

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>5 AUGUST 2015</b>
<b>TITLE OF REPORT:</b>	<p><b>143769 - PROPOSED CONSTRUCTION OF SIX POULTRY HOUSES AND FEED BINS, ANCILLARY WORKS, ERECTION OF BIOMASS BOILER BUILDING AND SINGLE STOREY ANCILLARY BUILDING, AMENDMENTS TO EXISTING VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING. AT UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HR4 8AH</b></p> <p><b>For: Mr and Mrs S Perkins per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143769&amp;search=143769">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143769&amp;search=143769</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 18 December 2014      Wards: Queenswood      Grid Ref: 349645,245809  
and Sutton Walls**

**Expiry Date: 24 March 2015**

Local Members: Councillors PE Crockett and K S Guthrie.

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

- 1.1 Upper House Farm lies on the west side of the A49(T) Hereford to Leominster Trunk Road between the junction for the village of Moreton-on-Lugg to the south and Moreton Industrial Estate to the north. Access is via the A49(T). This is an Environmental Impact Assessment development, accompanied by an Environmental Statement (ES) which has been duly advertised on three occasions as required when amendments or additional information is submitted.
- 1.2 Upper House Farm currently operates six poultry units, with 271,000 broilers, this application is for a further six buildings, housing a further 271,000. Under current stocking densities this would result in 542,000 birds on site. The site already has an Environmental Permit allowing up to 612,000 broilers in total. There is also a 0.996Mw biomass boiler on the farm.
- 1.3 The proposal includes the erection of six poultry buildings, of 107m x 22m, 5.8m to ridge, with eaves at 3m. These buildings include seventeen ridge fans and twentyfour roof mounted inlet vents. The fans add a further 0.6m to the height (6.4m). These buildings are located in the field approximately 220m west of the rear of the existing buildings. 4 feed bins are associated with each building amounting to 24 in total. The height of the feed bins is approximately 6.8m.
- 1.4 A biomass boiler building is also proposed at the north end of the proposed broiler units, and measures 24.83m x 12.3m, with a ridge height of 7.2m and eaves of 5.6m. The output of the unit being 0.996Mw. A smaller L-shaped service building is proposed along with a generator

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

adjacent to the entrance into the field from the farm track. A 90m<sup>3</sup> water tank is also proposed. A hard standing around the buildings is also proposed. Lighting is proposed to be the minimum required to provide a safe working environment.

- 1.5 The existing farm manager's dwelling is situated 50m to the west of the existing poultry buildings, and 200m east of the site.
- 1.6 It is proposed to run the standard 36-38/7 day growing/cleaning production cycle on a different phase to the existing units to avoid peak activities and emissions coinciding.
- 1.7 The nearest property at Moreton -on-Lugg lies approximately 690m to the east, properties on Moreton Road at 620m to south east, Cuckoo Corner and the camp site 580m, and the nearest at Portway 615m to the west.
- 1.8 The site is already above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Upper House Farm currently operates under an EP for its poultry operations. The applicant has been issued with an EP variation (Ref: EPR/TP3536MZ/V004) to allow up to 612,000 birds on the site.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 7	-	Requiring Good Design
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

### 2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S7	-	Natural and Historic Environment
S9	-	Minerals
S10	-	Waste
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR9	-	Air Quality
DR13	-	Noise
DR14	-	Lighting
E13	-	Agricultural and Forestry Development
E16	-	Intensive Livestock Units
T8	-	Road Hierarchy
T11	-	Parking Provision
NC1	-	Biodiversity and Development

NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
LA2	-	Landscape Character and Areas Least Resilient to Change
LA4	-	Protection of historic parks and gardens
LA5	-	Protection of Trees Woodlands and Hedgerows
LA6	-	Landscaping Schemes
CF2	-	Foul Drainage
HBA4	-	Setting of listed buildings
ARCH1	-	Archaeological assessments and field evaluations
M5	-	Safeguarding mineral reserves.

### 2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Addressing Climate Change
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Local Distinctiveness
LD3	-	Biodiversity and Geo-diversity
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

### 2.4 Other Material Considerations

Landscape Character Assessment

### 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

3.1 1032345- the current poultry units on the farm to the east the site were approved 24/11/10, (replacement of earlier buildings).

3.1.1 112954 - Poultry manager dwelling to east of site approved 14/1/2011.

3.1.2 08/1832- Green waste composting facility in same field immediately north of site approved 13/3/09, not implemented.

## 4. Consultation Summary

### Statutory Consultees

#### 4.1 Natural England –

4.1.1 The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as River Lugg Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

4.1.2 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### 4.2 SAC- No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

4.2.1 Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view

#### 4.3 SSSI- No objection

This application is in close proximity to the River Lugg Site of Special Scientific Interest (SSSI). Please see section above. Our concerns regarding the River Wye SSSI are the same as those for the River Wye SAC.

#### 4.4 Environment Agency –

4.4.1 Environmental Permitting Regulations: The proposed development comprises 270,000 birds, taking the total birds on site to approximately 540,000. This 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. Upper House Farm currently operates under an EP for its poultry operations.

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

4.4.3 For your information the applicant has been issued with an EP variation (Ref: EPR/TP3536MZ/V004) to allow up to 612,000 birds on the site. A copy of the Permit has been submitted with this planning application for completeness.

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

4.4.5 Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment

(FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect on surface water run-off.

- 4.4.6 The submitted ES confirms that a number of attenuation measures are to be put in place to ensure no increase run off post development.
- 4.4.7 Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice - 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.
- 4.4.8 Manure Management (storage/spreading): Under the EPR the applicant is required to operate 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. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site.
- 4.4.9 The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.
- 4.4.10 Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
- 4.4.11 The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.
- 4.4.12 In addition Emma Musgrove has responded following complaints to the Agency about a number of matters connected with the existing poultry site. Her response and log of incidents is attached as appendix 1 to this report.

#### 4.5 Highways England –

- 4.5.1 The Highways Agency has reviewed the documents submitted in support of the application and has concluded that the anticipated level of traffic generation and movements as a result of the proposal will have a negligible impact on the operation A49. The existing access is also considered suitable for the proposed development.
- 4.5.2 Accordingly, our response is one of no objection. Please find enclosed a TR110 form.

#### Internal Consultees

#### 4.6 Environmental Protection Service Manager (Environmental Health) –

- 4.6.1 I have had opportunity to consider the application and supporting documentation in some detail and would make the following observations.

4.6.2 The most likely problems for neighbours from the 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 is also often a problem associated with the storage, disposal and associated manure spreading activities.
2. Noise, from ventilation systems, deliveries and harvesting.
3. Dust, from ventilation systems.
4. Insect and rodent infestations.

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

1. A Dispersion Modelling Study of the impact of Odour from the proposed and cumulative effects with the existing poultry units prepared by Steve Smith , dated 22/7/14 has been submitted in support of the application . This report concludes that the modelling indicates that odour concentrations that could be attributed to the poultry houses would be below the Environment Agency's benchmark for moderately offensive odours. The report also gives consideration to peak odour levels such as experienced during the de littering of houses . Whilst there are no recognised standards the results appear to indicate that odour levels should not be excessive at properties not associated with the farming enterprise.
2. A noise impact assessment of predicted noise levels, report dated the 7/8/15, has been undertaken and submitted with the application. The report concludes that the fan noise and transport noise and other activities associated with poultry rearing will not result in an adverse noise impact on the nearest dwellings. I am aware of a typographical error in table 27 of the report that overstates the predicted increase in traffic noise. I am however in agreement with the report's conclusions.
3. A risk assessment has been undertaken to assess the likely detrimental effects of dust which concludes that no significant impacts are likely. Government research on dust from poultry houses would support this conclusion.
4. Good husbandry and appropriate control measure will ensure that problems with pests do not occur, however should there be any future problems the Local Authority has adequate powers available as provided by the Environmental Protection Act 1990 and The Prevention of Damage by Pests Act 1949 to require that the appropriate controls are implemented.

4.6.4. This proposal will fall within the scope of the environmental permitting legislation, which considers all forms of pollution to air, land and water, including odour and noise and it will require a permit from the Environment Agency, The legislation covering the permitting regime allows for a refusal to grant a permit, should the applicant not be able to demonstrate that the process can operate without causing undue harm. Also once a permit has been granted it is an offence not to comply with it's requirements which can be varied if necessary or the permit may be suspended and/or withdrawn.

4.6.5 Finally if the members are minded to grant permission I would suggest that conditions are included as regards, prior approval of any external lighting, the covering/sheeting of trailers used to remove manures from the site and prior approval of locations used for the storage of wastes and manures. The noise assessment suggests that time restrictions would be appropriate for construction works. I would therefore suggest that such a restriction should prohibit such works before 08.00 and after 18.00 on Monday to Friday before,08.00 and after 13.00 on Saturday with no Sunday or Bank Holiday working.

#### 4.7 **Drainage Consultant –**

4.7.1 Parsons Brinckerhoff provided comment to Herefordshire Council in regard to flood risk and land drainage aspects for this proposed development in March 2015 and the following recommendations were made:

"We have no objections to this development in principle, although we would advise the Council to request the following information prior to granting planning permission:

- Further consideration of local sources of flood risks, in particular those associated with the minor watercourses in close proximity of the site and overland flow through the site, and proposed mitigation measures.
- Further demonstration that discharge to the existing watercourse to the north of the site will not pose any increased risk 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.
- Further consideration of pollution risks associated with the mapped overland flow route through the site and the management of exceedance flows associated with larger storm events and/or blockage of the drainage system."

4.7.2 The Applicant has since provided an updated Flood Risk Assessment (dated June 2015) to address the points raised above.

#### **Overview of the Proposal**

4.7.3 The Applicant proposes to build six new poultry units to expand an existing poultry site. The submitted FRA states that the site area measures approximately 5.55ha and that the proposed development area (i.e. impermeable surfaces) measures 1.89ha. The site currently comprises greenfield land.

#### **Fluvial Flood Risk**

4.7.4 Two drainage ditches have been identified adjacent to the western and eastern sites boundaries and the need to consider potential flood risks associated with these features was requested as part of our previous response. This assessment is demonstrated within the updated Flood Risk Assessment. The assessment concludes that the drainage ditches have sufficient capacity to cater for the 1 in 100 year event and that the maximum depth of flood water predicted during the most extreme events would be less than 300mm with an associated hazard rating of 1ow'. The assessment also concludes that any emergence from these ditches would flow north and not through the proposed development site. The Flood Risk Assessment states that the risk of fluvial flooding will be further managed and mitigated by using a number of risk management measures. We could not see a description of these proposed measures within the Flood Risk Assessment, but recommend that the finished floor level of the proposed poultry units is raised 300mm above adjacent ground level to reduce the risk of inundation from all identified sources of flood risk. We concur with this assessment and do not foresee fluvial flood risks from these watercourses to pose notable risk to the proposed development.

### **Other Sources of Flood Risk**

- 4.7.5 Our review of the EA's Risk of Flooding from Surface Water map indicated that an overland flow route may pass through the proposed site and pose flood risk to the development. The updated Flood Risk Assessment provides an assessment of this risk and predicts a maximum flood depth of 300mm and an associated hazard rating of low'. The Flood Risk Assessment states that the risk of surface water flooding will be further mitigated by using a number of risk management measures. We could not see a description of these proposed measures within the Flood Risk Assessment, but recommend that the finished floor level of the proposed poultry units is raised 300mm above adjacent ground level to reduce the risk of inundation from all identified sources of flood risk. We do not foresee any significant flood risks to this development from surface water sources.
- 4.7.6 The updated Flood Risk Assessment provides an assessment of risk associated with groundwater emergence. It concludes that groundwater is generally located at a significant depth below the ground's surface, but that property level protection measures will be implemented in the unlikely event of emergence. As above, we could see a description of these proposed measures, but recommend that the finished floor level of the proposed poultry units is raised 300mm above adjacent ground level to reduce the risk of inundation. We do not foresee any significant flood risks to this development from groundwater sources.
- 4.7.7 The updated Flood Risk Assessment provides an assessment of risk from sewerage and other sources of flooding and concludes that the risks are insignificant. We concur with this assessment.

### **Surface Water Drainage**

- 4.7.8 The updated Flood Risk Assessment provides a summary of the proposed surface water management strategy. The use of infiltration features is not considered to provide a viable means of surface water drainage and therefore it is proposed to discharge surface water runoff to the drainage ditch adjacent to the eastern site boundary that in turn will convey water to the River Lugg.
- 4.7.9 The Flood Risk Assessment concludes that the ground's permeability will be too low to support the use of infiltration techniques. Whilst we agree that infiltration may not be suitable to manage all runoff from this development, we would still promote the use of combined attenuation and infiltration features that maximise infiltration as much as possible - subject to confirmation of groundwater levels as the base of any unlined structure should be a minimum of 1 m above the highest recorded groundwater level.
- 4.7.10 The Flood Risk Assessment states that surface water will be collected in a series of french drains prior to discharge to an attenuation area to the east of the site boundary. The Flood Risk Assessment states that it is intended to increase the size of the existing drainage ditch to the east of the site to accommodate the required attenuation storage volume. Our review of the topographic survey, however, indicates that the proposed attenuation area may be located immediately to the north of the existing drainage ditch rather than along the alignment of the existing ditch. This will need to be clarified by the Applicant prior to construction and the attenuation pond sized accordingly. If the ditch does indeed flow along the alignment of the proposed attenuation area, the Applicant must demonstrate that the catchment draining to this ditch has been taken into account in the sizing of the attenuation area. The provision of an off-line solution may be more appropriate if this is the case.
- 4.7.11 The Flood Risk Assessment states that it is proposed to limit the discharge from the attenuation area to the calculated QBAR value of 10.96 l/s. Whilst this is acceptable in principal, we note that this is the discharge rate from the whole of the site area (comprising 5.5ha) and not from the area that will be drained to the attenuation pond. Review of the site



plan and topographic survey indicates that the remainder of the site (some 3.6ha) which will remain as greenfield land will continue to drain as per the current situation and may not therefore drain into the proposed attenuation pond. This will need to be clarified by the Applicant and the size of the attenuation area sized accordingly.

4.7.12 The Applicant intends to provide sufficient storage within the proposed attenuation area to cater for the 1 in 100 year plus climate change event and we concur with this approach. It is also recognised that the proposed French drains and attenuation area will provide treatment of runoff via settlement and filtration and this approach is supported.

4.7.13 During extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage, the Applicant states that landscaped areas will include preferential flow paths that convey water away from buildings. The Applicant also states that surface water runoff will be directed to the drainage system through drainage gullies located around the perimeter of the buildings and through contouring of the hardstanding areas. We agree with this approach in principle and recommend that further details of this approach are provided prior to construction. Of particular interest will be the management of flows that overwhelm the capacity of the proposed drainage system - noting that whilst the attenuation area is sized to cater for the 1 in 100 year plus climate change event, the systems that convey surface water runoff to this area are typically designed for smaller events. The Applicant must demonstrate that surface water will be retained within the development until such a time that it can be conveyed to the attenuation pond, up to and including the 1 in 100 year event.

#### **Dirty Water**

4.7.14 The Flood Risk Assessment confirms that dirty water from the washdown of the poultry units will be discharged to a sealed system and will not therefore pose risk to the surrounding water environment. We support this approach.

#### **Overall Comment**

4.7.15 We have no objections to this development in principle and agree with the principles of the proposed flood risk and surface water management strategy. We do, however, recommend that the following information is requested prior to construction as part of suitably worded planning conditions:

- A detailed surface water drainage strategy, with supporting calculations, that demonstrates maximising the use of SUDS techniques, the provision of a dirty water drainage system, and the appropriate attenuation of surface water runoff to ensure no increased flood risk to people and property elsewhere up to and including the 1 in 100 year event. This must include the clarification of areas that drain to the proposed attenuation area and the provision of an appropriate discharge rate to the existing drainage ditch.
- Details of the proposed attenuation area, including cross sections and details of the proposed inlet and outfall structures.
- Confirmation of the depth to groundwater table to demonstrate that the base of any attenuation (or combined infiltration) feature is a minimum of 1m above groundwater level.
- Confirmation of the proposed flood management and mitigation measures, noting that we recommend finished floor levels of the poultry units are raised 300mm above adjacent ground levels.

4.7.16 Details of the proposed measures (preferably with drawings) to demonstrate designing for events that may exceed the capacity of the proposed surface water drainage system, up to and including the 1 in 100 year event.

#### 4.8 Conservation Manager (Landscape)

- The proposal forms part of a larger arable field set on low lying land at 65m AOD, within the Landscape Character Type Wet Pasture Meadows there are no landscape designations within the site or its surroundings. Chapter 14 of the ES states that all trees surrounding the site are proposed for retention. With regard to landscape impact it is therefore concluded that the proposal would be unlikely to cause significant harm to the components within this Landscape Character Type.
- With regard to visual impact it is considered that views looking westwards from the A49 and the settlement of Moreton on Lugg are unlikely to be extensive as the land is low lying, views will therefore be interrupted by intervening vegetation and built form.
- Middle distance views such as those indicated in viewpoints C to E where the landform begins to rise will provide views of the proposal. Whilst it is recognised that these views are confined to short sections of pathway or gaps in hedgerow it should be noted that viewpoints were taken at the height of summer and views of the proposal in winter will be more extensive.
- Long distance views from elevated topography to the west such as those indicated in viewpoints F and G are considered likely. The proposal will be viewed in conjunction with the 6 existing units located approximately 400m east of the site, separated in part by a Perry orchard. The cumulative impact of this proposal is therefore a real consideration which I am not convinced has been well addressed within either Chapter 7 or 14 of the Environmental Statement. That said following on from a site visit I am of the opinion that with appropriate mitigation the cumulative impact will not be of a degree that could yet be considered significant although any further development of this nature within the locality would be likely to fall within this bracket.

#### Recommendations

4.8.1 On the basis of the aforementioned comments it is recommended that a robust landscape mitigation strategy be supplied, incorporating the following measures:

- The proposed tree belt whilst not consistent with the Landscape Character Type Wet Pasture Meadows, given the sites proximity to Principal Settled Farmlands can be considered acceptable and where possible should be linked to existing blocks of woodland.
- It is further recommended that in lieu of the inter planting of Silver Birch a species with a fuller crown and more consistent with the landscape character type would be *Acer campestre* – Field Maple
- Where gapping up of hedgerows are proposed this should be shown on a plan
- A management plan should be supplied and should include proposed heights of hedgerows.

4.8.2 It is recommended that a condition be applied with regard to the protection of existing vegetation (G04) and that a landscaping plan (G10) accompanied by a management plan (G14) should be supplied.

4.8.3 In response to the additional information requested she advises- These landscaping and maintenance plans for Upper House Farm are acceptable.

#### 4.9 Conservation Manager (Historic Buildings)

4.9.1 There are a number of listed buildings in the surrounding area, although none within the site or immediately adjacent to the boundary of the site. The Environmental Statement provides an inventory of the historic assets within 1km of the site and the likely impact upon these assets due to the proposal. This is set out in Chapter 8 and in more detail within Appendix 7 Heritage Impact Assessment.

4.9.2 The decision taken in the Heritage Impact Assessment to identify a 1km radius for the study area results in two listed buildings within Moreton on Lugg being left out of the assessment. It is not clear why a 1km cut off was identified. The two buildings left out of the study area are the Church of St Andrew (grade II) and the adjacent barn (grade II). The church in particular is a significant landmark within the landscape and its setting extends beyond the churchyard boundary. The two listed buildings are approximately 1150 metres from the centre of the site and 1015 metres from the closest boundary. The range of hills to the south and south west of Upper House Farm offer clear views of the existing poultry units and the Church of St Andrew can be seen from some view points in the same context as the existing poultry units. There will be a cumulative impact from the additional 6 poultry units and associated buildings, with the potential for the complex to become more prominent in the landscape. The Heritage Impact Assessment therefore needs to consider the impact of the proposal on the two listed buildings within Moreton on Lugg, particularly considering the visual relationship between the church and Upper House Farm in long-distance views and the impact on the wider setting of the church.

#### 4.10 Conservation Manager (Archaeology)

4.10.1 The application, in the submitted ES and elsewhere, considers the issue of archaeology at length. Whilst it is not necessary to fully reprise all the documentation here (including also comments made through consultation process), there are a number of pertinent matters that do require consideration.

- Firstly it is clear that there are various buried archaeological remains in comparatively close proximity to the proposed poultry house site. These confined remains (including but not limited to a particular Romano- British enclosure to the north) have been assessed and evaluated in some detail, both as part of this current application and also in relation to a number of previous agricultural and minerals & waste proposals in the locality. The archaeology here is well understood.
- Secondly, it is evident from the submitted plans and sections that the principal ground disturbing component of the poultry house construction is in the southern part of the site, where the 'cut' of the formation platform is at its most pronounced. This part of the site has been subject to intensive archaeological evaluation with negative result. The northern part of the site becomes progressively less invasive, with the northernmost margins being subject to generally only very shallow ground disturbance.
- Thirdly, although these northern margins are on the face of it sensitive, the archaeological interest would appear to be just to the north of the new built form rather than within it.
- Therefore, given all the above, it seems to me that the design and configuration of this poultry House development will accommodate the preservation in situ of the important remains nearby, any other harm being very limited.
- Accordingly, and on that basis, I have no objections to what is proposed.

#### 4.11 Conservation Manager (Ecology)

4.11.1 I have read the Ecological Statement within the Environmental Report with the Ecological survey element in Appendix 10 and I am content that the ecology has been adequately assessed. There are mitigation and enhancement proposals within this which I would advise should be secured by condition should the application be given approval. To achieve this, the following condition needs to be added to any decision notice.

4.11.2 The recommendations set out in the Environmental report including Section 11.7 Ecological Statement and Appendix 10 Ecologist's Report from Star Ecology dated June 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

With regard to Habitats Regulations Assessment a full HRA report with a finding so No Likely Significant Effect has been submitted to Natural England

4.12 Transportation Manager

4.12.1 No objections to the internal layout. The access layout and capacity of the access are matters for the Highways England.

**5. Representations**

5.1 Moreton on Lugg PC -

5.1.1 At a recent Extra Ordinary Meeting the Chairman of Moreton on Lugg Parish Council, Cllr Kim Cooper, opened the meeting and gave a brief explanation with regards to the Planning Application received for a further 6 New Poultry Houses plus ancillary works for Upper House Farm, Moreton-On-Lugg, Hereford - Application No P143769F and the effect that this would have on the environment of the Village of Moreton-on-Lugg. The Chairman also outlined the history of previous applications for the site.

5.1.2 Residents were asked to voice their comments on the planning application. The objections were primarily based on:

1. The noise from deliveries for re-filling the feed bins which currently have no restrictions on time, even at night. The biomass boiler would consume 1500 tonnes of fuel per year all of which all has to be delivered and then cut down to size prior to use. The erection of 6 extra houses would in theory triple the existing noise level.
2. The smell which is all pervading when the sheds are being cleaned out. Residents in Moreton and Pipe cum Lyde are particularly affected by this nauseous smell and cannot avoid it. If the development of six more houses is granted, it can only be assumed that the houses will be cleaned out on a rotation basis so the nauseous smell could become a constant hazard due to the extended cleaning programme
3. The increased traffic on the A49 which would involve large slow moving vehicles turning into the farm. Already there have been 3 fatalities since 2009, sadly two of these in the last two months and all within 500 yards of the entrance to Upper House Farm. The A49 has already been closed twice this month due to incidents one on the 8th January and the second on the day of the meeting - both within eyesight of the farm entrance.

- 5.1.3 All Councillors and Parishioners present were of the same opinion that the noise, smell and traffic problems could obviously more than double if this planning application was granted. It was acknowledged that even though many had complained about the existing smell and noise in the past to the Hereford Council, these complaints had not passed onto the appropriate departments those being the Environmental Agency and The Planning Department. One resident had also written to a Member of Parliament and as yet had had no satisfactory reply. Based on the above, it was felt that if this planning application is granted there would be no recourse to any of the agencies so it is imperative that objections are put forward personally by as many Parishioners as possible to show the strength of feeling in this village against this Planning Application.
- 5.1.4 It was made obvious by the turn out of over 40 residents that the extension to this poultry farm would cause serious smell, noise and traffic problems and, for those who live in properties in close proximity to the farm, there would be a distinct increase in disadvantage regarding property value and future saleability.
- 5.1.5 Those present also felt that an urgent inspection should be carried out at Upper House Poultry Farm before any further planning applications are even considered and that previous planning stipulations laid down by the Planning and The Environmental Agency are seen to be adhered to. One of these stipulations, which has been totally ignored to date, is the planting of appropriate trees to camouflage the existing buildings - a proposal which is again part of this current planning application.
- 5.1.6 The Parish Council uphold all observations, objections and complaints and therefore wish to illustrate by means of this letter their strong objection to the current planning application for six additional poultry houses to be erected at Upper House Farm, Moreton on Lugg.
- 5.2 Burghill PC- objects to the application for the following reasons:
1. proposal will extend an industrial footprint in the countryside, is more appropriate to an industrial site.
  2. Visual impact will be seriously harmful to the character and appearance of the countryside.
  3. Odour is already an issue at certain times in Portway, increasing the density will exacerbate this existing issue.
- 5.3 Pipe and Lyde PC- has by majority decision resolved to object to the application for the following reasons:
1. proposal will extend an industrial footprint in the countryside, is more appropriate to an industrial site.
  2. Visual impact will be seriously harmful to the character and appearance of the countryside.
  3. Odour is already an issue, increasing the density will exacerbate this existing issue.
- 5.4 30 letters of objection have been received from residents of Moreton –on-Lugg and 1 from Portway and 1 from Moreton Road.
- 5.4.1 The objections can be summarised as follows.
1. Increase in noise over and above existing problems, through feed hopper, fans and chipping wood for biomass boiler.
  2. Smell, by operating on a different stocking cycle the existing problems at cleaning times will occur twice as often. Windows and doors have to be kept closed and it is not possible to use the garden at times.
  3. The EA already fail to manage the existing site effectively.
  4. Impact on the nearby cuckoo corner camp site and tourism generally.

5. The A49 is already dangerous, more slow moving lorries turning on and out of the site will exacerbate the situation.
6. Landscape impact.
7. Existing buildings not landscaped.
8. Chicken sheds are associated with numerous diseases.
9. Not conducive to bird welfare at this scale.
10. Contamination of ground water.
11. Computer modelling and metrics do not compare to the reality in the village.
12. The site is of archaeological importance.

#### 5.5 The Wye and Usk Foundation:

5.5.1 The Wye and Usk Foundation is an environmental charity No. 1080319 with a concern for the catchments of Wye and Usk SAC Rivers. A specific concern is over the increasing levels of Phosphate in the river Wye and tributaries and their effects on the environment and consequential problems for Herefordshire's core strategy.

5.5.2 This proposal is in the Moreton Brook catchment which currently fails the Water Framework Directive target for Phosphate. Although we have no objection to this site in principle as it appears dirty water will be collected and clean water attenuated, our objection is to the lack of consideration within the planning process to the additional Phosphate the site will contribute to the wider county which already faces crises. Herefordshire county faces a Phosphate problem, which primarily arises from sewage treatment works and agriculture, resulting in sections of the Wye SAC failing to meet the P limits set by the Habitats Directive. Allowing phosphate to enter a watercourse, whether attached to soil washed from fields or as dirty water/effluent, results in a cumulative effect downstream where levels are currently seen to cause algal blooms in the River Wye Special Area of Conservation. Even if all recommendations are adhered to, there will be a cumulative rise in the Wye's P levels and this will be enhanced further by additions upstream in largely unregulated Wales.

5.6 The application is accompanied by an Environmental Statement, which as well as the main statement includes 15 appendices, which include the main technical issues as well as other related matters. A Design and Access Statement is also included.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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 The application seeks permission for a further six buildings to house 271,000 broilers together with associated infrastructure and a biomass boiler.

6.2 This application is subject of an Environmental Statement,(ES), accompanied by a design and access statement. The ES has been considered together with accompanying application and supporting information and all other representations/consultation responses.

6.3 Regard must be had to the adopted development plan for the purposes of determination which must be made in accordance with the plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004). Saved policies remain in force and carry weight, where they accord with the NPPF.

6.4 The NPPF is a key material consideration at this time. It is to be regarded in its entirety, and sets out a presumption in favour of sustainable development and details three strands of sustainability (economic, social and environmental).

6.5 The key issues relate to

- Alternative sites
- Economic, Business and Tourism
- Landscape and heritage assets
- Residential amenity
- Transport/ Highway safety
- Drainage/Flooding
- Ecological issues

#### Alternative Sites

6.6 There is little scope for an alternative location since the applicant does not own land further north or west of the site. Moving the location further south or east would move the buildings closer to residential properties.

#### Economic, Business and Tourism Issues

6.7 Whilst intensive poultry development is often controversial, the economic benefits of such development have to be considered. In this instance the broiler production is in relation to the 'Cargill' chicken processing plant based in Hereford, where major expansion is necessary to remain competitive in the industry.

6.8 The importance of tourism generally to the County is acknowledged. In terms of the vicinity of the site, there is a small caravan/camping venue at Cuckoo Corner approximately 580m to the south east of the site. The existing poultry buildings are considerably closer than this at 350m. Given the distance involved, the control available via the EP and additional landscape mitigation, on balance, the proposal is not considered to be so harmful to business that a refusal of planning permission would be warranted on these grounds.

6.9 Consequently the proposed development is considered acceptable on this subject in respect to key policy E13 as well as other relevant HUDP policies and that of the NPPF, particularly Section 3 - Supporting a prosperous rural economy.

#### Landscape and Historic Heritage

6.10 This is a major development in open countryside and a Landscape and Visual Impact Assessment has been submitted. The original concerns of the Conservation Manager (landscape) have been addressed through appropriate mitigation which can be secured through the imposition of conditions. It is considered that concerns about impact on the character of the landscape have been addressed sufficiently to satisfy key policies LA2, LA5 and LA6 and the aims set out in Section 11, Conserving and enhancing the natural environment in the NPPF.

6.11 The Conservation Manager (Historic Buildings) identified that the assessment of heritage in the ES was limited to a 1km radius of the site. She refers to two buildings left out of the study area, the Church of St Andrew (grade II) and the adjacent barn (grade II). The church in particular is a significant landmark within the landscape and its setting extends beyond the churchyard boundary. The two listed buildings are approximately 1150 metres from the centre of the site and 1015 metres from the closest boundary.

- 6.12 Whilst the assessment has not included the named buildings, given their setting within the village of Moreton-on-Lugg, with a modern residential housing estate lying between them and the application site it is not considered that the setting of these buildings, is so adversely affected that it would be reasonable to refuse planning permission on that ground. The previous poultry buildings closer to Moreton-on-Lugg were not an issue in this regard.

There is no objection on archaeological grounds.

- 6.13 Consequently the proposal is considered to meet the requirements of key policies HBA4, ARCH1 and LA4 of the HUDP and Section 12 Conserving and enhancing the historic environment of the NPPF.

#### Environmental Health / Residential Amenity Issues

- 6.14 The Environmental Health Manager raises no objections, referring to the requirement for the site to have an EP, issued by the Environment Agency. If the emissions could not be addressed in a satisfactory manner in accordance with the thresholds for the issuing of a site permit then the EA would not issue a permit and the site would be unable to lawfully operate. In terms of environmental health and residential amenity issues, subject to the suggested conditions, the application is considered acceptable and in accordance with policies of the HUDP, in particular key policies S1, DR2, DR4, DR9, DR13, DR14, E13 and E16 as well as the NPPF.

#### Public Highway Access and Transportation Issues

- 6.15 The use of the A40 (T) Trunk road in relation to this application and cumulative impact with other road users is considered acceptable. Neither Highways England nor the Transportation Manager raise objection.
- 6.16 The Environmental Statement (Transport Assessment) makes reference to trip generation for both the poultry element and biomass element and this issue is considered to be addressed satisfactorily. Therefore on public highway and transportation matters the application is considered acceptable and in accordance with policies S1, S6, DR3 T8 and other relevant HUDP policies as well as the NPPF.

#### Drainage and Flooding Issues

- 6.17 The existing stream which runs along the eastern boundary of the site is to become an attenuation feature for storm water runoff from the site. The Council's Drainage Consultant has no objection subject to conditions, including the raising of the floor level of the buildings to 300mm above adjoining ground level. The Environment Agency has not objected. Dirty water is collected in a holding tank and tankered off site for appropriate disposal.
- 6.18 Therefore on flooding and drainage matters the application is considered acceptable and in accordance with policies S1, DR4, DR7 and other relevant HUDP policies and the NPPF.

#### Ecology

- 6.19 Ecological issues are considered to be addressed satisfactorily and it is recommended that a condition is imposed in order to ensure that the recommendations as set out in the ecology report submitted in support of the application are adhered to.
- 6.20 Natural England has been consulted on the application raising no objection.



- 6.21 On ecological issues the application is considered satisfactory and in accordance with policies NC1, NC3, NC6, NC7 NC8 and other relevant HUDP policies and Section 11 of the NPPF.

#### Cumulative Impact

- 6.22 The Planning Practice Guidance on Environmental Impact Assessment sets out when cumulative effects should be assessed as follows:

‘ Each application (or request for a screening opinion) should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. There could also be circumstances where two or more applications for development should be considered together. For example, where the applications in question are not directly in competition with one another, so that both or all of them might be approved, and where the overall combined environmental impact of the proposals might be greater or have different effects than the sum of their separate parts.’

- 6.23 In this instance it is the potential cumulative effects of the proposal together with the existing poultry units. Although the Wye and Usk Foundation have raised concerns about levels of Phosphate in Herefordshire, there is no reason to think that this proposal will necessarily exacerbate that problem. Emissions are controlled through the EP and dirty water collected and tankered off site. Noise and odour assessments include the existing units.

- 6.24 In landscape terms the potential cumulative impact has been considered as part of the consideration by the Conservation Manager (landscape), similarly during consideration of the heritage assessment. Concerns have not been expressed in these terms. Similarly no objection is raised in terms of the increase in traffic in the A49 (T).

#### Conclusions

- 6.25 There have been a number of competing elements to consider, not least of which have been the economic and amenity issues, landscape and historic heritage issues. The preceding sections of this report set out these and other issues and how they have been addressed through the application submission and/or the imposition of conditions.
- 6.26 The application is large in scale. However, it is considered that the development can be integrated into the environment in a satisfactory manner. The site is considered to be a suitable location for such farming practices. Sufficient mitigation measures are introduced to minimise any visual intrusion and adequately mitigate harm.
- 6.27 The NPPF sets out three dimensions of sustainable development namely economic, social and environmental. The policies set out in paragraphs 18 to 219 in the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. Compliance with the NPPF taken as a whole therefore meets the sustainability test.
- 6.28 It is considered that the proposal satisfies the relevant Unitary Development Plan policies and NPPF policies, and can therefore be considered to be sustainable development, there being no significant adverse impact associated with the proposal it is, having full regard for the ES and other submitted representations recommended for approval subject to conditions.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials and limited to 271,000 bird places**
3. **B01 Development in accordance with the approved plans**
4. **I16 Restriction of hours during construction**
6. **All manure moved off site will be so in covered and sealed trailers.**

**Reason:** In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. **I53 Storage for manure**
8. **Before the development hereby approved is commenced a detailed surface water drainage strategy, with supporting calculations, that demonstrates maximising the use of SUDS techniques, the provision of a dirty water drainage system, and the appropriate attenuation of surface water runoff to ensure no increased flood risk to people and property elsewhere up to and including the 1 in 100 year event shall be submitted to and approved in writing by the local planning authority. This must also include the clarification of areas that drain to the proposed attenuation area and the provision of an appropriate discharge rate to the existing drainage ditch.**

**Development shall then be carried out in accordance with the approved details.**

**Reason:** To ensure compliance with policies DR4 and DR7 of the Herefordshire Unitary Development Plan.

9. **No development will take place until the developer has provided detailed construction drawings of the proposed attenuation structure to be submitted to and approved in writing by the Local Planning Authority. The details submitted must include information pertaining to the depth, levels and dimensions of the structure and confirmation of the depth to groundwater table to demonstrate that the base of the attenuation feature is a minimum of 1m above groundwater level.**

**Reason:** To ensure that the development has sufficient capacity to attenuate surface water runoff up to and including the 1% annual probability event (including climate change allowance) to ensure no increased flood risk to people or property elsewhere and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

10. **I52 Finished floor levels (area at risk from flooding) above adjoining ground level**
11. **Before the development hereby permitted is commenced details of the proposed measures ( with drawings) to demonstrate designing for events that may exceed the capacity of the proposed surface water drainage system, up to and including the 1 in 100 year event shall have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved plans.**

**Reason: To ensure compliance with policy DR7 of the Herefordshire Unitary Development Plan.**

- 12. G04 Protection of trees/hedgerows that are to be retained**
- 13. G11 Landscaping scheme - implementation**
- 14. G14 Landscape management plan**
- 15. The recommendations set out in the Environmental report including Section 11.7 Ecological Statement and Appendix 10 Ecologist's Report from Star Ecology dated June 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.  
An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reasons:**

**To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**

**To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

**INFORMATIVE:**

- 1. The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which has been taken fully into consideration in determining this application.**
- 2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy Environmental Information 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.**

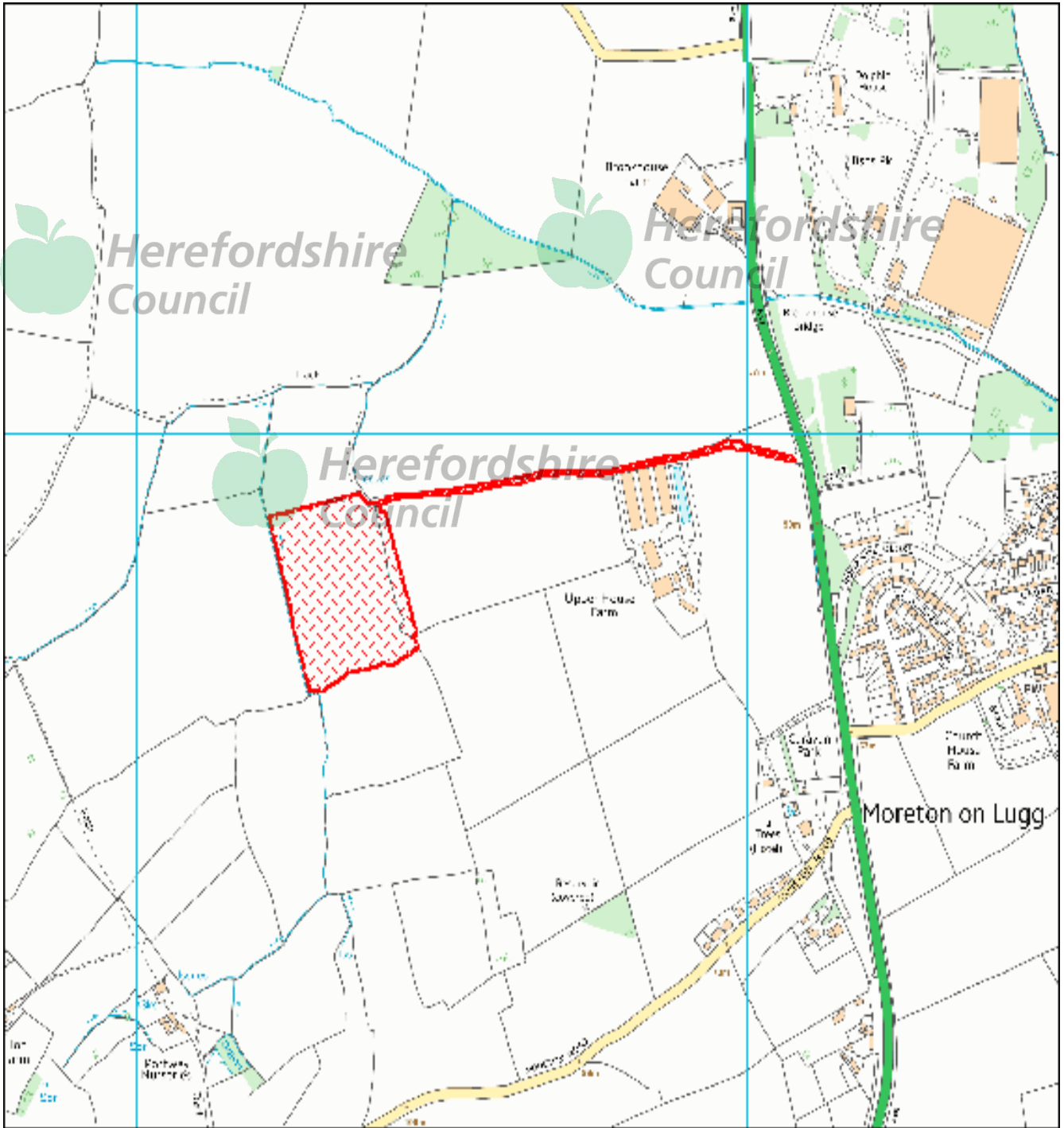
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 143769

**SITE ADDRESS :** UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HR4 8AH

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

**Complaints History**

<b>Date/Time</b>	<b>Description</b>	<b>Comments</b>
29/09/2011 23:58	Noise and disturbance coming from nearby chicken farm.	Site not attended..
09/03/2012 23:33	Noise and disturbance coming from chicken farm	Site not attended. Operator confirmed that feed delivery arrived late and out of ours. Sun valley confirmed agreement not to deliver between the hours of 10 pm and 6 am.
20/04/2012 21:19	Odour noticed by a passing member of EA staff	Site contacted and confirmed they were washing out. Adjustments made to ensure that odour will be contained on site.
23/01/2014 16:01	Odour complaint of chicken manure rated 6/6  Not substantiated	Contacted site confirmed no odour issues and no further reports received.
27/03/2014 00:14	Noise complaint  Not substantiated	Officer contacted site, operator confirmed construction works occurring on neighbouring land (not owned by operator) causing on going noise. <b>Officer passed site 14/04/2014 to confirm construction works creating noise.</b>
14/04/2014 10:09	Odour report. Reporter located 0.8 miles away from chicken farm. Odour is so bad it is making them vomit. Rated 6/6  Not substantiated	<b>Odour report passed to office whilst by the site addressing a noise report. Whilst there no odour issues were detected</b>
11/09/2014 10:02	Smell of chicken manure from upper house farm rated a 4/6	
11/09/2014 10:03	Disgusting stink of chicken manure from chicken farm nearby.	
12/09/2014 15:44	Acrid stench rated 8/6  Not substantiated	Site contacted 20/09/2015 they confirmed they are adhering to their odour management plan and doing all they can to contain any odour. However they do not believe they are responsible. Neighbouring farms are spreading large quantities of chicken manure and in the dry weather conditions the odour produce is quite substantial <b>Officer attended 22/09/2014 09:35. No odour detected around the site perimeter however very strong odour noticed on surrounding lands from manure spreading. Large piles also stockpiled ready for further spreading. Land not owned by operator.</b>

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

01/10/2014 14:11	Very strong smell rated 5/6 from chicken farm	Site owners had contacted the previous morning to confirm muck spreading on other farms was taking place and the smell was significant.
02/10/2014 10:39	Odour 6/6 awful smell of waste product	Site contacted immediately and confirmed that they were not washing out and no noticeable smell coming from their site. They will take extra precautions. Also discussed contention in the village and from surrounding neighbours with flyers being put up in the shops to report the farm.
16/01/2015 07:20	Noise early this morning that work the caller up. Described as a wood chipper. First noticed at 03:00 in the morning	
20/01/2015 15:02	(via email) reporting chicken farm smelling at upper house farm reporter reporting a smell from 16/01/2015  Not substantiated	Officer contracted called 21/01/2015 Caller confirmed issues were mostly odour and significant in the summer. Caller confirmed the noise is happening at unsociable hours Officer contacted site operator and they confirmed they have been using a wood chipper. Wood chipper is not at site full time, it is brought to site. They have kept signing in sheets that confirm the chipper at 15:30 to 17:00 and also have CCTV footage to confirm the times on site. Times do not correlate to noise reports.
<b>21/01/2015</b>	<b>Officer attended site in passing</b>	<b>No odour detected at reporters addresses or along site boundary or from the main road which was the direction of prevailing wind.</b>
23/01/2015 10:28	Reported ongoing odour issues from chicken farm	
24/01/2015 09:29	Upper house farm using odour today that smells like chicken manure rated 5/6	
24/01/2015 16:05	Smell is 4.5/6 from chicken farm	
26/01/2015 13:38	Terrible odour from upper house farm. Not happy about planning to build more sheds. Rated 6/6	
26/01/2015 14:02	Terrible odour form upper house farm rated 3/6 on scale	
27/01/2015 10:16	Odour reported from upper house farm	
31/01/2015	Smell of dead bodies from upper house farm	
01/02/2015 17:00	Terrible smell from chicken farm rated 5/6 caller said it's noticeable all over the village.	

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

**Complaints Log Upper House Farm****27/02/2015 08:22**

**Odour** report received rating it 5/6 and noticeably worse in the morning. No trend or pattern to odour noticed  
 Officer's Comments: Fill date was the 11<sup>th</sup> of February 2015. The crop was only 16 days old and highly unlikely to generate odour. Site operator contacted and confirmed that perimeter walks had produced no odour concerns. Unsubstantiated.

**05/03/2015 16:45**

**Noise** complaint received. Reported had used a decibel application on mobile device that had tested at 89 db. Reporter stated that the noise happens at all times of day/ night and also at the weekend. Reporter stated that the noise was from a wood chipper on site.

Officer comments: decibel reader is believed to be some kind of application on reporter's phone. Reporter within very close proximity of a busy major A-road. The decibel level recorded is dramatically impacted by the background noise of the A-road. Incident not substantiated. Site confirmed that the chipper was hired for 1 hour between 16:05 and 17:05 and was masked by the heavy traffic of the road.

**13/03/2015 04:00**

**Noise** complaint from a wood chipper noticed at 04:00 am in the morning

Officer's comments: Site confirmed that they were not chipping at this time. Chipper was hired for 1.5 hours on 12/3/15 between 12:30 and 14:00. As agreed during their IPPC inspection they only run the chipper during working hours to reduce impact. Operator has contractor invoices and CCTV confirming when the wood chipper arrived on site. This incident was not substantiated.

**Site operator emailed 25/03/2015** to confirm that wood chipping operations were due to start at 09:30 and finish approximately 11:00 am. Environment Agency received no noise complaints regarding this site.

**14/04/2015 17:11**

**Noise** complaint stating noise from an onsite wood chipper. Reporter used decibel reader reporting 80-90 decibels

Officer comments: Telephone call to site operator confirmed that the site was operating wood chipper between 17:00 and 18:00. Once again, concerns that the reporter's monitoring is being dramatically affected by the background noise from the busy road as it is heavily used during these times by traffic. Incident not substantiated

**25/04/2015 18:46**

**Odour** complaint. *Smell of chickens and concerns over pollutants in the air*

**25/04/2015 18:50****SAME COMPLAINANT**

**Odour** complaint stating the site is clearing out the chicken sheds. *Caller noticed that this is happening on a 6 weekly pattern. Odour noticed up to 0.5 miles away.*

Officer comments: Site confirmed that no washing out is taking place. No noticeable odour observed during daily site checks. Complainant contacted twice in the space of 5 minutes and confident that the smell was because the site was washing out sheds. Fill date was approximately 30<sup>th</sup> of March and crop was only 24 days old. Cleaning does not commence at this age. The crop was cleared between 5 and 7 May 2015. Site operator made the point that they were in the middle of mucking out on the day of election. Many residents had congregated in the centre to vote and there was no mention of odour issues then. No additional complaints from other surrounding residents. Decision made not to attend and Incident not substantiated.

**11/05/2015 16:15**

**Odour** complaint reporting odour detected from over ½ a mile away. Rated 6/6. Calm weather conditions and warm.

Officer comments: Site operator was contacted and they confirmed that there were no chickens on site or in sheds at this time. Washing out of sheds was completed on 07/05/2015 and no birds were present on site from this date onwards. No onsite odour observed on site by operators. Concerns expressed by operators as no

birds on site could not be causing odour emission. Officer Emma Musgrove attended unannounced at 12/05/2015 at 13:20 operator was not pre warned. Boundary walks were completed and basic odour monitoring at various points in the surrounding residential estate. No odour was noted at boundary perimeter of site or at residential estate. Odour complaint was not substantiated.

### **ADDITIONAL COMMENTS**

Emma Musgrove (PPC officer Environment Agency) and Dane Broomfield (Team Leader, Land and Water Team) attended site at 24/02/2015 11:00 to meet with site operators and carry out an IPPC inspection in accordance with their Environmental Permit.

Before conducting the audit, myself and Dane stood at the bottom of the driveway to Upper house farm approximately 180 metres from the permitted site boundary. The operators then commenced chipping wood with the contracted wood chipper they use to produce wood chip. The noise level observed was deemed compliant and at a reasonable level for site operations covered within their permit. They also carry out the wood chipping within working hours. The noise was not deemed frequent or persistent nor have an adverse effect on surrounding receptors. Also, the noise scrutinized from the nearby busy A road 'masked' the noise detected from the contracted chipper.

Furthermore, despite the noise level being compliant against the permit the operators actively tried to reduce the impact of noise from the chipper via modifying operations procedure. They ensure that all wood to be chipped is gathered and collected ready for when the chipper arrives. They also ensure they chip as much wood as would be required for a long duration of time to reduce the impact on surrounding residents. This dramatically reduces the time required for the wood chipper to run. The chipper runs on site for approximately 1 hour 30 minutes and is not required regularly, running on approximately 17 days a year. In addition, the operator emails the Agency when they will be chipping onsite. Some day when they have been chipping, no complaints have been received within the Agency.

The Agency completed a full IPPC audit against the operator's permit and no non compliances were observed. The odour management and noise management plan is modern and addresses all potential emission of noise and odour and has a contingency plan in place to prevent impact outside of the perimeter boundary. Furthermore, the site has an up to date emergency plan ensuring that in the event of emergency, procedures are in place to prevent emission of odour and noise in the event of a power cut. Operator confirmed that an up to date log is made containing all complaints. Operator also has invoices from the contracted wood chipper company that confirms times and dates when the chipper was present on site. These invoices do not correlate to all complaints such as 13/03/2015 at 04:00.