

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>15 November 2017</b>
<b>TITLE OF REPORT:</b>	<p><b>164103 - ERECTION OF 2 NO. ADDITIONAL BROILER UNITS ON EXISTING POULTRY SITE ALONG WITH ASSOCIATED INFRASTRUCTURE AT CLASTON FARM, DORMINGTON, HEREFORD, HR1 4EA</b></p> <p><b>For: Mr Thomas per Mr James Whilding MRICS FBIC, Addlepool Business Centre, Woodbury Road, Clyst St George, Exeter, Devon EX3 0NR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164103&amp;search=164103">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164103&amp;search=164103</a>
<b>Reason Application submitted to Committee - Redirected</b>	

**Date Received: 28 December 2016    Ward: Backbury    Grid Ref: 358418,240735**

**Expiry Date: 30 November 2017**

Local Member: Councillor J Hardwick

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

- 1.1 Planning permission is sought for the erection of 2 no. broiler units on land at Claston Farm, Dormington. These would be in addition to 2 no. existing units that house up to 110,000 birds and were granted planning permission via application 133305. The farm is a mixed-use enterprise located to the north side of the A438 Ledbury Road. The application site would be accessed via a track that was installed as part of the original planning permission, which leaves the main drive from the A438 and arcs around the western side of the farmyard.
- 1.2 The original planning permission necessitated the raising of the building platform out of the 1 in 100 year flood event (plus an allowance for climate change) and the installation of a water attenuation pond and underground dirty water storage system. The approved broiler units were completed in May 2015 and are fully operational. They operate under an EA IPPC - 'permit',
- 1.3 The current application is to locate 2 further units of the same size and broiler numbers (55,000 each) on land to the west of the existing. This application stems from the refusal of 161902, also for two broiler units, which proposed siting the poultry units on land to the immediate north of the existing units. This application was refused on the basis it would have represented development within Flood Zone 3b – functional flood plain. The revised site is predominantly in flood zone 1. The proposal will however require the formation of a surface water attenuation basin in a revised location to that currently serving the existing units and some flood storage compensation.

## The Proposal

- 1.4 The two poultry buildings would each measure 109.7m x 21.4m, with an eaves height of 2.85m and a ridge height of 6.125m. Each poultry building includes an attached control room on the west elevation. The development will be served by 4 No. feed bins which are located between the proposed buildings. As a result of the development, the overall capacity on the unit will increase to 220,000 birds (4 x 55,000).
- 1.5 The Environmental Statement confirms the proposed buildings will be clad with a polyester coated profile sheeting for the walls and roof. The finished colour of the walls is proposed as juniper green (BS12B29) and roof natural grey (BS10A05) to match the adjacent poultry units. The feed bins will be coloured juniper green.
- 1.6 The proposed buildings are identical and will have pan feeders, non drip nipple drinkers and heating which will be fuelled by the existing on site biomass boiler system. Ventilation within the buildings is based on high velocity chimneys with side inlet vents. The ventilation, heating and feeding systems are all fully automated and controlled by a computer system located within the control room. The system is alarmed for high and low temperature, feeding system failure and power failure.
- 1.7 The application describes mitigating landscaping in the form of native species tree and hedgerow planting along the northern, western and southern boundaries – the eastern being kept clear to facilitate access. Public footpath DR1 leaves the A438 and heads north through the yard and along the track passing between the existing and proposed sheds before crossing the River Frome and heading onwards towards Weston Beggard.

## Production Cycle

- 1.8 The proposed poultry unit will produce standard birds, based on a 35 day growing cycle, with 10 days at the end of each cycle for cleanout and preparation of the buildings for the incoming flock. The unit will operate with 8 flocks per annum.
- 1.9 The chicks are placed within the building as day olds. The growing cycle extends to 35 days. Finished birds are removed in 2 stages; 35% of the crop is thinned at day 28 with the remainder cleared on or around day 35.
- 1.10 During the growing cycle temperature is controlled within the buildings. The buildings are pre-warmed to a temperature of 32°C on day 1 of the cycle reducing to 18°C over the growing cycle. The temperature is controlled by heating and ventilation systems.
- 1.11 At the end of each flock cycle, the buildings are cleaned out and the manure removed using a telescopic handler and loaded directly in waiting vehicles, which are sheeted and the manure removed from the site for disposal through spreading as a sustainable fertiliser on agricultural land.
- 1.12 Following manure removal, the buildings are washed out with high pressure power-washers and prepared for the incoming flock. The inside of the building and concrete apron would drain to a sealed concrete dirty water tank which will be emptied following each cleanout of the building by tanker.

## Vehicle movements

- 1.13 The proposed poultry units will, in combination with the 2 no. existing generate a total of 178 two-way (89 in, 89 out) vehicular movements (including HGVs and mini bus, tractor and trailers) during each flock cycle with the highest HGV movements of 18 two-way (9 in, 9 out) HGV movements on day 28 and 36 two-way (18 in, 18 out) HGV movements on day 35 of the flock

cycle. There will be two days at the end of the flock cycle where the buildings are cleaned and manure removed onto tractors and trailers.

- 1.14 It is stated that clean-out will result in 22 two-way (11 in, 11 out) tractor and trailer movements on days 36 and 37.
- 1.15 For the avoidance of doubt the existing poultry development already has the benefit of an Environmental Permit issued by the Environment Agency and a variation for up to 230,000 birds was granted for the development proposed (but refused planning permission) via 161902. An Environmental Permit deals with the following areas:-
- Management - including general management, accident management, energy efficiency, efficient use of raw material, waste recovery and security;
  - Operations – including permitted activities, operating techniques, closure and decommissioning;
  - Emissions to water, air and land – including to groundwater and diffuse emissions, transfer off site, odour, noise and vibration and monitoring;
  - Information – including records, reporting and notifications;
  - Poultry production – including the use of poultry feed, housing design and operation, slurry and manure storage and spreading.

All of the above are permitted within the requirements of Best Available Techniques (BAT).

- 1.16 The scheme is also EIA development and has been accompanied by an Environmental Statement supported by the requisite environmental information to enable an assessment of the likelihood of significant environmental impacts. These include odour and noise assessments and a flood risk assessment. Although the site as now proposed is predominantly in flood zone 1, there is an incursion into flood zones 2 and 3, which will require compensatory storage elsewhere on the holding.
- 1.17 The Council has also commissioned its own bio-aerosol risk assessment report and independent odour assessment (Redmore Environmental Ltd). The risk assessment assesses the potential for emission of bio-aerosols and likelihood of impacts upon sensitive receptors living close by i.e. occupiers of dwelling houses within the vicinity.
- 1.18 Although occupying a position of comparative isolation north of the A438, there are two cottages at the entrance into Claston Farm at approximately 250 metres from the site. Claston Cottages lie approximately 380m to the south-east and The Maltings, a residential development at the north-eastern end of Dormington is also approximately 380m distant at its nearest point. Dormington lies to the south-west of the application site.

## **2. Policies**

### **2.1 The Herefordshire Local Plan Core Strategy.**

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

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement & Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision

- LD1 - Landscape & Townscape
- LD2 - Bio-Diversity & Geo-Diversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable Water Management & Water Resources
- SD4 - Waste Water Treatment and River Quality
- RA6 - Rural Economy

## 2.2 National Planning Policy Framework 2012

Paragraphs 1 – 14 (inclusive) are considered to be of relevance

Paragraph 17 is considered to be of relevance

Section 1 entitled 'Building a strong, competitive economy' is considered to be of relevance.

Paragraph 32 is considered to be of relevance.

Paragraph 122 is considered to be of relevance.

Section 11 entitled 'Conserving and enhancing the natural environment' is considered to be of relevance.

2.3 Dormington and Mordiford Group Parish Council designated a NDP area on 22<sup>nd</sup> March 2014. At the time of writing a Regulation 14 draft plan had not been submitted to the Council. Accordingly no weight is attributable to the NDP at this stage.

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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 3. Planning History

3.1 161902 Erection of 2 no. broiler units on existing poultry site. Refused 2nd September 2016

3.2 133305 Erection of 2 no. broiler units for up to 110,000 birds: Approved subject to conditions

## 4. Consultation Summary

### Statutory Consultations

4.1 Environment Agency: Original comments. No objection subject to conditions

4.1.1 Thank you for referring the above application which was received on the 13 January 2017. We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted.

4.1.2 **Flood Risk:** As previously stated the location of the proposed raised platform for the 2 broiler units lies partially within Flood Zone 3 of the River Frome on our Flood Map for Planning. This is the High Probability Zone where land has a 1 in 100 year or greater annual probability of river flooding.

4.1.3 Following recent dialogue, the location of the proposed poultry units has been moved to the west of the existing units which is preferable to the original location nearer to the River Frome. Siting the poultry units at this location would have been contrary to National Planning Policy by placing inappropriate development in the functional floodplain (Flood Zone 3b as defined in Table 3 of the NPPF) which is only suitable for water compatible uses and potentially essential

infrastructure. The new location is shown to fall mainly within Flood Zone 1 (Low Risk) though some parts of this area in the north east fall within Flood Zone 3 (High Probability) and Flood Zone 2 (Medium Probability) of the River Frome.

- 4.1.4. **Sequential Test (ST):** 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.
- 4.1.5 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’.
- 4.1.6 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).
- 4.1.7 Flood Risk Assessment (FRA): Following the change of locations for the poultry units, a revised FRA has been produced by Hydro-Logic Services (Ref K0739/1 Rev 2 dated December 2016). Section 2.2 of the FRA discusses the new climate change allowances that were released in February 2016. However, the FRA highlights that modelling of the River Frome has not been undertaken and that the extent of the 1% plus climate change level has been taken from the existing extent of Flood Zone 2 (0.1% annual probability flood extent). The FRA goes on to state that topographic data indicates that this level is 52.40mAOD. Given the fact that the development is classed as a ‘Less Vulnerable’ use, and that the proposed location falls mainly within Flood Zone 1, this approach is acceptable on this occasion.
- 4.1.8 The revised FRA (Section 4.2) goes on to confirm that the platform for the units will be set 600mm above the estimated 1% plus climate change level of 52.40mAOD at 53.00m AOD, which is acceptable. It also confirms that a range of flood resilient measures will be considered and these are outlined in Table 4.2. As access / egress will be available, we are satisfied that the development itself will be safe in terms of flood risk.
- 4.1.9 The FRA then goes on to detail a flood storage compensation scheme to ensure that any reduction of floodplain capacity is compensated for in order to ensure flood risk elsewhere is not increased. Section 4.3.2 again uses the estimated 1% plus climate change level of 52.40mAOD as a basis for the compensation scheme. Table 4.4 of the FRA confirms that the loss of 355.8m<sup>3</sup> resulting from the proposed development and attenuation pond can be compensated for on a level for level, volume for volume basis in an area highlighted in Figure 4.5. In fact, this volume is far less than the storage for the existing poultry units indicating that this was actually a better location for the units. Again, we are satisfied with these proposals and that flood risk elsewhere should not occur.
- 4.1.10 Surface water drainage arrangements for both the existing and proposed units, including the location of the proposed attenuation pond, would be a matter for the Herefordshire Council, as the Lead Local Flood Authority (LLFA) to assess and approve.
- 4.1.11 In summary, we are supportive of the relocation of the proposed units which is to an area at less risk of flooding than previously proposed. The FRA has demonstrated that the development will be safe and will not increase flood risk elsewhere by reducing flood storage capacity.

*Condition: Finished floor levels shall be set no lower than 53.00mAOD in line with the FRA produced by Hydro-Logic Services (Ref: K0739/1 Rev dated December 2016) which is 600mm above the estimated 1% plus climate change flood level unless otherwise agreed in writing by the LPA.*

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

*Condition: Flood storage compensation, shall be carried out, in accordance with the details submitted, including Section 4.3.2 of the FRA produced by Hydro-Logic Services (Ref: K0739/1 Rev dated December 2016) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.*

*Reason: To minimise flood risk.*

- 4.1.12 **Environmental Permitting Regulations:** The proposed development will take the total number of birds on site to 220,000, 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.
- 4.1.13 Claston Farm currently operates under an EP for its intensive poultry operates and the applicant has applied for a variation to this permit in consideration of the possible increase in bird numbers.
- 4.1.14 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.
- 4.1.15 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.
- 4.1.16 **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 so within the applicants land ownership.
- 4.1.17 **Additional comments in response to the updated ES and Flood Risk Assessment v.3**
- 4.1.18 We understand from the updated Flood Risk Assessment (FRA) that discussions have been ongoing with the Council, as the Lead Local Flood Authority (LLFA), regarding the culverting of an existing ditch running from the A438 to the River Frome past the proposed location of the broiler units. As this ditch is classed as an ordinary watercourse, this would fall under the Council's remit; who would need to consent the culverting works and be satisfied that the culvert has sufficient capacity to deal with the 100 year plus climate change flows in the watercourse.
- 4.1.19 It appears from the updated FRA that the overall proposals for the broiler units remain unchanged, including the proposed finished floor levels and flood storage compensations scheme. We therefore have no additional comments to make from our response dated 19 January 2017 (Ref: SV/2016/109025/05-L01) and the flood risk conditions that we recommended.

4.2 Natural England: No objection

**NO OBJECTION**

4.2.1 Based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

**European sites - River Wye Special Area of Conservation**

4.2.2 Based on the plans submitted. Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

4.2.3 To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Environment Agency pre-app screening dated 29/9/15 (Appendices 9-10)
- Details of how surface water, foul water and dirty water will be dealt with. (Environmental Statement)
- Details regarding manure including manure management plan. (Environmental Statement and Appendices 1-4)

**Sites of Special Scientific Interest**

4.2.4 The proposal site is within 5 km of the following SSSI's:

Perton Roadside Section and Quarry, Little Hill, River Lugg, Lugg and Hampton Meadows, Woodshuts Wood, Haugh Wood, Sharpnag Wood, Scutterdine Quarry & River Wye.

4.2.5 Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these site has been notified and has no objection.

**Protected Landscapes - Wye Valley AONB**

4.2.6 Based on the plans submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONB. We would advise that any landscape and visual impacts are minimised as far as possible.

**Other advice**

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

4.3 Welsh Water

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal. 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.

Should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by the application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### Consultation Summary

#### 4.4 Transportation Manger: No objection

The additional traffic from the proposal is considered acceptable on the network. The proposal is acceptable subject to the following condition: CAL

#### 4.5 Environmental Health Manager: No objection

#### **Original comments dated 3 February 2017**

4.5.1 Our comments are to assess potential noise and nuisance issues that might arise from development. This application is for the expansion of an existing broiler unit with two additional sheds and associated increase in the number of birds by 110,000 making 220,000 in total. The site is permitted by the Environment Agency and the permit controls all emissions to air land and water arising from this site.

#### **Odour**

4.5.2 The applicant has supplied an odour dispersion modelling assessment. The assessment advises that the predicted maximum annual 98th percentile hourly mean odour concentration at all the domestic sensitive receptors is within the benchmark criteria established by the Environment Agency of 3 ouE/m<sup>3</sup>. On odour grounds our department has no objections to this proposal.

#### **Noise**

4.5.3 The applicant has supplied a noise impact report which assesses the cumulative impact of the expansion of noise emitted from the extract fans on the nearest sensitive receptors. The assessment findings that the fan noise is below the background sound level at each property during day time and evening. The assessment also finds that transport noise arising from HGV movement and fork lift trucks loading and unloading during the day time is also below the background sound level and during the evening the noise impact will be very low to negligible. The report also finds that at night time the noise impacts of vehicular movement and the extract fans will be very low to negligible. On noise grounds therefore our department has no objections.

#### **Further comments dated 29 September 2017 (these comments are offered following the Council's commissioned review of the Odour Modelling, independent Odour Assessment and Bio-aerosol Assessment).**

4.5.4 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.
2. Operational noise; Emitted from ventilation systems, deliveries and harvesting etc.
3. Dust, including small and fine particulates.
4. Insect and rodent infestations.



- 4.5.5 The application has dealt with these matters in the following manner:  
(1). An **Odour** Dispersion Modelling Study of the impact of Odour Emissions from the Existing and Proposed Broiler Chicken Rearing Houses at Claston Farm, Dormington in Herefordshire prepared by Phil Edgington, AS Modelling and Data Ltd., dated 12th November 2016 has been submitted in support of the application. This report concludes that the modelling predicts that, should the new units proceed, the maximum annual odour concentrations would remain below the Environment Agency's benchmark for moderately offensive odours, i.e. a 98<sup>th</sup> percentile hourly mean of 3.0ouE/m<sup>3</sup> at all residential premise.
- 4.5.6 Due to ongoing concerns about the risks posed by odour, Herefordshire Council instructed Redmore Environmental to undertake a peer review of the applicants odour assessment and then to carry out another independent Odour assessment. The review highlighted weaknesses regarding the use of certain assumptions on input data and absence of reference to the Institute of Air Quality Management (IAQM) guidance. It was satisfied that the appropriate modelling and the conclusions reached on the results provided, with the proviso that these may be affected by the use of the IAQM guidance.
- 4.5.7 Redmore Environmental undertook their own Odour Assessment using the ADMS - 5.1 (V5.1.2.0) software which matches that used by A S Modelling and Data Ltd but inputted data independently so as to address the concerns it highlighted in the Peer Review section 3.1.2 i.e.
- Used IAQM guidance in the assessment
  - Used odour emission value data obtained from EA guidance 'Odour Management at Intensive Livestock installations'.
  - Used the emission rates based on the information provided in the applicants odour assessment assuming that all fans run constantly with an efflux velocity of 14.0m/s 24-hours per day, 365-days per year.
  - A lower source (fan) height was used than that in the applicant's odour assessment. The height used was obtained from the architectural drawings submitted with the application and as used in the Noise impact assessment.
  - The assessment considered emissions distributed for release from 11 fans per shed.
  - Because details of clean out process were not available and inaccurate assumptions might lead to an under prediction, clean out periods were not represented. Redmore Environmental consider that this omission was offset through the choice of maximum odour emission rate and additionally periods when the shed are empty and there is limited odour emissions were not included in the model and that this provided a conservative estimation for an average hour within the year. Redmore have clarified in a telephone conversation that the inclusion of the clean out periods would not affect the recognised assessment descriptor i.e. the 98th percentile.
  - It used meteorological data taken from Hereford Credenhill meteorological observation station over the period 1st January 2010 to 31st December 2014 as it anticipated that conditions would be reasonably similar and the data considered suitable.
  - The Monin-Obukhov Length which provides a measure of atmospheric stability was included in the modelling. A minimum length of 1m was used. It was not clear if this had been done in the applicant's submission and if so what factor was included. (N.B. It is my understanding that this length will vary according to the type of location e.g. the atmosphere is less stable in built up areas due to higher ground surface temperatures etc).
- 4.5.8 It is my opinion that the Redmore Environmental report has addressed the items identified in section 3.1.2 of the Peer review.
- 4.5.9 Although the Redmore Environmental odour assessment predicts higher 98th percentile odour concentrations than the AS Modelling and Data report submitted by the applicant, at 21 of the 22 receptors that were considered, it concludes that 'Following consideration of the relevant issues, the overall odour effects as a result of the proposed poultry unit are considered to be not significant, in accordance with the IAQM guidance,'

- 4.5.10 It is normal practice for all sheds on a poultry site to operate on the same growing cycle. I believe this is mainly for biosecurity and also for logistical reasons. The Environmental Statement advises that the unit will have 8 flocks per year which equates to the sheds being used in tandem.
- 4.5.11 (2). A **noise** impact assessment report dated the 19<sup>th</sup> December 2016 was produced by Acorus Rural Property Services LTD. The assessment was done in accordance with BS4141:2014 'Methods for Rating and Assessing Industrial and Commercial Sound. This is the appropriate standard to use and the assessment also had regard to World Health Organisation advice. It considered sound from both fan and transport activities and concluded that the proposed development will be acceptable on noise grounds. I have reviewed the report and am satisfied with it's conclusions. The predicted sound levels attributed to the proposal are very low.
- 4.5.12 (3). Concerns have been raised regarding **dust and fine particulate emissions** including bio aerosols. Bio aerosols are airborne particles that contain or originate from living organisms and include spores, pollens and bacteria etc. Bio aerosols exist naturally in the air and are also released by various agricultural activities. Redmore Environmental was requested by Herefordshire Council to undertake a bio aerosol risk assessment with regard to this proposal. A report dated 9th May 2017 was produced and concluded that, 'the residual risk from identified sources was determined to be low or very low. As such, potential impacts as a result of bio aerosol emissions from the proposed unit are not considered to represent a constraint to the proposal.'
- 4.5.13 The assessment assumed that standard industry practices as summarised in part 2.5 of the report would be used. I do not have first hand experience of this facility, but experience with other similar operations confirms that it would be unlikely that these practices would not be employed; the applicants supporting literature refers to the use of best practice and the legislative controls to which I will refer to later require that Best Available Techniques are used to control polluting emissions.
- 4.5.14 Whilst it is recognised that fine particulates can travel long distances DEFRA research has found that small particulate matter (PM10) including bio aerosols reduce to background levels within 100m from the poultry houses. The DEFRA screening assessment advice for Local Air Quality Management indicates that there would be no significant risk of exceeding the national 24hr mean PM10 objective as a consequence of this proposal. Therefore this does not raise concerns as regards local air quality.
- 4.5.15 Local residents have raised concerns about adverse health impacts. Herefordshire Council's Consultant in Public Health has advised in August 2016 that "Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities". This advice was based on the Health Protection Agency Position Statement dated 2006. I checked with Public Health England who on the 27th June 2017 confirmed that the advice in the Position Statement remains applicable.
- 4.5.16 (4). **Insect and rodent infestations** are not normally a problem with this type of development as good husbandry and appropriate control measure will ensure that problems do not occur, however should there be any future problems regulatory powers exist to ensure that appropriate controls are put in place.
- 4.5.17 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 applicant has to demonstrate that the process can operate without causing undue harm prior to the grant of such a permit. Should the applicant not be able to demonstrate this, the legislation covering the regime allows for the refusal of a permit. Once a permit has been granted it is an offence not to comply with it's

requirements which can if necessary be varied. Permits may also be suspended and/or withdrawn.

4.5.18 Any complaints of nuisance pollution etc. would be directed to the Environment Agency. Based on the information provided there appear to be no sustainable grounds to oppose this proposal for the above concerns.

4.6 Conservation Manager (Landscape): I have seen the landscape proposals (dated December 2016) the tree planting whilst not entirely in keeping with this landscape character type; Principal Settled Farmlands, in this instance will assist in providing effective screening of the units from the wider landscape. The one comment I would make in relation to the tree planting is that it should take on a more organic formation, by this I mean it should extend out from the units with edge of woodland planting incorporated to create a natural landscape, this would be further complimented by the addition of wildflower meadow at the edge of the attenuation pond. Whilst its primary purpose is to provide screening there is no reason for the landscaping proposals not to provide an attractive habitat for wildlife in its own right.

The landscape proposals should be managed for a period of 5-10 years which can be achieved via a condition.

4.7 Conservation Manager (Built Heritage): No objection

Claston Farm Dormington consists of the traditional farmhouse which is now surrounded by modern steel frame farm buildings. The nearest listed buildings are located in the village of Weston Beggard which lies c450m to the north and at Dorminton 550m to the south west. The proposed location of the two poultry units is to the north west of the existing farm buildings; they are aligned east-west and are close to two other recently built poultry units. The land here is in a dip and the site of a large pond. The intensification of development would be most noticeable when viewed from the north looking into the site but given the already quite extensive existing agricultural development and the distance that the proposed new units would be from the two villages it is my opinion that the impact of the new units would result in less than substantial harm to the setting of the listed buildings. There will be an impact on the environment however and I recommend that the applicant provides an environmental impact assessment and implements mitigation measures to offset the harm. In this respect I suggest as a minimum that the northern boundary of the site is screened by a dense belt of native deciduous trees and solar panels are fitted to south facing roof slopes, as already fitted on the existing poultry sheds.

4.8 Land Drainage: No objection subject to conditions

### **Introduction**

4.8.1 This response is in regard to flood risk and land drainage aspects, with information obtained from the following sources:

- Environment Agency (EA) indicative flood maps available through the EA website.
- EA groundwater maps available through the EA website.
- Ordnance Survey mapping.
- Cranfield University Soilscales mapping available online.
- Strategic Flood Risk Assessment for Herefordshire.
- Core Strategy 2011 - 2031.

4.8.2 Our knowledge of the development proposals has been obtained from the following sources:

- Application for outline planning;
- Proposed Plans & Elevations drawing (Ref: IP/DT/03 & IP/DT/04)

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

- Location Plan drawing (Ref: IP/DT/02);
- Design and Access Statement
- Flood Risk Assessment (Ref: Report K0739) Rev 3, September 2017

### Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), April 2017



### Overview of the Proposal

- 4.8.3 The Applicant proposes the construction of 2 additional broiler units on an existing poultry site. The site covers an area of 0.70 ha and is currently used for agricultural purposes. The main River Frome runs to the North of the site. The topography of the site is relatively flat from 51.4 to 53.2m AOD. A drainage ditches run to the north of the existing broiler units on site.

### Fluvial Flood Risk

- 4.8.4 Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1 but is located directly adjacent to Flood Zone 2 and Flood Zone 3. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding. Flood Zone 2 comprises land where the annual probability of flooding from fluvial sources is between 1% and 0.1% (between 1 in 100 and 1 in 1000). Flood Zone 3 comprises land where the annual probability of flooding from fluvial sources is greater than 1% (1 in 100). The source of this flood risk is from the River Frome located approx. 180m to the north of the proposed development site.
- 4.8.5 The Applicant has stated that the poultry units will be constructed at a level of 53.0m AOD. This allows for 0.60m above the 1 in 100 year + Climate Change flood level. In addition, a number of generic flood resilience measures have been listed for incorporation in the design to manage the residual risk of flooding at the site. The access track is also being raised to 53.0m AOD to ensure it remains dry during the 1 in 100 year + Climate Change event.
- 4.8.6 The Applicant is proposing to provide compensatory storage for the north-eastern corner of the site which lies in Flood Zone 3.

### Other Considerations and Sources of Flood Risk

- 4.8.7 Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer. Review of the EA's Surface Water flood map indicates that the site is not located within an area at significant risk of surface water flooding.

## **Surface Water Drainage**

- 4.8.8 Runoff from the existing poultry units is already conveyed into an existing attenuation basin via a pipe. A plan has been presented identifying that the existing surface water drain serving the existing sheds is approximately 100mm higher than the proposed attenuation basin.
- 4.8.9 We note that there are proposals to divert the existing drainage to the new basin / ditch. The pipe will be installed at a slack gradient. This is not an ideal scenario, however we accept that if the pipe is subjected to occasional jetting then the drainage may be regarded as fit for purpose.
- 4.8.10 The Applicant has stated that an attenuation pond and 50mm orifice will be utilised to manage surface water run-off from all impermeable surfaces (existing poultry units and proposed). It has been proposed that the attenuation pond will be relocated to the north-western side of the proposed sheds. The applicant has estimated the 1 in 20 year flood level of the River Frome using the Mannings Equation as 51.39m AOD (extent of Flood Zone 3b). The proposed attenuation pond and bund are on land that is slightly higher than this.
- 4.8.11 A watercourse runs through the site (north-south). The applicant has proposed to culvert the watercourse using a 600mm diameter pipe. Following a review of the available cover, we consider that the culvert would need to be installed within a gravel bedding, below the concrete turning area. To facilitate wash-down of the surface a concrete strip (decking) should be installed directly above the culvert, cast against a 'tram line' of expansion joints either side of the pipeline. This would make it easier to break out the culvert if a repair were required. One Manhole Cover will be required mid way along the culvert to facilitate maintenance. Where the existing pipe crosses the watercourse additional access measures may be required if the pipe is found to be too low (see comments below).
- 4.8.12 An assessment has been made of the incoming flow that confirms the capacity of the proposed 600mm diameter culvert.
- 4.8.13 Appendix C includes a topographical survey of the existing site. A plan has been presented that demonstrates that the culvert may be regraded below the existing surface water pipe. Outflow from the attenuation basin is to be controlled by a 50mm diameter orifice. A Perforated Riser has also been proposed. A 2m overflow weir has been proposed to mitigate the residual risk of the orifice blocking in a storm. We note that earth bunds will be required to serve the attenuation area and the incoming ditch. We note that maintenance of the ditch will be possible using an excavation machine, from the driveway alongside the proposed shed. If the council is minded to approve the planning application, the applicant will need to clarify details of the soil that will be used to form the bund. The soil will need to be constructed using soil of low permeability or may require a clay core. Cross sections showing details of the bunds will also be required. We agree that vegetation should be allowed to grow in the bund because the plant roots will strengthen the bund.
- 4.8.14 The applicant has been able to demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

## **Foul Water Drainage**

- 4.8.15 No foul water drainage information has been proposed for the site. However, washdown facilities will be required. The applicant has proposed to use the existing washdown tank on the eastern side of the north-south watercourse. The applicant proposes to install pipework below the concrete slab, with a maximum depth to invert of 800mm where the pipes cross the existing surface water drain. This is considered acceptable

## Overall Comment

4.8.16 If the Council decides to grant planning permission, we suggest the following issues are addressed by means of Conditions:

- Ordinary Watercourse Consent will be required from Herefordshire Council for the proposed watercourse culverting works; an intermediate manhole will be required.
- Submission of a drawing showing the full extent of the compensatory storage, with a method statement to demonstrate that survey work is completed during the work.
- Cross sections of the proposed bunds should be provided with details of the soil type.

4.9 River Lugg Internal Drainage Board

We would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

### Requirements

1 Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the required On-site Storage designed for the 1 in 100 year storm event.

2 For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.

3 The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.

4 All in compliance with The Institute of Hydrology Report 124 (IoH 124) - Flood estimation for small catchments (1994)

5 All to the satisfaction of the Engineer to the Board

6 No additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

4.10 Public Rights of Way Manager: Public footpath DR1 would not appear to be affected by the development. Providing it remains open and unobstructed, PROW will not object.

4.11 Conservation Manager (Ecology): Qualified comment

In line with email from the applicant 08/02/2017 We don't appear to have received a revised Landscaping proposal – this was to have a significantly reduced % of Elder (*Sambucus nigra*) which can be very invasive and swamp/kill other species proposed and consideration for Traditional Orchard enhancement through new planting of traditional 'standard' trees on vigorous rootstocks to supplement retained orchard trees/gap up and restore the orchard near to the main road which would help as part of the screening/landscaping of the expanded farm operation. I would request that this revised plan is requested as a pre-commencement Condition.

In line with past comments and discussions I would request a fully detailed Construction Environmental Management Plan as a pre-commencement condition. This must include a thorough set of Ecological Risk Avoidance Measures, including Great Crested Newts, other amphibians and reptiles.

A detailed biodiversity enhancement plan is requested in addition to required mitigatory landscape planting. This should include design details for the new SuDS pond to show how it will provide breeding and hibernacula enhancements for amphibians and reptiles as well as

aquatic insects. Bat and Bird boxes around the wider site are also requested. The new traditional orchard planting can be classed as an Enhancement and full details of proposed varieties, planting and protection methodology (fruit trees require completely different methodology to broadleaf trees) along with a 5 year establishment and 10 year management plan (Natural England's Traditional Orchard Technical Information Notes may be helpful reference material)

## 5. Representations

5.1 Dormington Parish Council: No objection

5.2 Weston Beggard Parish Council: No comment

5.3 32 letters of objection have been received. The content is summarised as follows:-

- People using the public footpath as well as Dormington residents will be at risk from aerial faeces/dead skin/mites/bacteria/fungal spores/mycotoxins/endotoxins/antibiotics/pesticides ammonia/hydrogen sulphide and run off water into surrounding land;
- There seems to be a race by Herefordshire and Powys to allow so many of these potentially dangerous units to be approved; more so than anywhere else in Europe;
- There is a strong and acrid smell from the existing units, which makes use of the garden and surrounds very unpleasant. The odour is particularly noticeable on clean out days;
- The proposal will see an increase in traffic and threat to pedestrians, including school children, accessing the bus stop on the A438;
- There is strong objection to any increased use of the Dormington Road, as it is already exposed to high levels of HGV traffic;
- The proposal will have an adverse landscape impact, affecting views across the valley from Dormington towards Weston Beggard;
- The proposal will have a negative impact on those living nearby with respiratory conditions. It should be a requirement that such developments prove it will have no adverse effects on human health and amenity whatsoever;
- The proposal will have a detrimental impact on users of the public right of way DR1;
- The bio-aerosol risk assessment underplays the likely effects;
- The co-location with existing units can only increase the likelihood of avian flu and it is only a matter of time before strains are communicable to humans;
- There are welfare issues associated with broiler production;
- There is a risk of increased run-off and pollution of the R. Frome and consequently the R. Lugg – a tributary of the R. Wye SAC/SSSI. This would be contrary to CS Policy SD4;
- The odours issues associated with storage and spreading of manure will increase. This is potentially contrary to CS Policy RA6;
- The proposal will not result in job creation to the benefit of the local community;
- The existing units have caused noise disturbance with regular instances of the alarms going off overnight;
- There has been no consultation with the parish council or local community;
- The future expansion of the poultry units to locations closer to sensitive receptors cannot be ruled out;
- The proposal will likely result in devaluation of house prices;
- The independent odour assessment is founded, like the applicant's report, on a number of significant non-scientific assumptions. For instance the clean out episodes have not been taken account of owing to the potential for inaccurate assumptions under representing their effect. This omission has been 'offset' by applying a maximum odour emission rate. Where is the justification for such an approach?
- The wind-rose data suggests that the prevailing winds will rarely be from the NE i.e. blowing emissions towards Dormington. However, our collective experience tells us that we do

experience revolting odours from the existing units and more worryingly, this malodour is likely to contain harmful particulates;

- Has any assessment been made of the bio-aerosols being emitted when the lorries bring the day old chicks to the farm?
- The factory farming process raises questions of animal welfare.

#### 5.4 Herefordshire Ramblers: Qualified comment

I'm concerned that the Public Right of Way will be crossing the area of 'new concrete' which suggests that there is likely to be numerous vehicular movements in this vicinity and I would seek reassurance that safety measures will be put in place to protect pedestrians. From the Proposed Site Plan (JW/1149/1016) it would appear that at the southern end of the concrete apron there will be large vehicular gates with a kissing gate and at the northern end a further kissing gate installed on the line of the footpath. Both of these kissing gates need to be well way marked so that walkers can easily see the route through this area. I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

#### 5.5 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=164103&search=164103](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164103&search=164103)

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."*

In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above 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. Where CS policies are silent or out of date SS1 defers at b) to specific elements of national policy which indicate that development should be restricted. These are the footnote 9 policies set out at NPPF paragraph 14.

### 6.2 Under figure 3.1 the CS sets out 12 objectives to be delivered over the plan-period. These are arranged under the three headings of Social Progress, Economic Prosperity and Environmental Quality. Objective 8 (under Economic Prosperity) seeks to strengthen the economic viability of...rural areas by facilitating employment generation and diversification. Objective 8a gives explicit recognition to the importance of the county's land-based activities, including agriculture and food production. Under Environmental Quality objection 11 seeks to address the causes and impacts of climate change by ensuring new development...does not increase flood risk to new or existing property.

### 6.3 SS5 sets out that the continuing development of the "more traditional employment sectors such as farming and food and drink manufacturing will be supported."

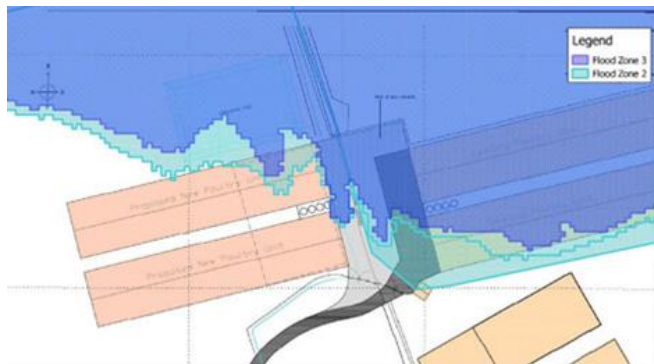


- 6.4 In terms of the more detailed policies, RA6 expresses support for proposals that “support and strengthen” local food and drink production.
- 6.5 All of the ‘local distinctiveness’ policies LD1-LD4 inclusive are relevant to the application as are SD1 and SD3. The local distinctiveness policies concern themselves with landscape, biodiversity, green infrastructure and heritage.
- 6.6 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. SD4 deals with the attainment of river water quality targets.
- 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 impact of the development upon flood risk and surface water management.
  - 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 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.

#### Flood risk and surface water management

- 6.12 Application 161902 was refused on the basis it promoted development in the functional flood plain. Pre-application discussion then ensued, aimed at determining whether an appropriate alternative location could be found on the holding.
- 6.13 NPPF defines agricultural development as less vulnerable and thus acceptable within flood zone 3 where the sequential test is passed. In the present case, and as highlighted above, the majority of the site is within flood zone 1, with the remainder in flood zones 1 and 2. This is shown below; the dark blue is flood zone 3, the lighter blue flood zone 2. Including the

proposed attenuation basin, 1,779 m<sup>2</sup> of the proposed development is within Flood Zone 2, indicative of the 1:100 year+CC fluvial event. Within this area, 1,128 m<sup>2</sup> is classified as Flood Zone 3, at risk from the 1:100 year or greater fluvial event.



- 6.14 The revised FRA incorporates a sequential test, which concludes that other planning constraints dictate that alternative locations upon the holding that are entirely within flood zone 1 are not, by reason of the available land and potential proximity to third party dwellings, feasible.
- 6.15 It has been proposed that two poultry units and associated features be constructed on a platform at 53.0 mAOD, raising the proposed poultry units 600 mm above the maximum extent of Flood Zone 2 (52.4 mAOD), indicative of the 1:100 year+CC fluvial event. Level-for-level floodplain storage compensation calculations have been undertaken.
- 6.16 A relatively small area of Flood Zone 3 would be affected by the development, which is marginal to the flood zone. All this area is above 51.2 mAOD and none is likely to be part of the functional floodplain (Flood Zone 3b).
- 6.17 An emergency access/egress plan and a number of flood resilience measures have been recommended for the site, to further mitigate flood risk. As the raised platform and proposed attenuation basin would be partly located within fluvial Flood Zone 3 and therefore take up floodplain storage, adequate floodplain storage compensation has been calculated on a level-for-level basis. Located near the edge of the floodplain, blockage of flood flow paths is not expected to be a significant issue at the site.
- 6.18 Runoff from impermeable areas of both the existing two poultry units on site and the two proposed poultry units can be managed using an attenuation basin with a basal area of 1,100 m<sup>2</sup>. A 50 mm orifice, installed at the 0 m invert level would ensure that discharge from the attenuation pond would be below greenfield runoff rates at all return periods.
- 6.19 In summary, flood risk at the site can be managed by constructing the poultry units on a raised platform, above design flood levels. Adequate level-for-level floodplain storage compensation and the construction of an attenuation basin to manage runoff from the increased impermeable area on site would ensure that the development can proceed without increasing flood risk elsewhere. Commercial development of this site would be in accordance with the flood risk provisions of the NPPF.
- 6.20 The EA response confirms that subject to conditions this approach is considered acceptable, and the Council's Land Drainage Engineer has no objections either. On this basis, the scheme is considered acceptable with regard to flood risk and surface water management and thus complies with CS Policy SD3 and NPPF guidance.

## Odour

- 6.21 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. Both proposed and existing scenarios (where poultry units are in-situ) are modelled.
- 6.22 The Institute of Air Quality Management's Guidance on the assessment of odour for Planning (May 2014) supports this view in that in the foreword paragraph 4 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"*
- 6.23 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."*
- 6.24 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. Separately, and as recorded above, the Local Planning Authority commissioned Redmore Environmental to undertake a Peer Review Assessment and an independent Odour Assessment.
- 6.25 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 OUE/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 OUE/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.
- 6.26 The report submitted by AS Modelling & Data Ltd. concludes that no dwellinghouse would experience odour levels that exceed the aforementioned critical level of 3.0 OUE/M3 using the annual 98th percentile hourly mean concentration.
- 6.27 Although the Council's independently commissioned odour report concluded that the effects would be more significant at 21 of the 22 identified receptors, it too concludes that the impact is

likely to be slight, with only Claston Farmhouse experiencing a slight exceedence of 3.00UE/M3. The IAQM guidance 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.

6.28 Paragraph 6.1.3 of the Redmore Odour Assessment states:-

*“Predicted odour concentrations were below the relevant EA odour benchmark level at all but one receptor location for all modelling years. The significance of predicted impacts was defined as moderate at one receptor, slight at three receptors and negligible at nineteen receptors. **Based on the range of predicts impacts, the conservative assumptions made and the issues discussed, the overall significance of potential impacts was determined as slight.** Following consideration of the relevant issues, the overall odour effects as a result of the proposed poultry unit are considered to be not significant, in accordance with the IAQM guidance.”* (My emphasis).

6.29 Overall, on the basis of the technical evidence available, it is the Environmental Health Manager’s professional opinion that a refusal in relation to odour impacts would not, given the evidence, be justified and that the scheme is not in conflict with CS Policies SD1 or RA6 in relation to this specific matter.

### **Dust**

6.30 Air quality is addressed in Chapter 7 of the submitted Environmental Statement. It notes that the feed silos will be fitted with dust catchment and also that due to distances to sensitive receptors, particulate emissions are unlikely to have significant effect on human health.

6.31 The Public Health England advice is that ‘Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities.’ This was supported by Herefordshire’s Consultant in Public Health who states that “Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities”.

6.32 In order to ensure robust assessment on this point, the Council commissioned Redmore Environmental to conduct a risk assessment in respect of bio-aerosols. The assessment considered the risk to exposure arising from exposed bedding, the poultry units during the operational phase, litter during the clean-out operations, the finished birds and feed deliveries.

6.33 The assessment noted the mitigation measures proposed, including the high-speed ridge mounted extraction fans (considered likely to aid dispersion); the dust catchment on feed silos and the enclosure of trailers employed for litter removal.

6.34 Regard was also had to the relative distance to potentially sensitive receptors. It was concluded that the residual risk associated with each of the potential sources is either low or very low and that *“potential impacts as a result of bioaerosol emissions from the proposed unit are not considered to represent a constraint to the proposals.”* (Redmore Environmental Bio-aerosol risk assessment 7.1.6)

6.35 This conclusion is shared by the Environmental Health Manager. It is concluded that the concerns of local objectors notwithstanding, the evidence available would not support refusal of the proposal on the basis of concerns in respect of impacts on human health arising from particulate emissions.

6.36 It is also worth noting that the poultry rearing activity at the proposed development has the benefit of an Environmental Permit issued by the Environment Agency who regulate / control all

polluting emissions. It is understood that Public Health England is a consultee in the permitting process. On this basis I conclude that the proposal is not in conflict with CS policies SD1 or RA6.

### **Ammonia**

- 6.37 Ammonia emission rates from the proposed poultry 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.
- 6.38 At all receptors considered, the predicted process contributions to the maximum annual mean ammonia concentration and nitrogen deposition rate are below the appropriate Environment Agency lower threshold percentage of Critical Level or Critical Load for the designation of the site.
- 6.39 Natural England confirm they have no objection in respect of the potential impacts on nearby SSSI's. I am content that there is no conflict with CS Policies as a consequence.

### **Highway impacts**

- 6.40 MT1 Traffic management, highway safety and promoting active travel is a criteria based policy. It requires, *inter alia*, that proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts arising. This is consistent with NPPF policy at Paragraph 32, which states that development should only be refused where residual cumulative impacts are severe.
- 6.41 The Traffic Manager has considered the Transport Statement appended to the Environmental Statement and offers no objection. The TS adopts a worst-case scenario in relation to the movements added by the additional two units; it being considered unrealistic in reality that two additional poultry units will realise twice the number of movements that the current units generate. In any event, access is taken directly from the A438 and the Traffic Manager is content that in the context, the marginal uplift in vehicle movements when compared to the existing surveyed two-way flow will be negligible. Moreover, the existing junction on the main road will not require alteration; offering above-standard visibility in each direction.
- 6.42 It is noted that the Transport Statement accompanying the ES confirms that routing for feed and bird deliveries/collection will be via the main roads and not via the Dormington-Mordiford Road.
- 6.43 Officers conclude that the relevant aspects of MT1 are complied with and that permission may not be withheld on the basis of highway-related concerns.

### **The impact on the character and appearance of the local landscape**

- 6.44 CS Policy LD1 requires that schemes demonstrate that landscape matters have positively influenced their design and site selection. In this case site selection has been subject to the Sequential Test, with a balance being struck between flood risk and the need to minimise landscape harm – it is felt that this is best achieved by grouping new buildings with existing. The landscape character type is Principal Settled Farmlands. The site is not covered by any landscape designation. There is a traditional orchard adjacent the site's southern boundary, but this is not affected.

- 6.45 The figure below illustrates the relationship and demonstrates the proposed tree planting belts in mitigation; it being noted that the Ecologist has recommended a revision to the planting mix to reduce the proportion of Elder; an issue that can be addressed via condition.
- 6.46 The figure also illustrates the relationship with the existing units and farmstead. The landscape officer suggests that the tree planting take on a more 'organic' form, but has no objection overall. I agree with the sentiment that the landscaping proposals should deliver obvious opportunity for bio-diversity enhancement and to this extent wildflower meadow planting should be utilised around the attenuation basin.
- 6.47 Some loss of hedgerow along the drainage channel (eastern boundary of the application site) is required, but this is not so significant so as to be objectionable and the native species tree planting proposed is adequate compensation for the loss. There will be some loss of amenity to walkers of the footpath, but this is already compromised within and around the existing farmstead, such that the additional harm caused is not considered unduly detrimental.
- 6.48 In those terms I consider that the scheme accords with the requirements of Policies LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031.



- 6.49 An issue that has arisen recently with some poultry units is whether or not, upon cessation of use, a planning condition should require their removal? In some cases this may be warranted owing to relative isolation within the landscape for instance. In this case, I do not consider such a condition to be reasonable. The landscape is not sensitive. The buildings are not unusual in the context and are grouped with existing buildings. There is also significant tree planting proposed, which will mitigate residual visual effects. There is no such requirement to remove the existing units.

## Ecology

- 6.50 As noted above, the detailed planting schedule can be governed by condition, which will address the concerns noted by the Ecologist in his comments in Section 4. A condition requiring the formulation of a Construction Environmental Management Plan will also be imposed, as will a condition requiring the protection of retained trees and hedgerows.

- 6.51 It has been clarified with the agent and applicant that contrary to the Phase 1 habitat survey accompanying the ES, no existing orchard trees are intended for removal.
- 6.52 The Ecologist has recommended gapping up and restocking of the traditional orchard adjacent the A438 to the SE of the site. I do not consider this reasonable or necessary as part of this application i.e. mitigation of the visual impact of the proposed units does not depend on this. Officers have, however, had a separate conversation with the applicant, who has indicated a willingness to look at this matter separately.
- 6.53 Natural England has not objected. On this basis I conclude that the scheme, subject to the mitigation described above and in the Ecologist's comments regarding avoidance measures, would not conflict with Core Strategy objectives surrounding bio-diversity.

### **Noise**

- 6.54 A noise survey has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed poultry units. The extract fans and transport noise (HGV movements and loading / unloading) as a result of the proposed poultry units have been assessed in accordance with BS4142:2014.
- 6.55 The Council's Environmental Health Section agrees with the conclusions that there would not be any undue loss of amenity to occupiers of existing dwellinghouses in the area by way of noise. As a consequence I conclude that there is no conflict with policies SS6, SD1 and RA6 of the Herefordshire Local Plan Core Strategy 2011-2031.

### **Manure Management**

- 6.56 The manure is removed from the buildings at the end of each flock cycle and transported away from the immediate site of the poultry unit for field heap storage and spreading. As the site lies within a designated NVZ, the management of manure is controlled by the Nitrate Pollution Prevention Regulations 2015.
- 6.57 The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015. The requirements for field heap storage are shown below.
- (3) A temporary field site must not be—
- (a) in a field liable to flooding or becoming waterlogged,
  - (b) within 50 metres of a spring, well or borehole or within 10 metres of surface water or a land drain (other than a sealed impermeable pipe),
  - (c) located in any single position for more than 12 consecutive months,
  - (d) located in the same place as an earlier one constructed within the last two years, or
  - (e) on land having a slope of 12 degrees or more which is within 30 metres of surface water.
- 6.58 The application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. Paragraph 15 requires occupiers who spread organic manure to land to provide a risk assessment of the receiving land.
- 6.59 The applicant has confirmed that the intention is to utilise manure either upon the holding at Claston Farm or elsewhere on one of the other three holdings that is owned or farmed under tenancy, with storage being in accordance with the provisions listed above. Any surplus that cannot be spread would be sold on as a fertiliser resource for use by others or potentially as fuel.
- 6.60 In your officer's opinion, provided that the NVZ guidance is being complied with, there is no need, other than in relation to the assessment of vehicle movements, for the planning process

to consider the re-use of spent litter (manure) on the basis it is covered by other regulatory regimes. It should be noted that the assessment of vehicle movements anticipates that all manure would be removed from site and is thus a robust assessment.

### **Dirty Water**

- 6.61 All dirty water is generated solely during the clean down process. To ensure no pollution risks are posed this effluent must be handled appropriately.
- 6.62 The washing out process is undertaken at the end of every 35 day growing cycle. The inside of the units will be drained to the existing sealed tanks which collect the dirty washout water from the existing units. The effluent containment system must conform to the requirements of Schedule 2 of the 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010'. This tank will be periodically emptied by vacuum tanker for disposal off site.

### **The loss of best and most versatile agricultural land**

- 6.63 It is recognised that the proposed poultry units would be located on land shown as Grade 1 or 2 on the Land Classification Map. It is recognised that Central government policy seeks to protect the best agricultural land in that paragraph 112 of the National Planning Policy Framework (NPPF) states:-

*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality”*

- 6.64 In this case, whilst some 1.15 hectares of agricultural land would be built upon it would remain in food production (i.e. chickens). The level of food production would undoubtedly increase significantly against the usual arable rotation. 880,000 chickens per annum.
- 6.65 Regard should also be had in the overall balance to the economic and social benefits outlined in a later section of this report.
- 6.66 I therefore conclude that I do not consider that a refusal on the basis of a loss of the best and most versatile agricultural land is justified in this case and note also that the purpose to which the land would be put would continue to meet the definition of agriculture as per S336 of the Town and Country Planning Act 1990:

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

### **Heritage**

- 6.67 I am content that by dint of separation distance, the scheme would not cause harm to the setting of designated or non-designated heritage assets locally. There is thus no harm to significance and the proposal accords with CS Policy LD4 and NPPF guidance.



## **Economic & Social Benefits**

- 6.68 Chicken is a consumer staple and is brought more than any other meat in the UK. The poultry meat industry makes a significant contribution to GDP with exports also. The proposal would offer the benefit of increasing agricultural capacity and food capacity. Moreover, agriculture has a major role in the economy of Herefordshire and plays an important part in the health and vibrancy of local communities. The proposal would clearly involve capital investment, some of which may support local contractors and suppliers. Whilst the proposal would only result in the employment of one full time manager, the scheme would have a wider impact both in contributing to a successful part of the UK economy and in supporting other local businesses.
- 6.69 In this respect the proposed development would be in accordance with Policy RA6 of the Herefordshire Local Plan Core strategy, which indicates that a range of economic activities will be supported, including proposals which support and strengthen local food and drink production and support the retention of existing agricultural businesses. The proposal would clearly contribute to the economic and social objectives of the National Planning Policy Framework (NPPF).

## **7. Planning Balance**

- 7.1 In conclusion, it is considered that the proposed siting and landscaping would combine to satisfactorily mitigate adverse impacts on the character of the countryside and visual amenity. It should be noted that the landscape hereabouts has no specific landscape designation.
- 7.2 Impacts on air quality have also been assessed and it is concluded that the likelihood of significant impacts arising from odour or particulate matter can be described as low, very low or negligible; likewise noise.
- 7.3 The Traffic Manager is content that the highway network can accommodate the additional traffic generated and that visibility from the existing junction on the A438 is satisfactory for the surveyed speeds.
- 7.4 The site is generally within flood zone 1 and level for level compensation for the incursion into flood zone 3 will be provided to the north-west of the application site on land within the applicant's control. Neither the Environment Agency or Land Drainage Officer have objection to the scheme.
- 7.5 In the absence of identified and evidential harm and with regard to the economic and social benefits arising, the proposal is considered to be representative of sustainable development and in accordance with the provisions of the adopted development plan when taken as a whole. The application is recommended for approval accordingly.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:**

### **Soft landscaping**

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed;
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

### **Hard landscaping**

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas, to include measures to waymark the public footpath DR1
- d) Hard surfacing materials

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. The soft landscaping scheme approved under condition 3 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 10 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted

**Reason:** In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy.

5. There shall be no more than eight cropping cycles in any one calendar year and no more than 220,000 birds in total shall be housed at any one time within the poultry units hereby approved and those existing poultry units approved via application 133305 (dated 3<sup>rd</sup> March 2014).

**Reason:** So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the Development Plan and any other material planning considerations.

6. No development shall commence on site until a habitat enhancement scheme which contains proposals to enhance the habitat on site for wildlife and biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

**Reason:** The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any demolition and/or

groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy.

7. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy.

8. Prior to commencement of the development hereby permitted a Construction and Environmental Management Plan (CEMP) shall be submitted to the Local Planning authority for their written approval.

The CEMP shall include detailed methodologies to cover the possible presence of bats, nesting birds, Great Crested Newts and other wildlife as relevant at the time of the construction as well as habitat protection. Consideration should be given on how to minimise and mitigate during the complete construction process: noise and vibration, air quality (including dust management), sustainable waste management, traffic management and flows, water management (surface and groundwater), management and protection of ecological resources including all wildlife and features such as trees and hedgerows, management of any contaminated land and managing spills and accidental discharges during operations. The CEMP should detail the appointed site manager who will oversee implementation and briefing of all contractors, monitor and record all aspects of the CEMP, take all relevant action and liaison as may be needed.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved detail and thereafter maintained as such.

Reason: To safeguard the River Frome from any disturbance, disruption or accidental pollution during the construction phase, to safeguard existing habitats and protected species and to safeguard the wider environment in accordance with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

9. Finished floor levels shall be set no lower than 53.00mAOD in line with the FRA produced by Hydro-Logic Services (Ref: K0739/1 Rev 3 dated September 2017) which is 600mm above the estimated 1% plus climate change flood level unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed development from flood risk for the lifetime of the development so as to comply with Policy SD3 of the Herefordshire Local Plan - Core Strategy 2011-2031.

10. Prior to the first use of the poultry units hereby permitted, the flood storage compensation shall be implemented in full in accordance with a scheme that shall first be submitted to and agreed in writing by the local planning authority.

Reason: To minimise flood risk so as to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy 2011-2031.

11. Notwithstanding the approved plans, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the development is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- A detailed dirty water drainage strategy showing how dirty water from the development will be disposed of;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Details of any proposed outfall structures;
- Details of how surface water runoff from surrounding land will be conveyed around the development without increasing flood risk to people or property.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason: To ensure satisfactory drainage arrangements in accordance with policies SS6, SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

12. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy.

#### **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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN05 Works within the highway
4. N19 Avoidance of doubt - Approved Plans

5. **Ordinary Watercourse Consent will be required from Herefordshire Council for the proposed watercourse culverting works; an intermediate manhole will be required.**

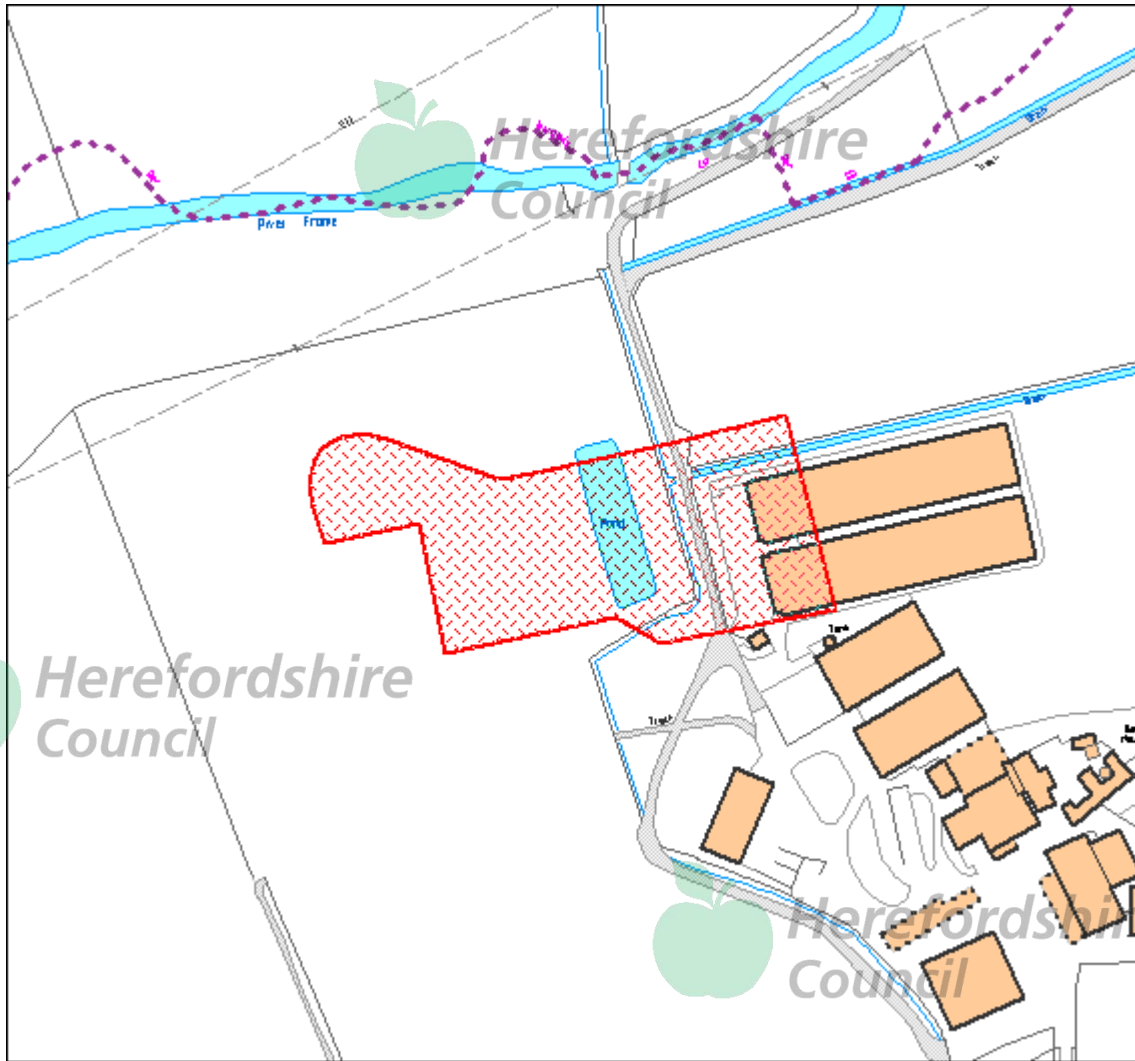
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 164103

**SITE ADDRESS :** CLASTON FARM, DORMINGTON, HEREFORD, HR1 4EA

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