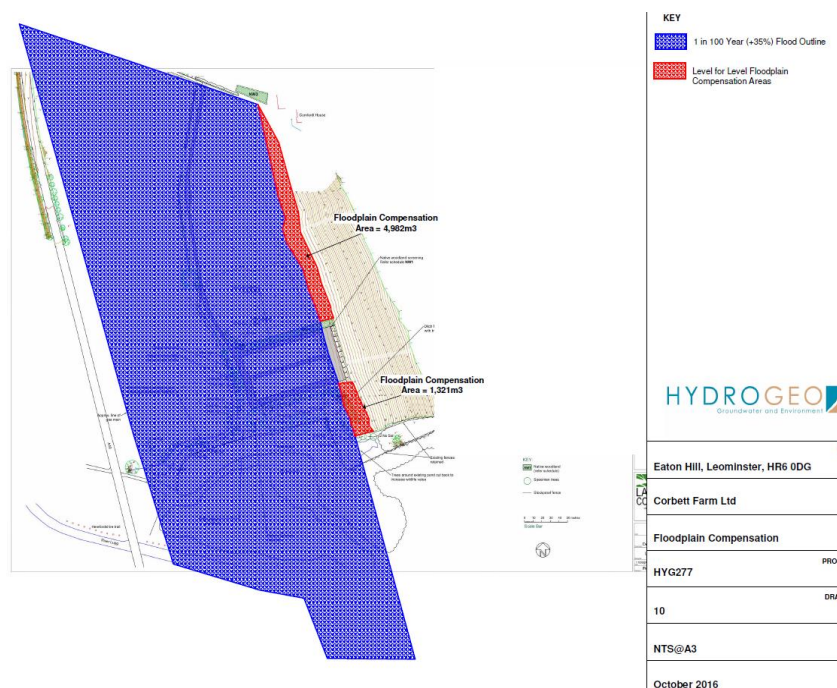
### Ecology / Bio-Diversity

- 6.23 The application is supported by a Phase 1 Ecological Survey. It suggests that the proposals mainly affect ecologically poor areas of arable land, the one exception being the roadside hedge which is to be removed in part. It will be noted that the proposal includes its translocation to a position behind the requisite visibility splay.
- 6.24 The main construction elements of the scheme take place within an area that has been acknowledged to be of limited ecological value. The proposed new planting to fill gaps in existing hedgerows or to create connectivity between wooded areas are considered to represent an ecological enhancement in accordance with Policies LD2 and LD3 of the Core Strategy.
- 6.25 The applicant's agent advises that the two proposed poultry units will produce approximately 151 tonnes of manure per cycle. All the manure will be taken off-site in sheeted trailers (as it is removed from the units) to be spread on land in accordance with DEFRA best practice guidelines at least 1.5 miles from the site. Records will be kept to record who has taken the manure and where it has been spread or stored. No litter/manure will be stored on site.
- 6.26 Similarly, dirty water, primarily from the clean out process of the poultry units, will be collected in a sealed system and stored in an underground tank located by the poultry units. The dirty water will be taken off-site for spreading on farmland under appropriate conditions and in accordance with DEFRA best practice guidelines. The wash-down of the units will only take place twice per annum.
- 6.27 Some objections have raised the question of potential detrimental impacts arising from ammonia deposition and its effects on the R. Lugg SSSI and other locally designated ecological features, including three veteran trees within Easters Wood to the south.
- 6.28 The application is supported by a report that models the dispersal and deposition of ammonia. This has been completed by an appropriately qualified person. The summary and conclusions of the report advise that ammonia emission rates from the proposed pullet rearing houses have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen and acid deposition rates in the surrounding area.
- 6.29 It goes on to advise that at all nearby Ancient Woodlands, the process contributions to the annual mean ammonia concentration and nitrogen deposition rate are predicted to be below the Environment Agency's lower threshold percentage of Critical Level or Critical Load for Ancient Woodlands.

- 6.30 Similarly, at the R. Lugg SSSI and River Wye SAC the process contributions to the annual mean ammonia concentration and nitrogen deposition rate are predicted to be below the Environment Agency's lower threshold percentage of Critical Level or Critical Load for SSSIs and SACs respectively.
- 6.31 While third parties including the Woodland Trust have raised objections on the basis of increased ammonia deposition, no scientific evidence has been produced to countermand the evidence-based approach provided by the applicant. The report is based on Environment Agency figures and none of the objections provide any information to suggest that the approach taken by the applicant's consultant is flawed.
- 6.32 Natural England has not objected to the proposal and the Council's Ecologist considers that the proposal for a package treatment plant for site sewage and discharge of treated foul waste is satisfactory as a means of disposal. This should ensure residual phosphate is absorbed prior to ground water percolation to the R. Lugg which is some 230 metres distance from the site with the main Hereford-Leominster rail track between.
- 6.33 With regard to Natural England's comments the Council's Ecologist has also confirmed that the proposal should have No Significant Effect on the R. Lugg in relation to phosphate levels and that the application can be screened out of the need for further Habitats Regulations Assessment. As a result your officers conclude that the proposal will be acceptable in terms of potential impacts upon biodiversity and therefore accords with Policy LD2 of the Core Strategy.

### Flood Risk & Land Drainage

- 6.34 It can be seen from the consultation summary; and in particular responses from the Environment Agency and the Council's land Drainage Engineer, that there has been a rigorous assessment of the potential impacts of the development in terms of flood risk. In this case the proposed development does fall within Flood Zone 2 and 3 and the consultation responses have been focussed on a need for the applicant to demonstrate appropriate mitigation to provide alternative flood storage capacity to off-set that lost through development. The applicant's hydrologist has provided calculations to demonstrate how this can be achieved and has also usefully provided a visual representation, which is re-produced below:



- 6.35 The areas in red show the areas of floodplain compensation to offset those areas 'lost' through the introduction of new development within the floodplain, including the buildings and the flood attenuation basin and bund. On this basis the Council's Land Drainage Engineer has confirmed that the concerns originally raised have been addressed and the objection raised is withdrawn subject to the imposition of conditions. This is reflected in the recommendation below.
- 6.36 In determining applications when sites are located within areas of flood risk the local planning authority should apply a Sequential Test in so as to direct development to areas of lowest flood risk. The NPPG offers detailed advice on its application which reads as follows:
- It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.*
- 6.37 The applicant's agent has advised that the applicant searched for a suitable site over a period of 6 months. This included their engagement (the agent) to search for sites. Adverts were placed in the Hereford Times and Shropshire Star in December 2015 seeking poultry sites. The advert was placed in the same papers in 2016. Local agents were also approached for potential sites.
- 6.38 Your officers are advised that the adverts and enquires did not generate many responses and those that were put forward were ultimately not suitable due to location or specific site issues.
- 6.39 Whilst in Flood Zone 3, the proposed use is one that is less vulnerable and can potentially be accommodated in such areas. The site is well located in terms of its access to transport links and is considered to be discreet in terms of its landscape impacts. It is clear that the applicant has attempted to find other sites without success and therefore your officers are satisfied that the sequential test is met.

#### Noise

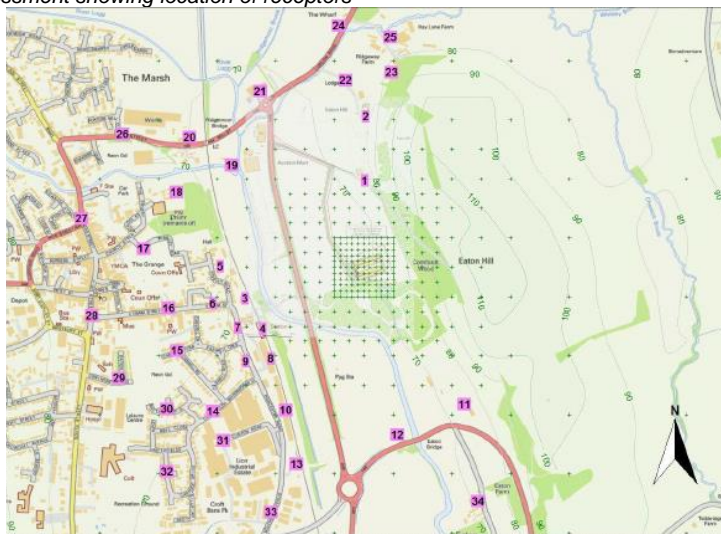
- 6.40 The Environmental Health Officers have carefully considered the matter of noise. The site lies close to the A49(T) and as Members will be aware, this is the main north / south arterial route through the county. It is well trafficked at all times of the day and in terms of noise the impacts of the development have been considered in the context of this background. As a result your officers are satisfied that the proposal would not cause an undue loss of amenity to occupiers of residential properties in the vicinity. The proposal accords with Policies SS6 and SD1 of the Core Strategy as a result

#### Odour

- 6.41 The application is accompanied by an odour dispersion modelling study and refers to the 'Guidance on the assessment of odour for planning' published by the Institute of Air Quality Management as well as the Environment Agency guidance H4 Odour Management.
- 6.42 The Environment Agency H4 Odour Management guidance classifies odours from intensive livestock as moderately offensive and sets a benchmark odour criterion of 3.0 ouE/m<sup>3</sup> (European Odour Units per metre cubed).
- 6.43 In this case the odour report assumes for its calculations that the crop length is 126 days and that there is an empty period of 40 days after each crop. Four sets of calculations are provided; the first with the first day of the meteorological record coinciding with day 1 of the crop cycle, the second coinciding with day 41 of the crop, the third coinciding with day 83 of the crop and the fourth coinciding with day 124 of the crop.

6.44 The impacts of odour have been assessed from thirty four separate receptors in the local area; a mix of residential and commercial properties. The plan below is an extract from the applicant's odour assessment and identifies the respective receptors:

*Extract from odour assessment showing location of receptors*



6.45 The extract below shows the odour contours around the proposed buildings and it can be seen that levels are less than 1 ou/Em<sup>3</sup> at a distance of approximately 125 metres away from the buildings. Comfort House (receptor 1) is the closest receptor at approximately 250 metres to the north. The modelling demonstrates that it would only experience a maximum 98th percentile hourly mean odour concentration of 0.53 ou/Em<sup>3</sup>. Other receptors would experience a significantly lower level. Outside laboratory conditions, an odour concentration of less than 1ouE/m<sup>3</sup> is likely to be imperceptible to most people.

*Extract from odour assessment showing odour contours around the buildings*



6.46 The modelling demonstrates that none of the properties within the vicinity of the proposed development would suffer an undue loss of amenity by way of odour. As a consequence the Council's Environmental Health Officer has not raised an objection to the application. Your officers therefore conclude that there would not be conflict with policies SS6, RA6 and SD1 as far as they relate to the impact of odour upon residential amenity.



### Air Quality

6.47 A calculation has been undertaken using the screening methodology used by DEFRA in its advice for Local Air Quality Management which indicates that there would be no significant risk of exceeding the national 24 hr mean PM10 objective as a consequence of this proposal. As a consequence the proposal does not conflict with Policies SS6 or SD1 of the Core Strategy as regards the issue of air quality.

### Economic/Social

6.48 The proposed development would assist in food production and security, which is important socially and economically in Herefordshire and the country as a whole. There would also be some benefit to the applicants, assisting with maintaining the farm as a business in the future. However, I am aware that in essence such a development only provides the equivalent of one job on-site. In terms of job creation it is accepted that the proposal would have a limited economic benefit. However, the proposal would support construction and other supply chain industries and this is a benefit in favour of the development.

### Other Matters

6.49 One of the letters of objection refers to the fact that the proposed development is specifically for the growing of pullets and considers that the environmental impacts would be considerably different if the buildings were to be used for the growing of broilers. Your officers would concur with this view. The application has been considered on the basis that birds will be on a 2.2 flock per year cycle. Accordingly condition 12 of the recommendation below limits the use of the buildings for the growing of pullets and for no other poultry production.

### Summary and Conclusions

6.50 The site at Eaton Hill is located within Flood Zones 2 and 3 and whilst guidance directs development to Flood Zone 1, less vulnerable uses are not unacceptable where the requirements of the sequential test are met. However, the application has demonstrated that the impacts in terms of flood risk can be addressed. The site is well located due to its location off the strategic road network and is considered to have a limited landscape impact as it is well screened. The information submitted in support of the application also demonstrates that any environmental impacts that might arise are either addressed through the specific design of the development or through the imposition of conditions. On balance the proposal is considered to accord with the development plan and therefore the application is recommended for approval subject to the conditions outlined below.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 - Time limit for commencement (full permission)**
- 2. B01 – Development in accordance with the approved plans**
- 3. C09 – Details of cladding (agricultural and industrial buildings)**
- 4. Prior to the commencement of development the applicant shall submit the following information to the local planning authority for their written approval:**
  - a) Detailed drawings of the proposed attenuation pond and surrounding bund including plans, cross sections, design water levels, freeboard, invert levels, top of bank levels, inlet structures, outlet structures, and high level overflow.**



- b) Detailed drawings demonstrating the level-for-level flood compensation for all works that result in loss of the existing floodplain for the 1 in 100 year event with 35% climate change.
- c) Detailed drawings of proposed outfall structures to the receiving watercourse.
- d) Demonstration that there is sufficient capacity within the pumping station in the event of a 24 hour pump failure
- e) Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the Environment Agency
- f) A Flood Emergency and Evacuation Plan

**Reason:** In order to ensure that the development does not increase flood risk elsewhere and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

5. Finished floor levels shall be set no lower than 70.00mAOD in line with Revision 2 of the FRA dated 27 October 2016 (Section 8.3) with flood resilient techniques incorporated to a level of 70.30mAOD (Section 8.4) unless otherwise agreed in writing by the LPA.

**Reason:** To protect the proposed units from flood risk for the lifetime of the development and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

6. Prior to the commencement of development details of the septic tank and raised mound soakaway system 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:** In order to protect the water environment of the local area and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

7. Prior to the development hereby approved being first brought into use the applicant shall submit a Traffic Management Plan for the written approval of the local planning authority. The plan shall particularly provide details of arrangements to ensure that vehicles entering the site do so from a northerly direction so as to avoid right turns from the A49(T).

**Reason:** In order to ensure that the free flow of traffic on the A49(T) is ensured in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy

8. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
- b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
- c. A noise management plan including a scheme for the monitoring of construction noise.
- d. Details of working hours and hours for deliveries
- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

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.

9. All planting detailed upon the Landscape Mitigation Plan by Haire Landscape Consultants – Figure 2 Revision B shall be carried out in the first planting season following completion of the development or first use of the building for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

10. The recommendations for species and habitat enhancements set out in the ecologist's report from Turnstone Ecology dated August 2016 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A five year plan for habitat establishment and for management should be submitted to the local planning authority for approval. The plan 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 having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

11. No as-dug excavated materials (soils, subsoils, overburden, minerals etc.) shall be removed from the land-holding or sold on to third parties.

Reason: To safeguard mineral reserves and because such removal would constitute minerals extraction which would require specific consideration by the Local Planning Authority under saved Policies S9, M2, M3 and M5 of the saved Herefordshire Unitary Development Plan, and the National Planning Policy Framework.

12. The building hereby permitted shall only be used for the growing of pullets and not for any other form of poultry related production (e.g. broilers).

Reason: The processes / activities associated with different forms of poultry related production have materially different environmental impacts that would require

assessment.

**INFORMATIVES:**

1. **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**
  
2. **It is brought to the landowner/applicant’s attention that the application site is identified under saved Policy M5 of the saved Herefordshire Unitary Development Plan (2007) as an area where there is the potential for sand and gravel deposits. If sand deposits are found during construction of the development and is of such a quality that you wish to prior extract this mineral resource you are advised to contact the Local Planning Authority.**
  
3. **Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permitting Regulations (England and Wales) 2010. 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.**

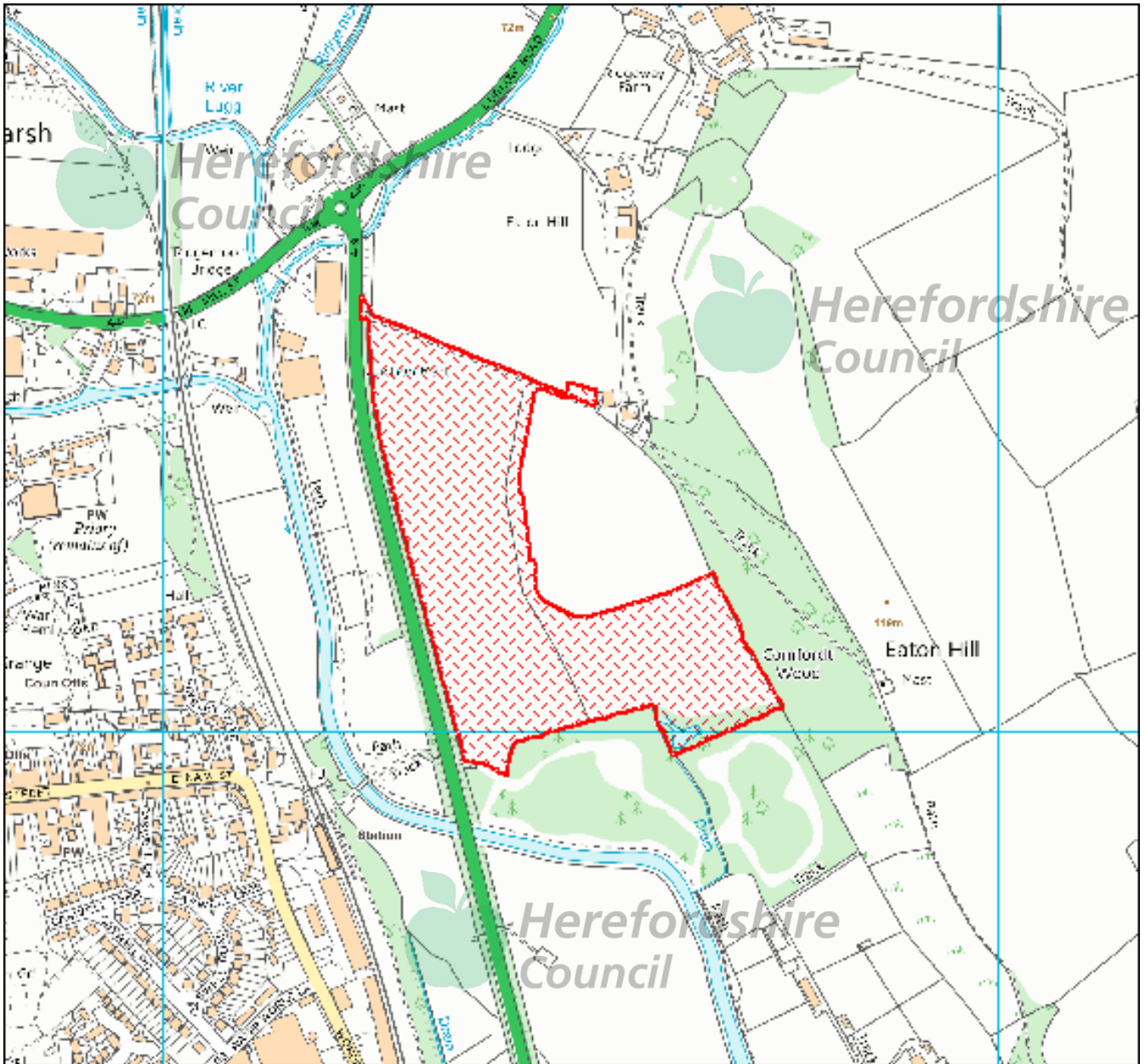
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 162556

**SITE ADDRESS :** LAND WEST OF EATON HILL, LEOMINSTER, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Banks on 01432 383085