

**Guildhall Gainsborough  
Lincolnshire DN21 2NA**

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**AGENDA**

**This meeting will be recorded and the video archive published on our website**

**Planning Committee**

**Wednesday, 15th November, 2017 at 6.30 pm**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith

1. **Apologies for Absence**
2. **Public Participation Period**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 8)
  - i) **Meeting of the Planning Committee held on 18 October 2017.**
4. **Declarations of Interest**  
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy** (VERBAL REPORT)

**Note** – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

i) 136274 - Land off Bishopbridge Road, Glentham Market (PAGES 9 - 120)  
Rasen

ii) 136636 - Lindum Way, The Elms, Torksey (PAGES 121 - 128)

7. **Determination of Appeals** (PAGES 129 - 146)

Mark Sturgess  
Interim Head of Paid Services  
The Guildhall  
Gainsborough

Tuesday, 7 November 2017

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 18 October 2017 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Giles McNeill  
Councillor Mrs Jessie Milne  
Councillor Mrs Judy Rainsforth  
Councillor Thomas Smith

**In Attendance:**  
Oliver Fytche-Taylor      Planning Services Manager  
Russell Clarkson      Principal Development Management Officer  
Ian Elliott      Senior Development Management Officer  
Martha Rees      Legal Advisor  
Katie Coughlan      Senior Democratic & Civic Officer  
Ele Durrant      Democratic and Civic Officer

**Apologies:** Councillor Roger Patterson

### 33 CHAIRMAN'S WELCOME AND MINUTE'S SILENCE

The Chairman commenced the meeting by welcoming all those present, as members of the public, visiting Members and presenting Officers.

The Chairman addressed the room to express his sadness at the recent passing of former District Councillor Stuart Curtis. For those who may not have been aware, Councillor Curtis had been Chairman of the Planning Committee for a number of years and would be sadly missed. All present were asked to join the Chairman in a minute's silence in memory of Councillor Curtis.

The Chairman also asked Members to take a moment in remembrance of the late Councillor Chris Underwood-Frost to mark the anniversary of his death. Councillor Underwood-Frost had previously been Chairman of the Planning Committee and passed away four years ago.

The Committee and all present came together for a minute's silence.

### 34 PUBLIC PARTICIPATION PERIOD

The Chairman explained there was due to have been a participant, Mr Steven Taylor,

however he was subsequently unable to attend. The Chairman stated that Mr Taylor intended to contact the Chairman directly with his questions and comments and he would receive a written response in due course.

### **35 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

Meeting of the Planning Committee held on 23 August 2017.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 23 August 2017 be confirmed and signed as a correct record.

### **36 DECLARATIONS OF INTEREST**

Councillor J. Milne declared that she had facilitated a meeting with Sir Edward Leigh, MP, for a group of people in relation to the Kingsmead Park application but she had not participated in the meeting.

### **37 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Planning Services Manager informed Members that the Brattleby Neighbourhood Plan would be going to Council on 13 November and the Scotter and Lea Neighbourhood Plans would shortly be going to public referendum. He advised that as well as the link provided in the agenda, there would be further notifications sent to Members and assured the Committee that Officers were seeking to improve communication with Members about such matters.

### **38 PLANNING APPLICATION FOR DETERMINATION**

**RESOLVED** that the application detailed in agenda item 6 (a) be dealt with as follows:-

#### **38a 135610 - KINGSMEAD PARK, SWINHOPE**

The Chairman introduced the proposal for a change of use of land to site 35 holiday lodge caravans and a site office/reception caravan with associated site road, parking and services. He explained the location of the site as being between Brookenby and Kingsmead Park, a residential caravan park. He noted that the site was located within an Area of Outstanding Natural Beauty (AONB) and Members of the Planning Committee visited the site on 2 October 2017 prior to the Planning Committee on 18 October 2017. The recommendation was to grant Permission subject to conditions.

**Note:** At this point in the meeting, the Chairman made a declaration that prior to the commencement of Committee, he had received a letter from the Agent for the Applicant setting forward their case for the application. All Councillors declared they too had received this letter.

There were five people registered to speak, each having up to five minutes to speak. The Chairman stated he had received communication from Dr Edwards, who had been registered to speak but was subsequently unable to attend, and Chairman had noted his objections.

The Senior Development Management Officer noted an amendment to the report and explained that the target decision date had been extended again to 20 October 2017.

The first speaker, Mr Martin Taylor, introduced himself as the agent for the applicant, Turners Parks Group, and spoke in favour of the application. He reiterated the details of the site and noted that the recommendation was for the application to be approved. He explained that he understood the two main objections were regarding traffic and noise issues. With regard to fears over problems with traffic, Mr Taylor commented that the Highways Agency had raised no objections, subject to conditions, and similarly, the Environmental Agency Officer did not raise any issues or add comment. Mr Taylor noted that those objecting had made reference to another application which had been refused. Mr Taylor countered this by stating that the application had been for a residential development and this application was fundamentally different in that the development was to be used for tourism purposes only. With regards to the perceived impact on the AONB, Mr Taylor explained the area was screened already, the development would be of low density and there would be significant open space in the centre of the site. He expanded on plans to further landscape the area for improved screening of the lodges and stated that the main access had been sited to the north of the area in order to minimise loss of trees. Mr Taylor noted there would be benefits to the local economy with increased tourism as well as the three permanent jobs created as well as numerous temporary and seasonal positions. Mr Taylor concluded by apologising to Members for the letter they had received, he explained it had been intended as a supporting document only and did not contain any additional information to that which he had spoken about. He also thanked Committee for allowing him time to speak and for listening to his comments.

The Committee was then addressed by Mr Mike Swannick, a resident of Brookenby who was speaking in opposition to the application. He explained that his main concerns centred on the inadequate road system in the area. He stated that the approach to the site was very narrow with no facility for pedestrians. He explained that the road was so narrow that the edges were broken down as cars had to drive over the verges in order to pass each other. Mr Swannick added that the roadside was not maintained meaning it was unusable to pedestrians who then had no choice but to use the road. In addition to this, Mr Swannick commented that the road at the proposed entrance to the site was only the width of a car and the road was liable to flooding. He stated that visitors to the site would be faced with a narrowing carriageway, on a blind bend, heading into a dim light because of entering a tunnel of trees. He stated that the local roads had been developed for military use and were not suitable for the demographic as it was, without the additional traffic the proposed development would create.

The third speaker, Mr Ian Brace, also spoke in opposition to the application. Mr Brace explained there had been over 100 objections to the application. He noted that if the application was accepted it would increase the number of properties within the site by 35% which would make it the largest lodge holiday park development in the area. He also stated that there were many inconsistencies and false declarations in both the planning and application statements, which he felt the applicant had failed to rectify even with an extension granted of three months. He gave the example that the applicant stated there was no planning history that related to the site. Mr Brace stated this was wrong and referenced application 125478 which was submitted for the land to be used as a recreational area for the residents of Kingsmead Park. Mr Brace also quoted comments made by the Planning

Inspector in August 2016 in relation to an appeal for application 134360 in which the development was not granted for reasons of remoteness from basic services and amenities and concerns about transport and accessibility. Mr Brace concluded by thanking Committee for affording him time and listening to his comments. Mr Brace also provided printed versions of his speech and these were distributed to Members.

Councillor Tom Regis, Ward Member, addressed the Committee in opposition to the application. He supported the comments of Mr Swannick and Mr Brace and added that it was not the nature of the development that was unreasonable, rather the location of it. He noted that the areas adjoining the proposed development site should remain as two separate locations and not be joined. He explained the area had been constructed as a retirement home area where people had moved to enjoy peace and tranquillity in their retirement. Councillor Regis stated that to lose this would have a negative impact on the quality of life for the residents. Councillor Regis also acknowledged the concerns raised by some residents that to allow the proposed development could lead to permanent residential structures in the future which would prove even more concerning. Councillor Regis also commented on the area sitting within the AONB and suggested that WLDC should look to protect the area rather than build on it. To conclude, Councillor Regis referenced a local belief that WLDC had, at one point in the past, promised a Kingsmead Park resident that the land in question would never be built upon. Councillor Regis acknowledged that the belief could not be proven or otherwise, however, he stated it did raise the question as to whether WLDC could be seen to have made false promises to the people of Kingsmead Park.

The final speaker, Councillor Lewis Strange, Member of Lincolnshire County Council, WLDC and representative for the Lincolnshire AONB Committee, also spoke in opposition to the development. Councillor Strange commented that the over-arching guidance for the AONB was to seek to ensure that any plans upheld the primary purpose of the AONB, that being, to protect and enhance the area. He noted that he did not feel the proposed development would either protect or enhance the area. He supported the comments made by Councillor Regis and the previous two speakers and added that special consideration should be afforded to the land as a green wedge. Land identified as such is well protected within the Central Lincolnshire Plan. Councillor Strange also felt the visual impact on the area would be considerable and that current views and vistas would be ruined by the proposals. He also highlighted the traffic issues raised previously, stating there would be significant traffic issues and as there was no public transport, this could not be avoided. Councillor Strange made reference to comments made by Mr Steven Jack of the Lincolnshire Wolds Countryside Service who, he felt, had been overlooked in the report for the application. Councillor Strange concluded his comments by requesting that Committee refused permission for the development in consideration of the uniqueness of the area.

The Senior Development Management Officer responded to the comments raised by the speakers. In relation to the comments about the existing road structure and potential traffic issues, he noted that the Highways Agency had not raised any objections nor requested for pavements to be added. He clarified that the area is not classified as a green wedge and the holiday park would be for tourism only, there would be no permanent residential use. He explained that there would be no permanent structures and facilities were considered to be only a short drive away. In relation to other planning applications, the Officer highlighted that each case had to be looked at on a site by site basis and that Officers did recognise the importance of the AONB.

The Chairman thanked all speakers and asked Committee Members to offer comment. Lengthy discussion ensued in which Members reiterated the concerns raised by the speakers. It was acknowledged that, as the Highways Agency had not raised any objections, the concerns about traffic and the impact on the road network could not be used as ground for refusal. It was also stated that, as the area was within the AONB, the site did not need to be considered a green wedge. It was questioned whether the priority was to support and protect the AONB and dark skies initiative or whether the choice would be to build over it when it suited.

Questions were raised about the terminology and specification of the proposed structures, whether the park could be classed as a visitor attraction when it was in fact providing accommodation and whether the accommodation was considered in the same class as a mobile home, caravan or holiday park. It was stated that restrictions and guidance were different according to the class of accommodation. Officers explained that the section referenced by Councillors, LP55, was in relation to standing mobile homes in the countryside, not in relation to caravans or holiday parks. The Legal Advisor also noted that the legal definition of a caravan or motorhome was something that must be roadworthy and capable of being driven or towed on the road whereas a chalet or lodge was a structure primarily constructed in a factory in two parts and bolted together on the site.

Members questioned why the structures would not be classed as residential and it was explained that no one would have the right to live on the site. It was clarified that there would be no permanent residents and the Officer pointed out condition nine stating use would be holiday use only.

Further concerns were raised about the infill between parishes and it was felt this could set a dubious precedent. It was questioned what weight could be given to the management plan for the AONB. The Legal Advisor explained that the management plan had been given due weight in the planning considerations but could also be given weight in Committee discussions.

Members commented on the cumulative impact on the area in reference to LP17. It was noted that the vegetation in the area was patchy and insufficient for screening the development and that in terms of heritage assets in the area, the proposal was for a substantial development which would be visible from several areas. It was felt that no amount of vegetation growth would fully screen the site.

Further discussion centred on the National Planning Policy Framework (NPPF), specifically paragraphs 29 and 116, and Members suggested that the development and transport links were not sustainable and therefore could be considered as grounds for refusal. The Legal Advisor read aloud from the Planning Practice Guidance in terms of what weighting should be given to the AONB management plan and clarified that consideration could be given but it was not specified to what extent.

The Vice-Chairman spoke to thank everyone who had attended the site visit and to confirm how useful it had been in assisting the deliberations of Committee. He highlighted that Kingsmead Park had been constructed prior to the allocation of AONB and therefore considerations had changed. It was felt that there was sufficient ground within the Local Plan and the NPPF on which to base refusal of the application. The recommendation of the Environmental Officer for the lodges to have green roofs, to look at more substantial

screening or to have smaller units supported the Committee's view that the site would be visible in the area and this would have a negative impact. It was also commented that the tourism need was to attract people to the AONB however this did not necessarily mean they were to stay in the AONB.

It was discussed that, when taken cumulatively with other developments, the proposal would have a harmful impact on the character, appearance and scenic beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty. The proposal had not demonstrated it was within the public interest or that there were any exceptional circumstances to justify the proposal in the designated area. The proposal would additionally lead to an unacceptable coalescence of the two settlements. It was therefore contrary to policies LP7, LP17, LP26 and LP55 (Part E) of the Central Lincolnshire Local Plan, and paragraphs 115-116 of the National Planning Policy Framework. It would result in the loss of open space contrary to the provisions of the Lincolnshire Wolds AONB Management Plan (2013-18).

It was also felt that the development would be located in an unsustainable location remote from any services or facilities, being over-reliant on the need for a private vehicle to travel. It was therefore contrary to policy LP13 of the Central Lincolnshire Local Plan and Paragraph 29 of the National Planning Policy Framework.

It was therefore moved and seconded that the recommendation in the report to agree the application be overturned and on voting it was unanimously **AGREED** that the application be **REFUSED**.

### **39 DETERMINATION OF APPEALS**

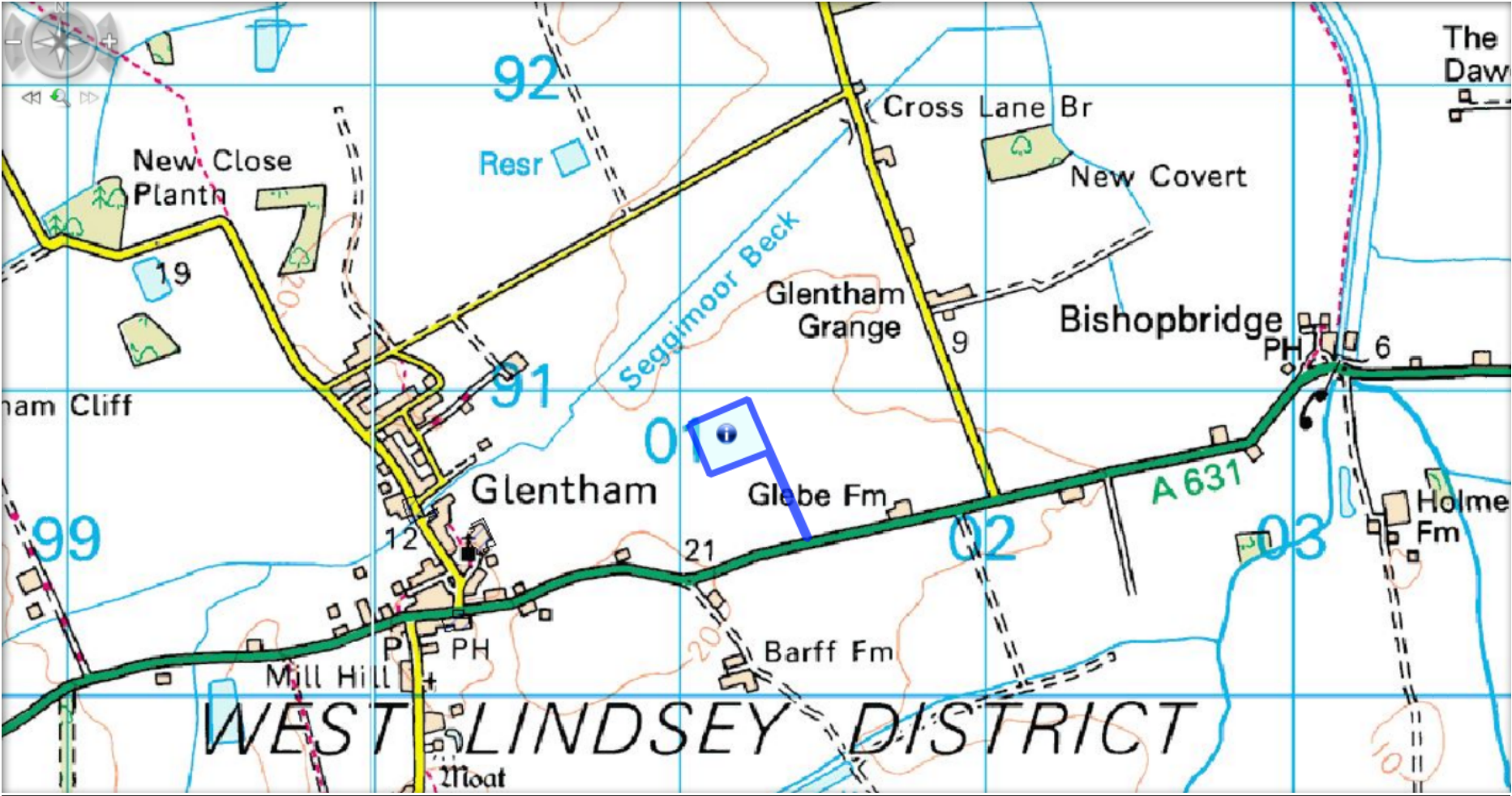
The Chairman commented that it was very positive that all ten decisions were upheld. Councillor G. McNeill asked for it to be recorded that thanks were extended to all Planning Officers for their work in view of the number of appeal decisions that were upheld.

**RESOLVED** that the determination of appeals be noted.

The meeting concluded at 7.45 pm.

Chairman





## **Officers Report**

### **Planning Application No: 136274**

**PROPOSAL:** Planning application for proposed new poultry rearing units and associated works

**LOCATION:** Land off Bishopbridge Road Glenthams Market Rasen  
**WARD:** Waddingham and Spital  
**WARD MEMBER(S):** Cllr J J Summers  
**APPLICANT NAME:** ESCO NRG Ltd

**TARGET DECISION DATE:** 03/10/2017 (Extension of time agreed until 17/11/2017)

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Russell Clarkson

**RECOMMENDED DECISION:** Refuse planning permission.

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The application has been referred to the Planning Committee as Officers deem it appropriate to do so in view of the level of public interest generated and apparent contentious nature of the proposals. Both the Ward Member and adjoining Ward Member had made late requests that the application be referred to the committee should Officers be minded to recommend approval.

#### **Non-technical Summary:**

Planning permission is sought for a new poultry farm, consisting of ten poultry houses and ancillary infrastructure. The farm would be used for the rearing of broiler chickens for food. It would have the capacity for 400,000 birds.

The application is accompanied by an Environmental Statement (ES) and is therefore 'EIA Development', subject to the provisions of the Environmental Impact Assessment (EIA) Regulations.

The site is on land approximately 1km to the east of the village of Glenthams. The site comprises an agricultural field in use for the growing of crops.

*Countryside Location* - A poultry farm is considered to comprise agricultural buildings. It is demonstrably essential to the effective operation of agriculture (keeping of livestock for food is within the definition of agriculture) and therefore accords with policy LP2 in this countryside location.

The development does not undertake any industrial processes, will only employ 3 full-time equivalent positions and is not considered to be an 'employment use' – policy LP5 should not apply.

*Agricultural Land* - Planning policy seeks to "protect the best and most versatile agricultural land" (BMV land). The development comprises 3.80

hectares of grade 3 (good to moderate) agricultural land. 3A (good) land qualifies as BMV land. 3B (moderate) land does not. The applicant has not, despite being requested, undertaken any site specific assessment to establish whether or not the land is BMV land.

*Landscape & Visual Impact* - Planning policy seeks to “recognise the intrinsic character and beauty of the countryside”. The ES considers that “*The landscape is large scale and open and is not particularly sensitive, and should be able to accommodate the development without a detrimental impact on the landscape character.*” However, the Landscape & Visual Assessment informing the ES has assessed the impact of development against the incorrect Local Landscape Character Area. The impact on Landscape Character is therefore unclear.

The visual impacts of the development will be largely limited to views from the road network, by passers-by. Landscaping screening is proposed that can be secured by planning condition.

*Noise & Vibration* – An Operational Noise Assessment is included within the ES. It identifies potential noise sources (when operational) as being from plant (primarily ventilation on the poultry houses), grain store deliveries and bird collection. The ES concludes that noise levels will be around or below background levels during the day. However, it is noted that grain store deliveries during night-time will exceed WHO Guidelines. In the absence of any proposed mitigation, a planning condition must be used to prohibit deliveries taking place during the night-time.

*Airborne Pollution and Odour* – A detailed Odour Assessment model predicts odour at residential properties would not exceed the Environment Agency benchmark for moderately offensive odours (3.0 European Odour Units per metre cubed of air ( $ou_E/m^3$ )), based on the 98th percentile of hourly mean concentrations of odour modelled over a year. One property is however measured at  $2.95\ ou_E/m^3$ .

The poultry houses will emit dust particles, likely to contain ammonia and other pollutants. No assessment is undertaken to establish the direct and indirect environmental impact of this upon the population, human health, land, soil, water, air and climate.

*Flood Risk and Drainage* – The site is in Flood Zone 1 (low probability) and is therefore located to an area at lowest risk of flooding. Surface water will be directed to a swale and then discharged from the site at an attenuated rate. Wastewater will be collected in above ground storage tanks and removed by tanker. A condition should be applied to secure final drainage details.

*Water Environment* – The ES (Further Information) states there will be no anticipated environmental effects as “it will be a totally sealed system”. However, surface water will be disposed off by channels into an open water swale and then discharged off site. The poultry houses will emit dust particles, likely to contain ammonia and other pollutants. There is no environmental assessment undertaken to establish baseline water quality, the likelihood of

pollution entering the water environment, or the likely environmental effects of it doing so. The surface water and foul water systems will be separated by a 'diverter valve'. It is unclear whether this operates automatically or manually, and the likelihood of any failure or accident.

*Light Pollution* – The proposal would introduce development within what is likely to be an intrinsically dark landscape. The applicant has not provided an assessment on light pollution, despite being requested to do so. Nonetheless, the lighting is anticipated to be on the buildings (not free-standing) and any arising light pollution is considered unlikely to be significant. A condition to secure a light-spill diagram is however, recommended.

*Biodiversity & Ecology* – Planning policy requires “*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*”. The ES considers that the development “*should not be significantly constrained by ecological issues*”. A Phase 1 Ecological Appraisal is included within the ES. This concludes the development would be unlikely to have a significant impact upon any designated habitats or protected species, subject to suitable mitigation measures. Biodiversity enhancement measures are proposed. The ES does not however set out the operational impact of the development upon biodiversity, particularly in respect of noise and pollution emissions.

*Traffic Impact & Highway Safety* – Planning policy states that “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. The applicant has demonstrated that a safe site access can be achieved, directly from a classified road (A631). The ES states that the development once operational would generate up to 78 HGV vehicles (156 movements) in a week. The Local Highways Authority have raised no concerns with road capacity or highway safety. The residual cumulative effects of the development are not expected to be severe.

*Heritage Impacts* – The ES contains a desk-top assessment and fails to consult the Historic Environment Record (HER). It fails to recognise the Glenthams Conservation Area, only 800m west of the site. Development is therefore contrary to the requirements of planning policy to provide an appropriate assessment. However, the County Archaeologist has advised that a planning condition would be satisfactory in this instance to secure an archaeological investigation.

*Alternative Sites and Cumulative impact with other developments* – The ES advises that eight sites were considered, narrowed down to two, due to environmental factors and willing landowners. The alternative sites considered are not identified, and no comparative is provided. The ES provides no assessment of the cumulative impacts of the development with other existing and/or approved projects. The alternative sites study does advise the proximity of other poultry farms is relevant to biosecurity and the prevention of spreading disease.

## **Description:**

The application seeks planning permission for a new poultry farm, on agricultural land approximately 1km to the east of the village of Glentham.

It would comprise 10 new single storey poultry housing buildings (each measuring approximately 20.1m wide x 91.4m long x 5.3m high to ridge height) and would house up to 400,000 birds in total (up to 40,000 birds per building).

Each poultry house would have 15no. air extraction chimneys in the roof. Each building would have 4no. 1,270mm air extractor fans in one gable end "as a back-up in hot weather".

Each building would comprise of pre-cast concrete panel walls, supported on strip foundations, with an internal concrete floor poured over a continuous damp proof membrane (DPM).

The broiler house roofs would be insulated with 200mm fibreglass and the walls with 100mm (to achieve a U-value not less than 0.4 W/m<sup>2</sup> °C). The insulated roof and side walls will be clad in profiled steel sheeting or timber, in a colour to be agreed (a planning condition would be required).

20 tonne feed bins would be located alongside the poultry buildings. There would be 20 in total, located in rows of four between the buildings, and in pairs otherwise.

The site would contain other operational paraphernalia, such as a single storey 'reception / GP block' (12.2m long x 9.2m wide x 4.6m high (to ridge)), switch room (3m x 3m) and sub-station (3m x 3m), car parking (six spaces), LPG tanks (x18no.) above ground foul water tanks and a water tank & pump house.

Whilst a dwelling is also depicted in the Landscape Visual Impact Assessment, it is not within the description on the application form or depicted on the site plan (drawing CG-SP rev A). When questioned on this, the applicant has responded (Additional Information, 30<sup>th</sup> October) that "*A residential unit is not proposed as part of this application. But may be a consideration if felt necessary subject to the outcome of this application, in any event it would be subject to a separate application.*"

The farm would be used for the rearing of broiler chickens for food production.

It would operate on an approximate 52 day cycle. The broilers will be purchased as day old chicks and brought onto the site. They will be reared in the poultry houses (up to 40,000 broilers per building) which will be pre-warmed by the propane gas space heaters. The floor will have a 20mm deep litter spread, consisting of wood shavings / straw. Birds will be thinned at approximately 38 days of age and taken (alive) to be processed and males kept to approximately 42 days old when they will be removed (alive).

The application anticipates up to 520 tonnes of used litter per cycle (52 tonnes per poultry house). Litter will be loaded onto trailers, covered and removed from the site, where it will be disposed of by sending it to a specialist power station(s). The whole site will then be power-washed, disinfected and dried out before the cycle begins again.

Three people will be employed on site (a manager and two others). Additional staff will be brought in for removing the birds for processing and cleaning out the sheds after each cycle.

The site is approximately 1km to the east of the village of Glenthams. It would be accessed directly from the A631 to the south via a new 4m wide stoned access road.

The site comprises open fields within current agricultural use, for the growing of arable crops on rotation. Natural England's land classification maps identify the site as falling within Agricultural Land Classification (ALC) 3 (good to moderate).

#### **Town and Country Planning (Environmental Impact Assessment) Regulations 2017:**

The application was accompanied by an Environmental Statement (ES), and is therefore 'EIA Development' for the purposes of the Environmental Impact Assessment (EIA) Regulations.

The development proposes the intensive rearing of more than 85,000 places for broilers (400,000 birds capacity is proposed), and is therefore "Schedule 1" Development.

In July 2016, the Council gave a formal scoping opinion (reference **134606**) for content to be included within the scope of the Environmental Statement (ES).

Having considered the submitted Environmental Statement, a formal written request for Further Information was made by the Council, by letter dated 26<sup>th</sup> July 2017.

On the 5<sup>th</sup> September 2017, the Council received Further Information (FI) relating to the Environmental Statement (ES). The Council publicised its receipt of the FI in accordance with the Regulations.

#### **Relevant history:**

Non applicable.

## **Representations (received up to 01/11/17):**

### **Ward member Cllr J J Summers:**

Requests that the application is referred to the Planning Committee if Officers are minded to recommend approval.

Enquires as by what route and to which power station the poultry manure will be delivered to.

Finds proposals inappropriate in the open countryside, an area of environmental natural beauty. This is an arable area critical to the production of arable crops in the Ancholme Valley. The size and mass clearly puts the development in the class of industrial and those constraints and guidance for industrial use should be applied. There are issues of noise, odour and visual impact, visual impact is especially important from the Wolds and the village of Glentham.

Ingress and egress onto the A631 is critical for safety reasons. The passage of heavy goods vehicles through the village of Glentham is a very dangerous pinch point.

There is an overwhelming level of opposition from local residents which cannot be ignored.

### **Glentham Parish Council:**

4<sup>th</sup> October: The [Parish] Council notes that in both the original application, and in the recent submission with further information, there is not one single mention of the potential benefits to our parish arising from this proposed development, no mention of local employment opportunities in either the construction phase or operational phase of the project, nor any other perceived benefit to the community.

The Parish Council supports the view of the residents of Glentham that there is more than sufficient evidence that the submissions of the applicant cannot demonstrate that Local Plan policy LP55 (Part E) will be met, and therefore we re-iterate our opinion that planning permission must not be granted. The Parish Council does not wish this statement to supersede their previous submission, further adds this submission in light of the supplementary information provided by the applicant.

21<sup>st</sup> July: The Parish Council strongly objects to the application on a number of grounds as follows:

- The parish suffers from a high volume of traffic, particularly at the weekends, and also on Bike Night.
- The proposed application would see the volume of traffic significantly increased with HGV traffic (waste, feed and removal of birds) on a daily basis, on a stretch of road which already has a history of accidents.
- This history, coupled with the LCC decision to switch off streetlights, would likely make the access to the site become more of an accident black spot.
- The road surfaces within the parish would need upgrading to a higher standard to ensure that they would be able to cope with this amount of

heavy traffic, which the Council believes is unlikely given the austerity measures in place in the Highways Department.

The [Parish] Council maintains that the scale of the proposal is not commensurate with the scale and character of the existing settlement, furthermore there would be a significant and adverse impact on the local highway network.

The above is covered under Section 3 of the Section of the CLLP under Other Employment Proposals, which clearly states that any other employment proposals not covered SES, ESUE, EEA and LES categories, will only be supported under certain circumstances.

- There are further concerns for both animal welfare given this is an intensive rearing unit, and also the impact on human health given that this application for units has been increased following the scoping application in 2015.
- Furthermore, there are significant concerns with regard to contamination of watercourse (phosphates), and the likelihood of flooding from the site into the parish, which already contends with a flooding issue.
- The odour from the proposed site must be considered given its location to the parish as well as the noise from the fans on the units which will be operating on a 24 hour basis.
- There will be a number of such units within a 10 mile radius if this application is passed.
- The application has no benefits to the parish in the Council's opinion, and employment opportunities and running times have been left blank on the application form, further highlighting the inappropriateness of the application.

In the [Parish] Council's opinion part E of CLLP policy LP55 has not been met or even considered by the applicant.

The CLLP refers to objectives for a prosperous, stronger and sustainable Central Lincolnshire – and refers to Employment, Local Economy, Health and Pollution – to list a few.

The [Parish] Council and parishioners are resolute in their opinion that this application pays no heed to the overarching principles outlined in the CLLP, and that passing an application will promote a precedent for the parish.

**Cllr L Strange (Ward Member – Kelsey Wold; County Councillor – Market Rasen Wold):**

Wishes to object, on behalf of the residents, on these grounds:

- Disruption to the quality of life to the residents of Glentham through risk of air born particulates, over a period of time, affecting the health of residents;
- When emptying the sheds should the wind be in a certain direction, then the village be inundated with noxious aromas;
- Proximity to certain resident's homes;
- Unacceptable night time traffic movements.-resulting in constant noise throughout certain nights in the year, preventing sleep and a normal pattern of life to those bordering this busy A classed road red route;



- Unacceptable traffic movements through the village on stipulated times coinciding with the emptying of sheds both with manure and live birds;
- The narrow Glenthams high street where heavy goods vehicles have great difficulty passing on the narrow choke point;
- General concerns regarding the Environment Agency's assessment, bearing in mind that any run off will reach the Ancholme which feeds reservoirs at Cadney and Elsham Top. This organisation is not infallible!

**Cllr T Smith (Ward Member – Market Rasen)**

Requests that the application is called in for the determination of the Planning Committee.

Considers it contrary to CLLP policy LP17 due to the cumulative effects this development will cause along with the existing ones within Market Rasen ward from two of these broiler units it crates over 1 million birds and there are three within a five to ten mile radius of this proposed site as well as an artificial insemination unit. This will have a highly detrimental impact on the living conditions of a great many residents due to the cumulative impact in terms of odour and indeed particulates released within the radius area I have mentioned above. Furthermore, it will have a negative impact on the road network with an even greater level of HGV's using the network within such a small area.

Contrary to LP 26 amenity conditions subsection S

Contrary to LP 5 for the following reasons:

Contend that the site is not commensurate to the small village of Glenthams which it is located particularly the immediate area of Bishopsbridge it would stick out like a sore thumb due to its size and massing. In respect to LP 17 believes that there would be serious impacts to the amenity of those close to this site both taken on its own and in the impact it has cumulatively, it would also not respect the appearance of the local area or its character.

Believes that there will be a significant impact on the local highway network due to the cumulative effect and the fact that within at the most a 10 mile radius you have over a million birds which will need to be transported regularly though the cycles and that excludes the vehicle movements for the artificial insemination unit which is also with the catchment area I have described.

Although the site manager will be at the site all the time stockmen won't and due to the sites location they will have no option but to use the private car to get to and from work which is not only contrary to local plan policy LP 5 but it is also contrary to the following NPPF paragraph, paragraph 29 and I quote "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".

I appreciate I am only the neighbouring ward member however residents within my ward are seriously concerned about this application as such I feel equal weight should be given to both their concerns and the policy contradictions and concerns I have outlined.

**Sir Edward Leigh MP:**

Very concerned over the serious objections being raised.

The unit would be located just three hundred yards from the nearest house and there are already five intensive poultry units in the locality.

Local residents are also alarmed about the potential ill effects from site drainage and run-off water into the River Ancholme. The entire area is located within a nitrate vulnerable zone (NVZ) which only compounds these worries.

Potential phosphate pollution must also be taken into account.

The location involves a dangerous stretch of the A631 which, if this application is approved, will suffer a significant increase in the volume of lorry traffic. On a regular basis (every 38 days) the huts will be completely cleaned out with perhaps as many as ninety lorries taking away waste product. It has been suggested that these lorries will pass through the village at night, leading to a significant decrease in the quality of life of villagers during this period.

I therefore recommend that this application be refused in the interest of the local community and the environment.

Gives full support to Parish Council's objections.

**Highways & Lead Local Flood Authority (LCC):**

31<sup>st</sup> October: Recommend planning conditions to secure access in accordance with drawing CG-AAP rev.A; The arrangements shown on drawing CG-FSP Rev A for the parking/turning/manoeuvring/loading/unloading of vehicles to be made available at all times; and to secure a final surface water drainage scheme.

25<sup>th</sup> July: Request the applicant submits a dimension drawing indicating the access arrangements in detail, including visibility splays. Make the following observations on the Flood Risk Assessment and Drainage Strategy:

- System design to accommodate a 1 in 100 year return period plus 30% climate change, not the 20% stated.
- Discharge restricted to greenfield runoff rate (Qbar) calculated for the site area.

**Environment Agency:**

29<sup>th</sup> September: Previous comments still applicable, we have no further comments to make.

6<sup>th</sup> July: We have no objection to the proposed development, as submitted. The site will be required to apply for an environmental permit to operate at 400,000 birds. The operator has already contacted the Environment Agency for pre-application advice and have conducted ammonia screening for the site.

The proposed site is located entirely within Flood Zone 1. The ditch into which it is proposed to discharge the clean surface water is partly in the Ancholme Internal Drainage Board (IDB) area.

**Ancholme Internal Drainage Board (IDB):**

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground

conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

### **Environmental Protection:**

20th October: I refer to previous responses and specifically the last, reproduced below, in relation to Noise which in large I stand by. However my attention has been drawn to apparent contradiction of information as portrayed in the Operational Noise Assessment where a total of 50 roof extractors, i.e. 5 per unit are the basis for reporting and other applicant documents, most specifically that of Drawing CG-ELE01 Revision A, in which illustration is of 15 roof extractors per unit i.e. a total of 150; a threefold increase. Information which would suggest that the Noise Assessment is perhaps based on erroneous data and as such ought to suggest an under appreciation of noise impact by least 6dB and which in turn is suggestive of at least an 'adverse effect'.

Further review of the Operational Noise Assessment also brings to light an apparent anomaly in the reporting of potential nuisance for grain silo filling operations where there is apparent adverse effect warranting a condition to address night time noise which isn't reflected in the reporting.

Recommendation is that the consultants revisit the Operational Noise Assessment in its entirety having first confirmed ALL the build specifications.

13<sup>th</sup> September: Noise - I have now had opportunity to review the 'Operational Noise Assessment' dated 1st September 2017 'First review' and in general am satisfied that the development will have no significant impact provided that the model input data remains broadly in line with information at 3.2.

Manure Management - I note that poultry litter is now intended to be removed from site to power station in sheeted vehicles, as such advisory for a manure management plan is no longer warranted.

20<sup>th</sup> June: It is apparent in this application that separating distances are less than was previously perceived and distance to nearest sensitive dwelling is less than the guideline of 400m. I note also in the application form that declaration has been made that the applicant site is not within 20m of a watercourse which appears to be incorrect in relation to a presence at the N/E corner of the site. Also that discharge of surface water is indicated to be to a watercourse (which will require a consent) and to a pond/lake, (of which a

presence is queried albeit it may be the 'attenuation' swale indicated on the 'Drainage Plan').

The Noise Report is unsatisfactory.

The odour report indicates that no property ought to be subject to 3.0 ou<sub>E</sub>/m<sup>3</sup> or above as an annual 98th percentile and emissions as such fall within the guidelines albeit that 1 (The New Chestnuts) falls just within at 2.95 ou<sub>E</sub>/m<sup>3</sup> and is within the 400m distance criteria.

No mention is made as to odour management from manure and a manure management plan ought to be required.

#### **Natural England:**

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Kingerby Beck Meadows SSSI and Normanby Meadow SSSI and has no objection.

#### **Archaeology (LCC):**

5<sup>th</sup> October: Reiterate previous comments.

10<sup>th</sup> July: The appropriate beginning point for assessing the historic assets on the site is the Historic Environment Record. If the correct data had been gathered then it would have identified that there are several areas where Romano-British material has been recorded and that this potential continues across the site.

Given this my recommendation is that, prior to any groundworks, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. The attenuation pond should be subject to a strip map and recording in plan.

#### **Local residents:**

General observations raised by **Barff Farmhouse (Barff Lane), Springfield (High Street)**. In summary:

- Seeks clarification over surface water disposal and risk of pollution;
- We are in a rural area that support farming interests and business and this is one of them. What do people expect to see in a rural farming area other than farming activity?

Objections received from the following Glentham & Caenby addresses:

- Barff Lane – **Cherry Tree Cottage, The Homestead;**
- Barff Meadow – **no.'s 2, 3, 4, 6, 7, 12, 14, 15, 16 (Templar's Rest), 17, 19;**
- Bishopbridge Road – **Brickyard Barn, Brickyard Cottage, The Chestnuts, Glebe Farmhouse, The New House;**

- Bishop Norton Road – **Ashridge, Bellavista, Domus, Grasmere, Green Acres, Herians Way, Highfield House, Highfield Lodge, The Hollow, Jarebe, Oakdale, The Old Parsonage, Thornlea, Tilsit, Trinity;**
- Caenby Road – **Rose Cottage;**
- Chapel Court – **no.'s 3, 5;**
- Church Close – **4;**
- Church Lane – **no.'s 3, 4, Ashley House, Manor Farm, The Old Barn;**
- Cross Lane – **Glenthams Grange, Grange Farm Cottage, Kenreth, Low Place Farm;**
- Gainsborough Road – **Chartwell;**
- Glenthams Court – **no.'s 1, 3;**
- Greenfields – **no.3, The Hollies;**
- Highfield Terrace – **Clematis Cottage, End Cottage, Middle Cottage, South View;**
- High Street – **The Board School, The Bumbles, Church View, The Cottage, Glenthams House, Glenthams Motors, The Hollies, The Old Schoolhouse, Windgate;**
- Middlefield Lane – **The Beeches, Carina, Elensway, Keepers Cottage, Laburnum Cottage, Middlefield House, Staveley;**
- Middlefield Road – **Swallows Nest;**
- Paddock Chase – **no.'s 1, 2, 4;**
- Seggimoor – **Beckside House, Brook Cottage, Sarah's Cottage;**
- Seggimoor Avenue, Glenthams – **no.'s 8, 9;**
- Washdyke Lane – **no.11, Appledore Cottage, Bell Cottage; Charterhouse, Chimney Pots, Prospect House, Washdyke House.**
- High Street (Caenby) – **The Bungalow**
- **Barff Farm** (Caenby)

Objections also received from the following addresses elsewhere in the District:

- The New House (Bishopbridge)
- Riverside House (Bishopbridge)
- 1 Riverside Cottage (Bishopbridge)
- Robindale, Back Lane (Brattleby)
- 11 Rawlinson Avenue (Caistor)
- The Dawdles (Kingerby)
- Barrett's Barn, Bridge Farm (Snitterby Carr)
- Old Farm House, Bridge Farm (Snitterby Carr)
- Field Close (Welton)

Objections also received from the following addresses outside the District:

- 8 Haselworth Drive, Alverstoke
- 17 Greenfield Road, Coningsby
- Woodstock, Madingley Road, Coton (Cambridgeshire)
- 30 Groathill Avenue, Edinburgh
- 23 High Street, Leadenham
- 5 Pinewood Crescent, Lincoln
- Wilkin Chapman LLP Solicitors, Lincoln (writing on behalf of "a number of residents", not cited)
- Whitegates, Middle Street, Misson (Doncaster)

- Bartlets Farm, Nancegollan (Cornwall)
- 126 Sandy Lane, Poole
- 28 Braeside, Sauchie
- 18 Selhurst Close, Wimbledon

Objections, in summary:

Policy conflicts and site selection:

- Development would be contrary to national policy and would not comprise sustainable development;
- Development will be contrary to the Central Lincolnshire Local Plan (citing policies LP1, LP2, LP5, LP9, LP12, LP13, LP14, LP17, LP18, LP26, LP55 (part E))
- Will prevent future expansion of Glenthams to the east, space around village should be reserved to meet future housing needs;
- Applicant has not specified agricultural land classification. Planning policies are to protect the best and most versatile agricultural land;
- Development is within a flood plain;
- Site lies within a “strategic green corridor”;
- More appropriate sites can be found and alternative land is available to the landowner;
- Submitted Environmental Statement is inadequate – it does not properly assess the environmental implications, sources pathways and targets;
- Concerned with cumulative effects and need – there are already many established poultry farms in locality;
- Applicant should have submitted a Health Impact Assessment (HIA) in accordance with CLLP policy LP9.

Highway Impact and safety concerns:

- A631 (Bishopbridge Road) is already a busy and dangerous ‘red route’ which will be exasperated by proposed development. Two HGVs cannot pass in Glenthams due to ‘bottle-neck’;
- Increase in traffic through a quiet village area, particularly at night, creating noise and nuisance and danger to pedestrians.

Landscape character, setting and visual impact:

- Development is too close to Glenthams;
- Development is a high capacity, industrial food processing factory, this cannot be considered to be an agrarian activity;
- Development is within setting of Grade I Listed Church and Grade II Listed Prospect House;
- Development is industrial and inappropriate on agricultural land;
- Will ruin views of the countryside and lead to blight;
- Landscape and visual impacts will be greater than that assessed;
- Proposed landscape ‘shelter belt’ will take years to mature;
- Will be in line of sight of properties within Glenthams;
- Green belt will be undermined;
- Inadequate landscape screening is proposed;
- Access track will be highly visible.

Environmental impacts:

- 24/7 lighting would be inappropriate in rural location;
- Noise and smell will be unbearable;
- Will result in an increase in flies and vermin including rats;
- The environmental impact i.e. pollution from waste product;
- Concerned with dust arising;
- It is proven that poultry workers suffer from increased risk of chronic bronchitis. Residents of the village should not be put at risk because of the polluted air which will result, particularly those with respiratory problems;
- Concerned with risk of airborne pollution and disease (such as avian bird flu);
- Question capacity of tanks for holding 'dirty water';
- Concerned with pollution of local waterways (with nutrients such as nitrogen).

Other matters:

- Development will generate only 3 full-time jobs – this shouldn't outweigh environmental concerns;
- Application is not adequately detailed to advise upon impacts of the development or operation of the poultry farm;
- Consider development would constitute a breach of the Human Rights Act (particularly Articles 1, 2, 6 and 8);
- Concerned with welfare of animals and ethics of this development. Factory farming creates unnecessary suffering for animals and is not acceptable;
- Visibility of lorries with crated chickens is offensive to many animal lovers;
- Will affect property values;
- Concerned development, if granted, will open the way for applications for further development of the surrounding fields, wind turbines and waste disposal units;
- Applicant has not undertaken any public consultation or consulted with residents;
- Landowner is a (former) elected Member of the District Council.

## **Relevant Planning Policies:**

### **Development Plan**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan – Core Strategy & Development Management policies.

### **Central Lincolnshire Local Plan (CLLP)<sup>2</sup>**

The CLLP was adopted in April 2017 and forms the Development Plan covering the whole district (and other Central Lincolnshire Authorities). The following policies are considered most relevant in consideration of the application:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP9: Health and Wellbeing

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP16: Development on Land Affected by Contamination

Policy LP17: Landscape, Townscape and Views

Policy LP18: Climate Change and Low Carbon Living

Policy LP20: Green Infrastructure Network

Policy LP21: Biodiversity and Geodiversity

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

### **Lincolnshire Minerals and Waste Local Plan – Core Strategy & Development Management policies (CSDMP)<sup>3</sup>**

The CSDMP was adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

### **Neighbourhood Plan<sup>4</sup>**

Glentham Parish is not a designated Neighbourhood Area, and there is currently no Neighbourhood Plan in place, or in production, that may be taken into consideration with the determination of this application.

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<sup>1</sup> [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

<sup>2</sup> Available at <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

<sup>3</sup> Available at <https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/core-strategy-and-development-management-policies/116942.article>

<sup>4</sup> See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>



## National Policy & Guidance

- National Planning Policy Framework (2012)<sup>5</sup>
- (Online) Planning Practice Guidance<sup>6</sup>

## Main issues

- Principle of Development
- Landscape and Visual Impacts
- Noise & Vibration
- Airborne Pollution and Odour
- Flood Risk and Drainage
- Water Environment
- Light Pollution
- Biodiversity & Ecology
- Traffic Impact & Highway Safety
- Heritage Impacts
- Alternative Sites and Cumulative impact with other developments
- Other Matters

## Assessment:

- **Principle of Development**

The site, measuring 3.80 hectares, is located approximately 1km to the east of the village of Glentham, with access to be taken directly from the A631 to the south.

The site is not subject to any specific development plan designations, and can be considered to be 'countryside' under Central Lincolnshire Local Plan (CLLP) policy LP2.

Under policy LP2, unless allowed by other policies in the Local Plan '*development will be regarded as being in the countryside and as such restricted to:*

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*
- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.'*

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<sup>5</sup> <https://www.gov.uk/guidance/national-planning-policy-framework>

<sup>6</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

For the purposes of planning, agriculture is interpreted<sup>7</sup> as including “...*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)*...”

Intensive Livestock Units, such as proposed here, are widely accepted as falling within the planning definition of agriculture. For instance, in a recent appeal allowed in Oxfordshire<sup>8</sup>, the Inspector found a similar poultry farm qualified as “not in-appropriate” within a statutory greenbelt as buildings for agriculture and forestry qualify as exceptionally allowed development in such locations under national policy.

The site is currently in agricultural use, for arable crop production. The proposed development would introduce a new agricultural process on the site – the keeping of livestock for food production. The proposed development is considered to be ‘*demonstrably essential to the effective operation of agriculture*’ and it is considered that the principle of development in this countryside location meets with policy LP2.

The Parish Council and a number of residents consider that CLLP policy LP55 Part E should be applied, and the development would run counter to this. The applicant also cites policy LP55(E) within the Further Information statement, albeit without demonstrating how they consider it applies. Under policy LP55 Part E, Proposals for non-residential developments will be supported provided that:

- a. *The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b. *The location of the enterprise is suitable in terms of accessibility;*
- c. *The location of the enterprise would not result in conflict with neighbouring uses; and*
- d. *The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

In that the development proposed is for agricultural purposes it is considered justifiable to maintain or enhance the rural economy, and is within a largely accessible location. The principle of development is considered broadly compatible with LP55(Part E) subject to its criteria being met in full, matters of which will be considered in more detail within this report.

A number of people have made representations that CLLP policy LP5 should be applied, and that the development should be located on an alternative employment site. However, the development is for agricultural purposes. It does not fall within any of the ‘B Classes’ (business, general industrial, storage and distribution) under the Use Classes Order. No industrial processes would take place on site, with the buildings solely used for the

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<sup>7</sup> [S336](#) of the Town & Country Planning Act 1990

<sup>8</sup> Appeal APP/C3105/W/17/3166498 (25<sup>th</sup> July 2017)

rearing of broiler chickens for food production. All birds are removed, alive, for processing off-site at the end of the production cycle. The development is only expected to generate 3 full time equivalent jobs. It is not considered to be an 'employment use' and policy LP5 should not be applied.

Planning policy<sup>9</sup> seeks to "protect the best and most versatile agricultural land" (BMV land). This is defined, in both the CLLP and NPPF, as land within grades 1, 2 and 3A of the Agricultural Land Classification (ALC).

The ES (paragraph 3.7) states that the site is within grade 3 (good to moderate). This appears to be a high-level desk-based assessment and does not distinguish between grade 3A, which falls within the definition of BMV land, and 3B, which does not.

The applicant was formally requested<sup>10</sup> to confirm the ALC using site-specific data. However, the submitted FI refers only to desk-based sources, and again only refers to the site, broadly, as being 'Grade 3 (Good to Moderate)'.

The applicant's Site Selection statement advises (paragraph 3.3) that "*avoidance of Grades 1 and 2... is therefore preferred*", suggesting that any sequential approach with the aim of avoiding Grade 3A land has not been considered.

In the absence of any site specific data to the contrary, the development is therefore considered to equate to the potential loss of up to 3.80 hectares of BMV land.

CLLP policy LP55 (Part G) will only permit development that affects BMV land if it meets certain criteria which would include that "*there is insufficient lower grade land available at that settlement; The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use.*"

This hasn't been demonstrated by the applicant, and development may therefore be in conflict with CLLP policy LP55 (Part G).

- **Landscape and Visual Impacts**

CLLP policy LP17 sets out requirements for development "to protect and enhance the intrinsic value of our landscape and townscape". This is consistent with one of the core planning principles within the NPPF (paragraph 17) in "*recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*"

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<sup>9</sup> CLLP policy LP55 (Part G); NPPF paragraph 112.

<sup>10</sup> Scoping Opinion dated 20<sup>th</sup> July 2016 and written request for Further Information, (WLDC letter dated 26<sup>th</sup> July 2017).

The ES (section 11) considers that:

*“The landscape is large scale and open and is not particularly sensitive, and should be able to accommodate the development without a detrimental impact on the landscape character. New planting would screen the site and further reduce any visual impact, whilst still keeping the landscape character.”*

A Landscape Visual Impact Assessment (LVIA) is included within the ES. It considers a layout similar to that submitted with the application (drawing CG-SP revA) but with a three bedroom bungalow included. When questioned on this, the applicant has responded (Additional Information, 30<sup>th</sup> October) that *“A residential unit is not proposed as part of this application. But may be a consideration if felt necessary subject to the outcome of this application, in any event it would be subject to a separate application.”*

The LVIA considers there are no known statutory landscape designations relating to the site and setting.

The LVIA does not detail national or regional Landscape Character Areas (although this was requested within the Scoping Opinion). It recognises the site as falling within the West Lindsey Landscape Character Assessment<sup>11</sup> Local Landscape Character Area (LLCA) of Limestone Dip Slope.

A “large scale arable landscape”, it assesses the overall landscape character sensitivity of the Limestone Dip Slope as low. The LVIA considers:

*“The inherent sensitivities of the landscape are its hedgerows and wide verges on the enclosure roads and the dip slope streams. The proposed development has no implications for these features of the local landscape and has limited visibility in the wider landscape.”*

However, closer inspection of the WLLCA indicates that, whilst Glenthams village is within the Limestone Dip Slope LLCA, the application site actually falls within the adjacent Lincolnshire Clay Vale LLCA.

The LVIA has therefore erroneously assessed the impact against the wrong Local Landscape Character Area.

Described as an “open agricultural landscape with big skies” the WLLCA considers the most sensitive parts of the Lincolnshire Clay Vale LLCA as being:

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<sup>11</sup> Document E037 is available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

- *historic and archaeological sites* which are often the sites of medieval settlement;
- *hedgerows and remaining hedgerow trees* which provide a distinctive vertical element in the landscape;
- *remaining lines of riverside trees* eg North Kelsey Carr;
- *pasture and meadow* - now a rare element in the landscape pattern eg Kingery Beck Meadows and Pickerings Meadow;
- *rivers, ditches and streams*, particularly the original course of the Ancholme;
- *occasional ancient woodlands* eg Kingerby Wood;
- *enclosure roads* with wide verges and enclosing hedgerows.

The extent to which the landscape impacts assessed and conclusions reached within the LVIA are still applicable is unclear.

The landscape is generally open and arable, and may be able to accommodate the development without compromising any sensitive landscape features. The buildings are fairly low lying with the grain stores likely to be the most prominent feature.

In terms of visual impact, the LVIA considers:

*“The proposed group of poultry buildings will have few visual receptors as there are no direct views from Glenthams, and there are only a few other surrounding settlements. Most views of the site will be from off the surrounding roads and will be distance, passing views, from motorists and other users of the roads.*

*The local landscape is open and large scale with scattered farmsteads, and is a working, agricultural landscape. The visual receptors are unlikely to be particularly sensitive, and views of the buildings are limited to a relatively small number of visual receptors.”*

With the nearest Public Rights of Way within Glenthams village, glimpses of the development will be limited mainly to the surrounding road network. Hedgerow planting would limit views from Barff Lane to the north and Cross Lane to the east.

It will likely be visible to traffic approaching from the east along the A631, but intervening hedgerows will obscure the views, particularly as one gets closer to the site.

Despite the generally open character of the prevailing landscape, it is considered that the visual impact of the development will be fairly limited to fleeting lines of sight when travelling upon the road network, and would not have a significant effect upon any sensitive visual receptors.

The LVIA does propose a landscape shelter belt along the western and southern edges of the development, to further mitigate the “landscape visual

impacts”. Whilst this would take some time to establish, it would offer mitigation and can be secured by planning condition.

Due to the erroneous Landscape Assessment it is difficult to assess the extent to which the character and setting of the local landscape character area will be protected/enhanced and therefore the extent to which the proposed development is, or is not, compliant with CLLP policy LP17.

- **Noise & Vibration**

CLLP policy LP26 sets out that:

*“The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how [r. adverse noise and vibration has] been considered in relation to both the construction and life of the development”*

The NPPF states (paragraph 123) that:

*“Planning... decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”*

Planning Practice Guidance on Noise sets out ([Paragraph: 003 Reference ID: 30-003-20140306](#)) that:

*“Local planning authorities’... decision taking should take account of the acoustic environment and in doing so consider:*

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

*In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.”*

A “Noise Study of an existing poultry unit”, less than one and a half pages of A4 in length, was submitted with the ES using an example of a comparatively

scaled poultry farm in East Kirkby, Lincolnshire. This concluded that “*on the site itself the noise output from bird removal is not significant, being within normal ranges for rural areas*”. This generic study does not identify noise levels likely arise from operations and machinery at the proposed farm, the likely receptors it may affect, or existing background noise levels at the application site and surroundings. It is inadequate to assess the likely affect from noise that may arise from the proposed development subject of this application.

Consequently, upon request, a site-specific Operational Noise Assessment (September 2017, WYG) was submitted with the Further Information.

When operational, the ONA advises that noise may be likely to arise from the following sources related to the development - building services plant (roof vents, gable end fans and silo motors), grain deliveries and the thinning of the proposed broilers contained within the proposed units.

The ONA identifies eight sensitive receptors (residential properties) within proximity of the site who have the potential to be affected by noise. The nearest property is approximately 400m distance from any noise source.

The ONA does not assess the noise implications arising from Heavy Goods Vehicles (HGV) arriving at and departing from the site (grain deliveries apart). The ES (section 10.3) anticipates that up to 78 HGV vehicles may visit the site within a week. This equates to 156 HGV vehicle movements. This would suggest a daily average of around 12 vehicles (24 movements) per day, but no information is provided as to the anticipated intensity of vehicle movements – i.e. anticipated movements per hour/day. Nor are details given on anticipated times of vehicle movements.

This has been raised with the applicant who has responded<sup>12</sup>, as follows:

*“It is impossible to anticipate a maximum daily number of movements. The table gives an average over each week of the 7 week cycle. Clearly the largest number of movements is in week 7. How many days this is over is affected by a variety of factors such as available labour, lorry capacity and capacity at the processing factory. It is however unlikely that more than 2 sheds would be emptied of birds in any one day so this would mean 13 vehicles in 24 hours... it is impossible to anticipate a time.”*

This would suggest the level of (HGV) vehicle movements generated by the development would not be significant, but could occur at all times of day and night. The Further Information (FI) (section 10) also indicates that the majority of movements will travel through Glenthams. Accordingly, the development could increase the number of HGVs traversing through Glenthams during the night-time.

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<sup>12</sup> Email, dated 12<sup>th</sup> October 2017.

This would be by vehicles utilising the public highway which is available at all times, to all vehicles, and by which adjoining residents can reasonably expect traffic noise. The impact of traffic on the public highway upon residents, largely goes beyond the responsibilities of the applicant, or the direct consequences of the proposed development.

However, as the applicant has been unable to advise on the likely intensity of HGV vehicle movements (i.e. trips per hour) despite their experience in the sector, it may be prudent to consider a planning condition to prohibit HGV vehicles during night-time hours if this is considered necessary in the public interest.

#### Noise from Building Plant

The ONA assesses each broiler house on the basis of having 5 roof vents (58.0 dB(A) at 3m) and 1 silo motor (one per two houses - 62.0 dB(A) at 3m) and six gable end fans (63.0 dB(A) at 3m). The ONA considers *“Due to thermostatic control, the gable end fans typically only operate at temperatures of 28°C or more, i.e. only during very hot summer daytime periods. However, the proposed ridge-mounted vents and silo feed motors are considered to operate continuously.”*

However, this is inconsistent with the ES (section 4.3.4) and drawing CG-ELE01 which appear to show 15no. air extraction chimneys on each Broiler House. The applicant has subsequently produced an Addendum to the ONA, which assesses the noise impact from operational plant on this basis.

The ONA addendum predicts that noise from the building plant will be below existing background noise levels during the day. However, during night time periods, specific noise levels are predicted to be a maximum of 7dB above the measured background levels at three nearby sensitive receptors (Neighbouring residential properties at The Chestnuts, Barff Farmhouse and Glebe Farm House). The external night-time noise levels “are within the Significant Observed Adverse Effect Level”.

However, the ONA addendum concludes that internal noise levels at neighbouring properties will be below the WHO criteria with both windows closed or partially opened.

#### Noise from Grain Store Deliveries

The ONA assumes *“that two HGVs could arrive within a one hour period (daytime - 41.3 dB at 3 m distance) and one vehicle arrival or departure within any given 15 minute period during the night-time (41.3 dB at 3 m distance).”*

The ONA assumes noise levels from the unloading of grain into the feed silos as follows – daytime (81.2 dB at 15 m distance) and night time (87.2 dB at 15 m distance).



For grain deliveries, daytime deliveries are predicted to be above background noise levels by at least 7dB at some sensitive receptors (namely, Washdyke Lane) and that, therefore daytime deliveries are within the Significant Observed Adverse Effect Level. Furthermore, during the night-time period, specific noise levels are predicted to be above the measured background level at all selected sensitive receptors, by up to 36 dB.

It goes on to assess that internal noise levels received at neighbouring properties (with windows closed or partially open) will be within WHO guidelines during the daytime.

At night, it concludes that noise levels are within WHO guidelines - when neighbouring properties windows are closed.

However, the ONA does not address that, through its own assessment WHO guidelines will be exceeded at all neighbouring properties at night if they have their windows partially open.

This suggests that there will be an adverse effect on neighbouring properties through noise and nuisance, with grain deliveries being undertaken at night. The report does not address this, or propose any mitigation in response.

The FI does however state (section 8.5) that *“it must be noted that no mechanical operations, including feed delivery, will take place at night.”*

Consequently in order to comply with policy LP26(r) a planning condition could, and should, be applied in order to prevent grain deliveries taking place at night-time. In view of the evidence presented, this is considered necessary, reasonable, relevant and enforceable.

#### Noise from Bird Collection / ‘Thinning’

During the ‘thinning’ process, live birds are removed from the site in crates loaded onto a HGV. The following noise assumptions are made about non-refrigerated HGV movements (daytime 35.3dB at 15 m distance; night-time 41.3dB at 15m distance), forklift movements externally loading the HGV (daytime 63.1dB at 15m distance; night time 63.1dB at 15m distance) and internally loading the crates (daytime 51.9dB at 15m distance; night time 51.9dB at 15m distance).

For “thinning” and exporting stock, the ONA anticipates daytime specific noise levels to be below background noise levels. However, night-time periods, specific noise levels are predicted to be a maximum of 14 dB above the measured background level at all selected sensitive receptors.

The assessment does however conclude, that internal noise at neighbouring properties will be within WHO guideline levels, both during day-time and night-time, with either windows closed or partially open.

Overall, it is considered that, subject to planning conditions to prevent grain deliveries taking place during the night-time, the development would be compliant with policy LP26(r).

- **Odour Impacts and Airborne Pollution**

CLLP policy LP16, despite its title of 'Development on Land Affected by Contamination' would appear to account for future, not only current, pollution, when it states:

*“Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.”*

CLLP policy LP26 sets out that:

*“The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how [s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources has] been considered in relation to both the construction and life of the development.”*

CLLP policy LP9 states that:

*“Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.”*

The NPPF (paragraph 120) states that:

*“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”*

Planning Practice Guidance on Air Quality<sup>13</sup> advises *“Odour and dust can also be a planning concern, for example, because of the effect on local amenity.”*

### *Odour Impacts*

The ES explains (section 8.1.1) explains that odour emissions increase when litter moisture rapidly increases or is at high levels.

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<sup>13</sup> Planning Practice Guidance on Air Quality [Paragraph: 001 Reference ID: 32-001-20140306](#)

*“It is known that when litter moistures exceeds 40% there is a progressive decline in the friability of the litter as the moisture increases. When the litter moisture reaches about 46% the litter becomes capped, i.e. a crust forms, often on top of more friable litter under it. Excreta and moisture accumulate on the capped litter with the result that the activity of the aerobic bacteria that break down the excreta and allow moisture to be absorbed is reduced. There is a shift to an aerobic breakdown with the consequence that the release of volatile odorants is increased.”*

Odour concentration is expressed in terms of European Odour Units per metre cubed of air ( $ou_E/m^3$ ). A Dispersion Modelling Study of the Impact of Odour has been included within the ES.

It advises the following as to how an odour might be perceived by a human with an average sense of smell, whilst however noting, that within a human population there is considerable variation in acuity of sense of smell.

- *1.0  $ou_E/m^3$  is defined as the limit of detection in laboratory conditions.*
- *At 2.0 – 3.0  $ou_E/m^3$ , a particular odour might be detected against background odours in an open environment.*
- *When the concentration reaches around 5.0  $ou_E/m^3$ , a particular odour will usually be recognisable, if known, but would usually be described as faint.*
- *At 10.0  $ou_E/m^3$ , most would describe the intensity of the odour as moderate or strong and if persistent, it is likely that the odour would become intrusive.*

It explains the character, or hedonic tone, of an odour is also important; typically, odours are grouped into three categories: Most Offensive (i.e. processes involving decaying animal / fish remains, septic effluent or sludge); Moderately Offensive (which includes Intensive Livestock Units as being proposed) and Less Offensive (i.e. brewery, coffee roasting).

The Odour Modelling refers to Environment Agency guidelines<sup>14</sup> which use the 98<sup>th</sup> percentile hourly mean<sup>15</sup> which “allows for some consideration of both frequency and intensity of the odours”.

Whilst the Guidelines are relevant to Environmental Permitting, they do provide a useful means of establishing when odour may become a nuisance. Agency benchmarks, based on the 98th percentile of hourly mean concentrations of odour modelled over a year at the site/installation boundary, are:

- 1.5  $ou_E/m^3$  for most offensive odours;
- **3.0  $ou_E/m^3$  for moderately offensive odours (which includes the proposed development);**
- 6.0  $ou_E/m^3$  for less offensive odours.

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<sup>14</sup> [H4 Odour Management – How to Comply with your Environmental Permit](#) (Environment Agency, 2011)

<sup>15</sup> this is the hourly mean odour concentration that is equalled or exceeded for 2% of the time period considered, which is typically one year.

It cites research that finds:

- At below 5.0 ou<sub>E</sub>/m<sup>3</sup>, complaints are relatively rare at only 3% of the total registered.
- At between 5.0 ou<sub>E</sub>/m<sup>3</sup> and 10.0 ou<sub>E</sub>/m<sup>3</sup>, a significant proportion of total registered complaints occur, 38% of the total.
- The majority of complaints occur in areas of modelled exposures of greater than 10.0 ou<sub>E</sub>/m<sup>3</sup>, 59% of the total.

The modelling predicts the following maximum annual 98<sup>th</sup> percentile hourly mean odour concentrations at 22 nearby receptors (residential properties):

Receptor number	X(m)	Y(m)	Name	Maximum annual 98 <sup>th</sup> percentile hourly mean odour concentration (ou <sub>E</sub> /m <sup>3</sup> )
1	501697	390601	Glebe Farm	2.23
2	501805	391279	Glenthams Grange	1.39
3	500838	390487	The New Chestnuts	2.95
4	501103	390359	Residence, A631	2.50
5	501207	390148	Barff Farm	1.16
6	502258	390693	Brickyard Cottage	0.82
7	501731	391495	Grange Farm Cottage	1.24
8	501590	391982	The Bungalow, Cross Lane Bridge	0.76
9	501438	392445	Low Place	0.42
10	500488	391071	Prospect House	1.39
11	500262	390998	Residence, Middlefield Lane	0.91
12	500310	390656	The Seggimoor	1.20
13	500387	390527	Manor House	0.94
14	502743	390863	Main Road Farm	0.52
15	503029	391233	Bishopbridge	0.35
16	503516	391905	The Dawdles	0.21
17	499892	392686	Beck Farm	0.15
18	500495	393246	Norton Sandhayes Farmhouse	0.14
19	499919	390257	Cherry Tree Farm	0.34
20	498955	390356	Highfield Farm	0.23
21	500315	389972	Moat Farm	0.58
22	501633	388984	Home Farm	0.22

The modelling predicts that, at all nearby residences and commercial properties, the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours, a maximum annual 98<sup>th</sup> percentile hourly mean odour concentration of 3.0 ou<sub>E</sub>/m<sup>3</sup>, although one residence (The New Chestnuts) appears to only just fall below the benchmark at 2.95 ou<sub>E</sub>/m<sup>3</sup>.

Questioned on the margin for error, the FI explains (section 8.1.3) that *"Whilst there is always going to be some margin for error in dispersion modelling, any assumptions made that would have a significant effect on the results are precautionary i.e. they err on the high side."*

The FI goes on to conclude that:

*“it is seen that in 99% of cases, AS Modelling & Data Ltd. dispersion modelling of broiler units has proven to provide good advice on the likelihood of annoyance and complaint about odour; that is to say that it is rather unusual that where predicted odour exposures are below 3.0  $\text{ou}_E/\text{m}^3$ , that there is a perceived problem with odour once the unit becomes operational.”*

No objections or concerns have been raised by any statutory consultees, and on the evidence presented, odour impact upon neighbouring properties would not appear likely to have a significant effect upon neighbouring residential properties. Development would appear to comply with CLLP policy LP26(s) in this respect.

### *Dust Emissions*

Section 8.2 of the ES advises:

*“Within a poultry building, the main sources of dust are the birds, their food and the floor litter. Measurements of dust concentrations have been found to be variable, depending on the number and age of the birds as well as the level of activity within the buildings. The particle size of dust is variable too. In general terms, particles smaller than 2 microns (2  $\mu\text{m}$ ) account for around 70% of the number of particles, but only 5% of the mass. Similarly, particles greater than 5 microns (5  $\mu\text{m}$ ) account for under 10% of the number, but between 40 and 90% of the dust mass.”*

It goes on to explain that particles of dust inside the building are emitted to the atmosphere via the ventilation system.

*“The larger dust particulars (5 microns/5  $\mu\text{m}$  and over) found within the building either tend to fail to migrate to the ventilation fans, or are expelled from the building and immediately deposited to the ground. The unit will employ high speed ridge ventilation so there will not be any large concentrations of deposited dust on the ground outside, **therefore creating few deposits entering the water course via land or French drains...** With increasing distance from the source **there will come a point where the concentration of dust particles which originate from poultry buildings fall into a level below air quality guide-line values as laid down by the EU and eventually be indistinguishable from normal background dust levels.** Evidence indicates that annual average concentrations of poultry dust are not expected at distances exceeding 100 m from the source.” [emphasis added]*

The ES does not provide a study of existing air quality at the site and surroundings in order to establish an existing baseline. It does not go on to predict the future air quality without (future baseline) or with the development in place.

Crucially, and critically, it provides no assessment of the impact upon the environment that would occur from emissions arising from the proposed development.

It does not explain what, if any pollutants, may be carried within dust. As this will arise from litter, it is assumed that the dust will carry ammonia and other nitrates, but this is not detailed. It does not assess the likelihood or the implications of the dust carrying any airborne diseases, through bacteria or micro-organisms, a concern raised by a number of nearby residents.

The ES does not explain the extent to which this may pollute land, soil, water or air, or the implications (with or without mitigation) for doing so.

For instance, it acknowledges that air quality guidelines will be exceeded to “a point”, without establishing where that point will be. It refers to “evidence”, not cited, that indicates annual average concentrations of poultry dust are not exceeded at distances exceeding 100m.

This suggests at the very least that dust will be falling on the surface water system and swale and surrounding land, with the potential to enter the water system and land.

Deposited ammonia can acidify soils, natural habitats and fresh waters. Ecosystems can be enriched with nitrogen, leading to Eutrophication<sup>16</sup>. Yet no assessment is provided within the ES that can otherwise be taken into account.

The ES advises that the development will adhere to the “Protecting our Water, Soil and Air – A Code of Good Agricultural Practice for farmers, growers and land managers” (“the CoGAP”, DEFRA, 2009)<sup>17</sup>

Whilst the CoGAP advises on good practice to minimise the risk of causing pollution, it does not claim to prevent or remove the risk. The CoGAP acknowledges (paragraph 33) that *“Poultry... housing can generate large amounts of dust which may adversely affect the health of people living nearby.”*

The Environment Agency has confirmed that the applicant will be required to apply for an Environmental Permit. They do advise that the operator has contacted them for pre-permit application advice and that they have conducted ammonia screening for the site.

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<sup>16</sup> “Eutrophication is the enrichment of ecosystems by nitrogen or phosphorus. In water it causes algae and higher forms of plant life to grow too fast. This disturbs the balance of organisms present in the water and the quality of the water concerned. On land, it can stimulate the growth of certain plants which then become dominant so that the natural diversity is lost.” (DEFRA, 2009)

<sup>17</sup> Available at <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

As Agency guidance notes<sup>18</sup> *“Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.”*

The Environment Agency inform that they have no objections to the proposed development, and have not advised of any complex permitting issues. Nonetheless, we are not advised that the applicant has secured, or yet applied for, a permit.

No technical assessment, including ammonia screening, is included within the Environmental Statement in order to allow the Local Planning Authority to make a reasoned conclusion on the significant effects of the proposed development on the environment when determining the application.

The formal request for Further Information (26<sup>th</sup> July) sought a site-specific assessment, identifying any factors likely to be significantly affected.

The single sentence response within the submitted Further Information is:

*“For dust, the relevant guidance for local authorities is in Defra LAQM TG(16). i.e. no further assessment is required unless the site is for more than 400,000 birds and there are residential receptors within 100 m.”*

The Local Air Quality Management (LAQM) regime requires the District Council to regularly review and assess air quality within the area. The applicant appears to be referring to methodology that local authorities should use to screen sources of pollution (such as an established poultry farm) as part of the Annual Status Report.

This however, is requiring an Environmental Impact Assessment of a proposed development in order for the Local Planning Authority to make a reasoned conclusion on the significant effects on the environment when determining whether to grant planning permission.

Planning Practice Guidance ([Paragraph: 005 Reference ID: 32-005-20140306](#)) on when air quality could be relevant, includes when introducing new point sources of air pollution. The subsequent flowchart ([Paragraph: 009 Reference ID: 32-009-20140306](#)) indicates that an assessment of existing and future air quality should be undertaken.

Furthermore, the Local Planning Authority’s formal Scoping Opinion (July 2016), specifically scoped “in” air pollution to be included within the Environmental Statement.

It is concluded that the Environmental Statement does not adequately assess the likely environmental implications from emissions that would arise from the

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<sup>18</sup> [Guidelines for Developments requiring planning permission and environmental permits](#) (Environment Agency, 2012)

proposed development. It is therefore in conflict with CLLP policies LP9, LP16, LP21 and LP26(s).

- **Flood Risk and Drainage**

CLLP policy LP14 sets out measures to avoid, through application of the NPPF's sequential test<sup>19</sup>, areas of flood risk or where development cannot be avoided, by making it safe without increasing flood risk elsewhere.

The Sequential Test aims to steer development to those areas at lowest risk of flooding. The application site lies within Flood Zone 1: Low Probability<sup>20</sup> (less than 1 in 1000 annual probability of river or sea flooding). This is the lowest flood risk zone available, and the development therefore passes the Sequential Test. The Exceptions Test is not required for a 'less vulnerable'<sup>21</sup> use located in FZ1<sup>22</sup>.

Flooding may also arise through inadequate drainage and surface water runoff.

A Flood Risk Assessment (FRA) has been included with the Environmental Statement. It proposes a Sustainable Drainage System (SUDS) for surface water drainage.

A surface water drainage scheme with capacity for a 1:100 event (plus 20% allowance for climate change) is proposed, as detailed in the FRA and section 6.3 of the ES.

The FRA explains that there will be no gutters and so the rainfall will runoff the (building) eaves and be collected in stone drains with a perforated drainage pipe in the bottom. A balancing/attenuation pond (with 1193m<sup>3</sup> capacity) needs to be installed to buffer heavy rainfall. A 100mm pipe would then discharge (3.0 litres/sec.) into the existing ditch in the north-eastern corner of the site.

The submitted drainage plan (drawing CG-DP) does not show a "balancing / attenuation pond" but instead denotes a 1193m<sup>3</sup> capacity "swale" in the north-eastern corner of the site, with 100mm pipe to discharge into the adjacent watercourse. The existing ditch appears to then discharge into Seggimoor Beck, to the north of the site.

Discharge into a watercourse will require the separate consent of the Internal Drainage Board (Ancholme IDB). The IDB have been consulted on the application, and do not indicate any concerns with this arrangement. They do advise that their formal consent will be required for discharging into a watercourse and that this would be restricted to 1.4 litres per second per hectare or greenfield runoff.

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<sup>19</sup> [Paragraph 100](#) onwards

<sup>20</sup> See <https://flood-map-for-planning.service.gov.uk/>

<sup>21</sup> See [Paragraph: 066 Reference ID: 7-066-20140306](#)

<sup>22</sup> See [Paragraph: 067 Reference ID: 7-067-20140306](#)



The IDB do acknowledge that ground conditions in this area may not be suitable for soakaway drainage, advising “it is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year”.

The Lead Local Flood Authority (Lincolnshire County Council) also repeat the requirement for off-site discharge to be limited to existing greenfield runoff rates for the site area, and that the system should be designed to accommodate a 1:100 year event, plus 30% allowance for climate change (not the 20% proposed).

In response<sup>23</sup>, the applicant puts forward that 20% allowance is correct and that the calculated discharge rate is in line with the greenfield run off rate (Qbar).

Environment Agency guidance on climate change allowances<sup>24</sup> would suggest that, for a less vulnerable use in flood zone 1, a 20% peak river flow allowance for the Humber River Basin, and also 20% for peak rainfall intensity allowance “in small and urban catchments”.

In view of the discrepancy between the applicant and Lead Local Flood Authority it is considered to be relevant, necessary and reasonable to apply a planning condition to secure full and final surface water drainage arrangements, to demonstrate that the development can be made safe from the risk of flooding, without increasing flood risk elsewhere. Such a condition is recommended by the Lead Local Flood Authority, who have raised no objections otherwise.

Subject to such a condition, the development is expected to accord with the first part (Flood Risk) of policy LP14.

- **Water Environment**

CLLP Policy LP14 also sets out measures for new development, in order to protect the water environment. This includes the requirement:

*“that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive”*

As set out above, surface water is to be stored within an onsite swale or balancing pond and discharged at an attenuated rate into an existing ditch.

Section 6.3.1 of the ES explains:

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<sup>23</sup> Additional Information statement (received 30<sup>th</sup> October 2017)

<sup>24</sup> See <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

*“The houses will have high velocity ridge outlets with side wall inlets. The high speed exhaust will be through the ridge so that stale air is carried upwards and is not deflected down the roof line which encourages dust to settle. **From experience there is unlikely to be any measurable volume of dust** requiring the house roofs to be periodically washed down. Any odours will also tend to be carried away from the site by the prevailing wind.” [emphasis added]*

Whilst the reference to “experience” is noted, the ES does not provide any meaningful assessment, supported by evidence, of the likelihood of surface water becoming contaminated, the consequences and impact of such upon the environment and any sensitive receptors, or any necessary mitigation in order to prevent, manage or reduce this risk.

Later, under section 8.2 (Dust Concentration and emissions), the ES states:

*“The larger dust particulars (5 microns/5 um and over) found within the building either tend to fail to migrate to the ventilation fans, or are expelled from the building and **immediately deposited to the ground**. The unit will employ high speed ridge ventilation so there will not be any large concentrations of deposited dust on the ground outside, therefore **creating few deposits entering the water course via land or French drains...** Evidence indicates that annual average concentrations of poultry dust are not expected at distances exceeding 100 m from the source.” [emphasis added]*

This would imply that dust particles *will* fall within proximity of the proposed open water swale, surface water drainage system and existing ditches, and that deposits will enter the watercourse. As water run-off from the buildings will *“be collected in stone drains with a perforated drainage pipe in the bottom”* it would imply that such particles could potentially enter ground water too. The ES (section 3.6) acknowledges that the development is proposed within a Nitrate Vulnerable Zone (NVZ) but provides no assessment as to what, if any, environmental impacts will arise from the development.

Drawing CG-DP indicates that foul water will be conveyed by pipes, via a ‘diverter valve’ to 2no. above ground waste water storage tanks. These are detailed in drawing 528-19-210 with having a capacity of 90,000 litres (90m<sup>3</sup>) each.

Section 6.2.1 of the ES explains:

*“Clearing out and washing down will take 8-10 working days when parts of the service area at the front of each house will be dirty. The birds will come in and go out from this yard. At the end of each batch the spent litter based on wood shavings or chopped straw will be cleared out by Bobcats and loaded directly into lorries or large farm trailers parked just outside the doors. There is in practice little spillage. To ensure poultry disease guidelines are adhered to and for bio security the litter needs to be taken off the actual poultry site immediately. No manure will therefore be stored*

*around the buildings, even for a short period. The remaining yard and roadway areas will be clean all of the time and drain to the ditch system via an attenuation pond.”*

It further explains that, once the litter is cleared by bobcats, the houses will be washed out by a specialist contractor, likely to be operating two pressure washing lances. It goes on to state that *“after clearing out the litter there is very little solid matter to be carried away with the washing water. This will run out of the building on to the yard and into the manholes and so the dirty water tank(s).”*

The ES explains that the central service yard will direct water run-off by sloping towards a grid / manhole housing a ‘diverter valve’. It explains *“One position directs the dirty washing water in to a collection tank (when cleaning out) and the other setting diverts clean rain water on the pad into the clean water system and so the balancing/attenuation pond.”*

The ES does not explain whether the diverter valve is automatically or manually operated. It does not assess the likelihood of the diverter valve failing, and the risk to the surface water being contaminated by ‘dirty water’.

The applicant was formally requested for further information relating to an assessment of the factors likely to be significantly affected by the development, the likely significant effects on the environment, and the likelihood and extent of pollution to land, soil, water, air etc.

In response, the Further Information only states:

*“There will be no anticipated environmental effects as it will be a totally sealed system with tanks as specified. Contaminated water will be tankered [sic.] off site for disposal. Other Environmental issues are assessed in the different sections of the EIA.”*

No explanation or reassurance is given as to why it can be considered a “totally sealed system” without any risk of failure or accident.

It is noted (ES, section 4.3.3) that each building will have an internal concrete floor “poured over a continuous Damp Proof Membrane” and that “the dwarf walls will be reinforced on a poured concrete foundation and contain all dirty water and prevent the ingress of ground water”.

If given the benefit of the doubt that this is “totally sealed” and cannot escape the poultry houses, they still require washing out and emptying, manually, at the end of each cycle.

Contaminated litter will be removed by bobcats where “there is in practice little spillage”, and the houses washed down to a central yard, with a “diverter valve” relied upon to prevent foul water entering the surface water system. Foul water will be stored in large above ground storage tanks that will need to

be manually emptied, outside, in order to remove wastewater from the site (approximately 30m from the swale).

It is unclear why the above processes can be considered as “totally sealed” with no risk of failure, or contamination to soil or water.

The litter/dirty water from the houses will likely comprise wood shavings and waste produced by the birds. The ES provides no assessment of the implications of this contaminating the environment.

Deposited ammonia can acidify soils, natural habitats and fresh waters. Ecosystems can be enriched with nitrogen, leading to Eutrophication<sup>25</sup>. Yet no assessment is provided within the ES that can otherwise be taken into account.

The Environment Agency have confirmed that the site will be required to apply for an Environmental Permit, and that the operator has already contacted the Agency for pre-application advice and have conducted ammonia screening for the site.

As Agency guidance notes<sup>26</sup> *“Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.”*

The ES does include a Pre-application Report from the Environment Agency, dated 16<sup>th</sup> June 2016, which summarises that *“based on the information you have provided you do not need to submit detailed modelling with your application.”* No further details of the applicant’s submission are provided. It is noted that the Environment Agency do not object to the development and have not raised any significant concerns.

Nonetheless, no evidence of the applicant having secured a permit is given. No environmental assessment has been provided within the Environment Statement to enable the Local Planning Authority to reach a reasoned conclusion on the likely significant effects on the environment that would arise from the proposed development.

With the lack of any appropriate assessment to demonstrate otherwise, development is considered likely to be in conflict with CLLP policy LP14 (Protecting the Water Environment) and LP16.

- **Light Pollution**

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<sup>25</sup> “Eutrophication is the enrichment of ecosystems by nitrogen or phosphorus. In water it causes algae and higher forms of plant life to grow too fast. This disturbs the balance of organisms present in the water and the quality of the water concerned. On land, it can stimulate the growth of certain plants which then become dominant so that the natural diversity is lost.” (DEFRA, 2009)

<sup>26</sup> [Guidelines for Developments requiring planning permission and environmental permits](#) (Environment Agency, 2012)

A number of residents have cited concerns that the proposed development could cause 'light pollution' to the detriment of amenities.

An objective of the CLLP (paragraph 2.5.2) is to minimise pollution, including light. Policy LP26 requires that;

*Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how [an q. Increase in artificial light or glare has] been considered, in relation to both the construction and life of the development.*

Planning Practice Guidance on Light Pollution advises:

*'Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. Equally, artificial light is not always necessary, has the potential to become what is termed 'light pollution' or 'obtrusive light' and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. For maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing light at the right time.'*

[Paragraph: 001 Reference ID: 31-001-20140306]

Whilst the application site is not within a protected area of dark sky, it is within an intrinsically dark landscape, where it may be desirable to minimise light sources<sup>27</sup>.

The ES (section 12) advises that, "These are a mixture of floodlights over the main doors and personal lights beside each personnel door. The floodlights will be pointing towards the ground and so will have minimal impact on the wider environment."

It is noted that there will not be self-standing lighting columns.

The applicant has been asked (letter dated 3<sup>rd</sup> October 2017) to produce a light-spill diagram to illustrate the extent and levels of light that will arise from the development.

However, in their Additional Statement (30<sup>th</sup> October) the applicant reiterates their previous comments without providing any meaningful assessment of lighting impacts.

However, the site is not within a protected area of dark sky, and the lighting arrangements indicated would not suggest that light pollution would be likely to be significant.

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<sup>27</sup> See [Paragraph: 002 Reference ID: 31-002-20140306](#)

It is considered that a planning condition could, and should be applied, to secure a light spill diagram to be agreed with the Local Planning Authority, in order to accord with CLLP policy LP26(q).

- **Biodiversity & Ecology**

CLLP policy LP26 sets out that all development should:

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

The NPPF (paragraph 118) states that “*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*” by employing a number of set out principles.

The ES (section 9) considers that poultry units can have an impact on ecology in three ways, being:

- “a) The site of the new buildings removing habitat, especially any elements constructed on previously undeveloped land.*
- b) The impact on species that might use the site temporarily or immediate surrounding area.*
- c) The impact of emission on sites of ecological interest further afield, principally ammonia.”*

A (Phase 1) Preliminary Ecological Appraisal is included within the ES. The Scoping Opinion had advised the Survey should be equivalent to Phase 2.

It finds that there are no statutory designated sites of importance for nature conservation, or non-statutory sites (such as Local wildlife Sites) within 2km of the application site.

Natural England has confirmed that they consider that the proposed development will not have significant adverse impacts on designated sites Kingerby Beck Meadows SSSI and Normanby Meadow SSSI and have no objections.

Bird Nesting - The Study notes some evidence of bird nesting activity within the boundary hedgerows and trees. It concludes

“The value of the site, for breeding birds is assessed as likely being of **Low** value at the **Parish/Neighbourhood** scale and the impact of the development on birds is judged to be **Minor Adverse** in the short-term and **Neutral** in the long term.”

It recommends any ground clearance and site works take place between 15<sup>th</sup> September and the end of February to avoid the bird nesting season, otherwise a nesting bird survey should be undertaken. This can be secured by planning condition.

Bats – The report found no evidence of bat activity or roosts. It recommends that the boundary trees and hedges provide suitable bat foraging and commuting routes and so must not be illuminated during construction or site operations. This can be secured by planning condition.

Great Crested Newts - The value of the site to amphibians is assessed as **Lower** at the **Parish/Neighbourhood** scale and the impact of the development subject to mitigation is **Neutral**. It recommends that any stored materials such as timber, bricks, sheet materials should be raised off the ground to prevent them from being used as refugia. No site compounds should extend into the boundary hedges, rough grassland and tall ruderal vegetation. This could be addressed through a planning condition requiring a Construction and Environmental Management Plan (CEMP).

Reptiles – The report advises that grass snake have been recorded within the search radius. The boundary hedges and rough semi-improved grassland provides suitable habitat for reptile species and so must not be disturbed unnecessarily. It sets out measures for the sensitive clearance of areas of rough grassland that can be secured by planning condition.

Badgers – The report finds no evidence of badgers, but advises that *“There are foraging habitats and commuting corridors along the boundary hedges and which provide connectivity to the wider landscape.”*

The Report sets out a section on mitigation (section 7) that can be secured by way of a planning condition.

The report also sets out measures for biodiversity enhancement (section 8) which includes the provision of bird and bat boxes, and additional planting. This can be secured by condition.

Whilst the report advises *“contractors will be expected to take measures to minimize the presence of air borne dust during clearance and construction. If possible any activities producing in excess of 70db should be avoided during the bird nesting season”*, it does not assess the impact upon habitats or the ecosystem as a result of when the development would be operational.

Notably, the Operational Noise Assessment (ONA) only considers the impact of operational noise on nearby residential properties. The ES does not assess the implications upon biodiversity, habitats and any protected species.

This was specifically requested within the formal request for Further Information (letter dated 26<sup>th</sup> July), but was not addressed by the Further Information statement.

Nor does the ES provide any meaningful assessment of the environmental implications arising from (dust) emissions from an operational poultry farm, upon any sensitive receptors which would include biodiversity, habitats and any protected species.

In the absence of such an assessment, development is likely to be contrary to CLLP policy LP16 and policy LP21.

- **Traffic Impact & Highway Safety**

CLLP policy LP14, consistent with paragraph 32 of the NPPF, states that:

*“Any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.”*

Access is proposed to be taken directly off the A631 (north side). The road is relatively straight at this point, and the applicant has demonstrated that an adequate visibility splay can be achieved (drawing CG-AAP rev A), in order to achieve safe access and egress from the application site. As per the advice of the Local Highways Authority, it is recommended that this is secured by way of a planning condition.

The ES (section 10.3) anticipates the development would generate the following no. of heavy goods vehicles (HGV):

Commodity	Delivery/Collection	Week							Total
		1	2	3	4	5	6	7	
Gas & shavings	Delivery 25 tonnes	4	3						7
Feed	Delivery 38 tonnes	6	9	9	10	10	10		54
Chicks	Delivery 20 tonnes	8							8
Birds	Collection 21 tonnes						20	46	66
Litter	Collection 20 tonnes							26	26
Carcass	Collection 20 tonnes	1	1	1	1	1	1	1	7
Dirty Water	Collection							5	5
Total/Week		19	13	10	11	11	31	78	173

The above does not include staff (anticipated up to three persons on site), and ‘specialist labour for catching and cleaning out’ (anticipated movements not provided). The applicant has advised<sup>28</sup> that cleaning out will take approximately 8 days and “will likely involve a van with a specialist gang in attendance on each day”.

This suggests a maximum of 78 vehicles in any one week (156 movements), with a weekly average of 24.7 vehicles (49.4 movements).

<sup>28</sup> Email, dated 12<sup>th</sup> October 2017



Daily movements, and likely hours of operation are not detailed within the EIA. The applicant has advised, that it “is impossible to anticipate a maximum daily number of movements” or times of deliveries / collections. They do advise:

*“Usually things at the beginning of the cycle such as deliveries of gas, shavings feed, and the chicks will take place Monday to Friday within normal working hours. Bird collections could happen at any time during the end of the cycle, depending on when the demand is in the chicken processing factory. Generally the further from the factory the unit is the earlier they have to catch to transport the birds for early morning processing.”*

The FI advises that bird collections (total 66 vehicles / 132 movements per cycle) will travel west (through Glentham) to reach the A15 where they’ll head north to Scunthorpe (or south to Anwick).

Litter collections (26 vehicles / 52 movements per cycle) will be transported west, through Glentham, and then head south on the A15 to a power station at Thetford, to be used as a renewable energy fuel.

Thus, it would appear that the majority of vehicles servicing the site will pass through Glentham on the A631.

The Ward Member, Parish Council and many residents have raised concerns with highway safety. A number of residents refer to a ‘bottleneck’ within the village, questioning the ability of HGVs to pass one another.

Nonetheless, this is public highway, and a classified A-road, available to the use of HGVs, and that can be expected to have the capacity to accommodate the levels of traffic being envisaged by the proposed development. The Local Highways Authority have not identified that any “severe transport implications” will arise with the development, nor do they raise any objections to the proposals.

- **Heritage Impacts**

The EIA (Section 14) provides a high level desktop assessment of known heritage assets in proximity to the site.

It identifies Prospect House, a Grade II listed C17 Farmhouse as the nearest asset, ‘approximately 700m’ (I measure around 640m) to the north-east of the site.

Other identified assets include the Grade I Listed Church of St Peter and Paul, Grade II Listed Manor House, Grade II Listed Trap Door at Manor House, all approximately 850m to the west, within Glentham.

Notably, the ES fails to recognise Glentham Conservation Area, only approximately 800m west of the application site.

The Conservation Officer considers the development does have the potential to impact upon the setting of heritage assets.

However, the Assessment provided does not describe the significance of any heritage assets that may be affected, including any contribution made by their setting. It has not consulted the relevant Historic Environment Record (HER), a minimum requirement of the NPPF (paragraph 128).

In the absence of a proper, if proportionate, assessment of the impact upon nearby heritage assets, development is contrary to CLLP policy LP25 and the NPPF (paragraph 128).

The ES does not consider the potential for any archaeological significance. The County Council Archaeologist advises that the applicant's data source is not an appropriate tool for looking at the potential impacts of development on the Historic Environment, as they "only provide third party designated data". She advises that the Historic Environment Record (HER) should have been consulted, as advised within the NPPF (paragraph 128). She advises that the correct data *"would have identified that there are several areas where Romano-British material has been recorded and that this potential continues across the site."*

Nonetheless, the County Archaeologist considers that a planning condition to secure a Scheme of Archaeological Works will suffice, which she envisages *"would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. The attenuation pond just be subject to a strip map and recording in plan."*

Whilst the advice of the archaeologist is noted, planning policy (both CLLP policy LP25 and NPPF paragraph 125) do require an appropriate assessment where the site has the potential to include heritage assets with archaeological interest, and this has been sought from the applicant (letter dated 3rd October).

The applicant's response (Additional Information received 30<sup>th</sup> October) is that *"the requested HER information will be provided forthwith"* but that *"an archaeological scheme of investigation can be conditioned if it is felt necessary"*.

The absence of an adequate assessment runs contrary to CLLP policy LP25 and the NPPF (paragraph 128). However, weight can be attached to the advice of the County Archaeologist who has advised that a planning condition could be applied in this instance. Accordingly, such a condition is considered necessary, reasonable and relevant.

- **Alternative Sites and Cumulative impact with other developments**

It is a requirement<sup>29</sup> that the Environmental Statement includes “a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment”.

This was not provided within the submitted Environmental Statement, which simply states (section 15) “Alternative layouts have been considered however it is felt that the proposal makes best use of the site.”

This is not satisfactory and further information was required (letter dated 26<sup>th</sup> July). The Further Information (FI) statement was accompanied by a more detailed ‘Site Selection Process’ Document (SSP).

The SSP explains that the poultry farm is intended to serve processing plants within Scunthorpe and Anwick. It therefore needs to be within an accessible location (on a classified road) between both settlements – i.e. the wider Central Lincolnshire area. Statutory designated areas, such as the Lincolnshire Wolds AONB, were then excluded.

The site needs water and electricity connections, preventing overly remote locations, and they seek to avoid areas at risk of flooding.

Grade 1 (excellent) and 2 (very good) agricultural land is also avoided. The SSP did not seek to avoid grade 3A (good) which is also ‘Best & Most Versatile Land’. It is however acknowledged that Natural England’s high-level maps do not distinguish between grades 3A & 3B. This would require site-specific testing between preferred sites, which is not detailed within the SSP (or within the ES for that matter).

The SSP factors in “bio-security” explaining that disease control “is essential for poultry units, both internally and externally”. It refers to the need to avoid open water and other poultry farms. It refers to the need to avoid sensitive receptors and protect the local environment from noise, smell, dust and water pollution.

Any assessment of bio-security and risk of disease arising from the proposed development is notably absent within the ES.

The SSP refers to identifying 8 possible sites (not detailed), of which “2 sites were best all-rounders as they should cause the least impact on the environment and had co-operative landowners.”

The SSP does not identify the other sites or provide a comparative of the ‘environmental impacts’ assessed for each, and does state that “the other sites may be progressed in the future”, suggesting the applicant does not

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<sup>29</sup> [Regulation 18](#) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017

consider that they're unavailable or inappropriate for poultry farm development.

No consideration of alternatives in regard to other matters such as development design, layout, size and scale are provided.

The adjoining Ward Member, and a number of residents, has cited concerns with the cumulative environmental impact of the development with other Intensive Livestock Units already established within the locality. The Scoping Opinion had requested an assessment of any cumulative effects and this was requested again in writing (letter dated 29<sup>th</sup> August) during consideration of the application.

The SSP acknowledges that the proximity of other poultry farms has implications for biosecurity / disease control, and that the nearest large poultry unit is approximately 2.8km to the North East.

However, the ES provides no assessment of the cumulative effect on the environment with any other existing or approved projects.

- **Other matters**

The role of planning is concerned with land use in the public interest (see Planning Practice Guidance [Paragraph: 008 Reference ID: 21b-008-20140306](#)).

Whilst a number of representations have cited concerns with the effect on property values as a result of the proposed development, the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.

Many representations have cited concerns with the ethics of the proposed development and have concerns with animal welfare. However, animal welfare standards are set, and enforced by legislation separate from that of the UK planning system. This is not therefore a material consideration in the determination of this planning application.

The site is not within statutory designated greenbelt, as is claimed by some third parties.

Some residents have noted that the site appears to be within a "Strategic Green Corridor" as identified in the Green Infrastructure Study for Central Lincolnshire<sup>30</sup>. CLLP Policy LP20 seeks to "maintain and improve the green infrastructure network in Central Lincolnshire". Development is not prohibited within such locations, and the site is within fairly inaccessible private agricultural land. The development is not expected to undermine the green infrastructure network.

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<sup>30</sup> Document E038, available at <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

Some third parties have noted that the landowner is a former District Councillor. The application form has been signed to certify that correct notice has been served upon the landowner. Land ownership is not a material consideration in the determination of the application. The application is to be determined in a transparent fashion by the Planning Committee within a Public Meeting.

### **Overall Planning Balance and Conclusions**

The Council, as the relevant planning authority, has a statutory requirement<sup>31</sup> that when determining an application... in relation to which an environmental statement has been submitted, it must:

- (a) examine the environmental information;*
- (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;*
- (c) integrate that conclusion into the decision as to whether planning permission... is to be granted; and*
- (d) if planning permission... is to be granted, consider whether it is appropriate to impose monitoring measures.*

Having examined the Environmental information submitted, it is concluded that it does not include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment. This is a statutory requirement for an Environmental Statement ([Reg. 18\(4\)](#)).

In particular the ES does not provide an estimate, by type and quantity of expected emissions that would arise from the proposed development ([schedule 4 \(1\)](#)), particularly in respect of dispersing dust particles. This was requested within the Scoping Opinion.

It does not provide a description of the relevant aspects of the current state of the environment (baseline scenario) and how it would likely evolve without the development.

It does not identify, describe and assess in an appropriate manner the direct and indirect significant effects on the proposed development on factors such as population and human health, biodiversity, land, soil, water, air and climate. This is required under [regulation 4\(2\)](#).

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<sup>31</sup> [S26](#) of The Town & Country Planning (Environmental Impact Assessment) Regulations 2017

Much of the above centres around a lack of adequate assessment to the likely significant effects from the emission of pollutants from the proposed development.

It is concluded that West Lindsey District Council, as the relevant planning authority cannot meet its statutory obligation to have reached a reasoned conclusion on the significant effects of the proposed development on the environment, having examined the environmental information.

### **Recommendation**

It is recommended that planning permission is refused for the following reasons:

1. The Environmental Statement does not include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, by taking into account current knowledge and methods of assessment. In particular, it does not provide a description of the likely significant effects of the development on the environment resulting from the emission of pollutants. It does not identify, describe and assess in an appropriate manner the direct and indirect significant effects on the proposed development on factors such as population and human health, biodiversity, land, soil, water, air and climate. The Environmental Statement has assessed the landscape impact of development against the incorrect Local Landscape Character Area. Development would therefore be contrary to the provisions of the Central Lincolnshire Local Plan, particularly policies LP9, LP14, LP16, LP17, LP21 and LP26.
2. The development would result in the potential loss of up to 3.80 hectares of best and most versatile agricultural land. It has not been demonstrated that the land would not fall within grade 3A of the agricultural land classification and, if so, that there is insufficient lower grade land available or that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions. Development is therefore contrary to policy LP55 (Part G) of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly at paragraph 112.
3. The application does not provide an appropriate description and assessment of the significance of any heritage assets affected, including any contribution made by their setting. This is contrary to policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly at paragraph 128.

### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.

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CHARTERED SURVEYORS & PLANNING CONSULTANTS

THE OLD MARKET OFFICE - 10 RISBYGATE STREET - BURY ST  
EDMUNDS - SUFFOLK - IP33 3AA

Environmental Statement for:

PROPOSED NEW POULTRY UNIT at LAND OFF BISHOPBRIDGE ROAD, GLENTHAM



Report prepared for:  
ESCO NRG



**MARCH 2017**

### **NAME OF ORGANISATION**

Acorus Rural Property Services Ltd – known as Acorus (Registered number 04514547)

### **OVERVIEW OF ORGANISATION**

Acorus Rural Property Services Limited are a privately owned firm of Chartered Surveyors and Planning Consultants specialising in Rural Development.

Acorus has offices nationwide of which the South and South East office operates from The Old Market Office, 10 Risbygate Street, Bury St Edmunds. Other offices are located in Wolverhampton and Exeter.

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## **TERMS OF REFERENCE**

ESCO NRG has asked Acorus Rural Property Services to collate an Environmental Statement to be used in conjunction with his proposed planning application to erect a poultry unit at Land off Bishopbridge Road, Glenthams, Market Rasen.

The report has been collated by Henry Doble BSc (Hons), and draws on technical information supplied by:

Brian Barrow – Acorus Rural Property Services Ltd

Steve Smith – A.S Modelling & Data Ltd (Odour Modelling)

C.E Davidson – Agricultural Building Designer

Graham Hinton – Landscape and Environmental Consultant

James Hodson – Ecocheck Ltd.

John Bailey – Acorus Rural Property Services



## **1. INTRODUCTION**

### **1.1 Purpose of report**

Acorus was requested by ESCO NRG to put together an Environmental Assessment looking at the potential environmental implications of a proposed broiler poultry unit.

The report is intended to:-

1. Establish existing conditions on the site and surrounding area.
2. Identify and assess the environmental impact of the proposed unit.
3. Identify any measures necessary to mitigate adverse effects if appropriate.

### **1.2 Scope of report**

This report looks at the potential issues associated with the proposal. The development is above 85,000 broilers so falls under schedule 1 of the Environmental Impact Assessment Regulations whereby an EIA is a mandatory requirement. A scoping opinion was requested, the contents of this assessment is based on comments received from that scoping opinion and other studies undertaken. A copy of the scoping opinion received is contained at appendix 1.

## **2. SUMMARY OF PROPOSAL**

It is proposed to construct 10 new poultry buildings housing 400,000 birds. The buildings measure approximately 24.3 metres x 91.4 metres. Details of the proposed buildings are contained at appendix 4.

### **3. BACKGROUND**

#### **3.1 Existing Site**

The existing site is bare agricultural land.

#### **3.2 Site History**

The site has been used for agricultural purposes with arable cropping.

### 3.3 Current Condition

There are currently no existing buildings on site. The proposal is a new build.

### 3.4 Supply Chain

The birds from the unit are likely to be supplied to the processing facilities operated by a national processor. However this is subject to contract arrangements as there are a number of facilities available.

## PHYSICAL CHARACTERISTICS

### 3.5 Site Soilscape

A check of the site against data provided from DEFRA shows the soil-scape of the site to be:

#### Soilscape (England)

**Reference**

18

**Name**

SLOWLY PERMEABLE SEASONALLY WET SLIGHTLY ACID BUT BASE-RICH LOAMY AND CLAYEY SOILS

**Main Surface Texture Class**

LOAMY

**Natural Drainage Type**

IMPEDED DRAINAGE

**Natural Fertility**

MODERATE

**Characteristic Semi-natural Habitats**

LOWLAND SEASONALLY WET PASTURES AND WOODLANDS

**Main Land Cover**

GRASSLAND AND ARABLE SOME WOODLAND

**Hyperlink**

[/Metadata\\_for\\_magic/soilscape\\_summary.pdf](#)

### 3.6 Local Landscape

A 2km search was undertaken from the site for relevant local designations as maintained from DEFRA databases.

DESIGNATION SEARCHED	DESIGNATION FOUND	DESIGNATION NOT FOUND
Ancient woodland		X
AONB		X
Community forests		X
Green belt		X
National parks		X
Nitrate vulnerable zones	X	
Registered common land		X
Registered parks and gardens		X

#### Breakdown of features found:

Nitrate vulnerable zone

#### Nitrate Vulnerable Zones (England)

**Zone ID**

69

**Type of NVZ**

Groundwater

**Zone ID**

356

**Type of NVZ**

Surface Water

National Character Area

## National Character Areas (England)

### Reference

44

### Name

Central Lincolnshire Vale

### Square km

819

### Hyperlink

[http://www.naturalengland.org.uk/publications/nca/central\\_lincolnshire\\_vale.aspx](http://www.naturalengland.org.uk/publications/nca/central_lincolnshire_vale.aspx)

### Reference

45

### Name

Northern Lincolnshire Edge with Coversands

### Square km

501

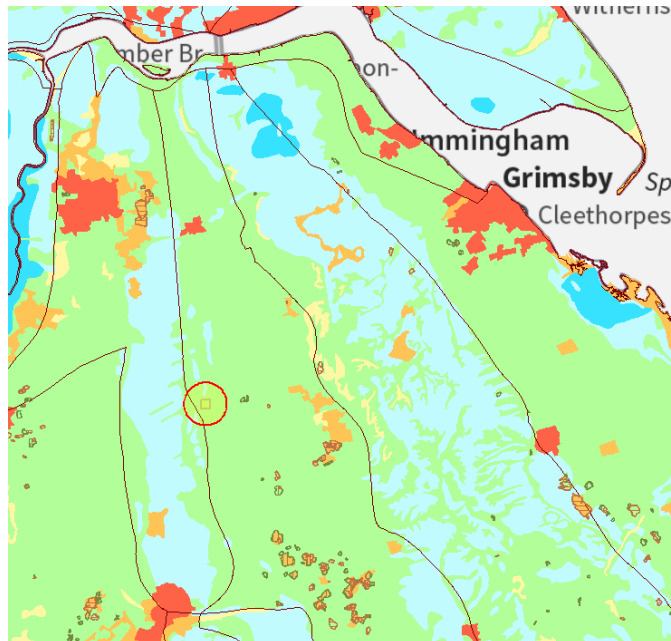
### Hyperlink


[http://www.naturalengland.org.uk/publications/nca/northern\\_lincolnshire\\_edge.aspx](http://www.naturalengland.org.uk/publications/nca/northern_lincolnshire_edge.aspx)

Further details are contained at appendix 2.








### 3.7 Land grading

Land surrounding the site is designated as grade 3 defined as Good to Moderate.



 Counties, Metropolitan Districts and Unitary Authorities (GB)

Agricultural Land Classification - Provisional (England)

 GRADE 1  
 GRADE 2  
 GRADE 3  
 GRADE 4  
 GRADE 5  
 NON AGRICULTURAL  
 URBAN

### **3.8 Present cropping**

The site is currently cropped used in an arable rotation.

### **NEARBY BUILDINGS AND DWELLINGS**

### **3.9 Surrounding properties**

The closes properties to the site are;

The Chestnuts – approximately 500 metres south west

Glebe Farm – approximately 600 metres south east

Barf Farm - approximately 750 metres south

Glenthams Grange– approximately 780 metres north east

### **3.10 Surrounding towns and villages**

The village of Glenthams is approximately 900 metres to the west.

## **ACCESS & ROAD NETWORK**

### **3.11 Road network**

The surrounding road network is of a good quality. The site is adjacent to the A631. It is approximately 5.5 kilometres to the A15.

### **3.12 Access**

The site is accessed directly from the A631. The access is of good quality with good visibility in each direction.

Details of the proposed access and lorry turning area are contained at appendix 4.

## **ECOLOGY**

### **3.13 Footpaths**

There are no footpaths directly associated with the site.

### **3.14 On site ecology (Phase 1 survey)**

A Phase 1 habitat survey has been undertaken by Ecocheck consultants and is contained at Appendix 3.

### **3.15 Local ecology (2km radius)**

A search of local ecological sites within 2 km was undertaken and this identified the following:

<b>SITE SEARCHED FOR</b>	<b>SITES FOUND</b>	<b>SITES NOT FOUND</b>
RSPB Site		X
National Nature Reserves		X
Sites of Special Scientific Interest		X
Sites of Special Scientific Interest Units		X

Special Areas of Conservation		X
Special Protection Areas		X
Woodland Trust Sites		X
World heritage Sites		X
Environmentally Sensitive Areas		X
Scheduled Monuments		X
RAMSAR Sites (10 KM search)		X
Ancient Woodland		X

### SSSI

There are no SSSI's within 2km of the holding.

There are two SSSI's up to 5km from the site;

### Sites of Special Scientific Interest (England)

#### Name

Normanby Meadow

#### Reference

1009462

#### Natural England Contact

PATERSON - CAROL

#### Natural England Phone Number

0845 600 3078

#### Hectares

4.18

#### Citation

2000465

#### Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s2000465>

#### Name

Kingerby Beck Meadows

#### Reference

1002855

#### Natural England Contact

PATERSON - CAROL

#### Natural England Phone Number

0845 600 3078

#### Hectares

5.52

#### Citation

1002988

#### Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1002988>

There are also further SSSI's and designated areas up to 10km from the site



### Sites of Special Scientific Interest (England)

**Name**

Cliff House

**Reference**

1002941

**Natural England Contact**

MILLARD - ANNA

**Natural England Phone Number**

0845 600 3078

**Hectares**

4.75

**Citation**

1002890

**Hyperlink**

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1002890>

### 3.16 Other designations (2km radius)

None

## PLANNING ADVISE & HISTORY

### 3.17 Planning history

Nothing of relevance to this application.

### 3.18 Planning applications in the locality

None were identified which were considered of relevance to this application.

### 3.19 Site History

It is understood that the site has always been used for agricultural purposes.

### **3.20 Planning policy**

#### **National policy**

March 2012 saw the publication of the Government's National Planning Policy Framework (NPPF). This document replaces all Planning Policy Statements. The document states that there is a presumption in favour of sustainable development.

Section 3 is entitled 'Supporting a Prosperous Rural Economy' and paragraph 28 states:

*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*

In particular it goes on to state;

*To promote a strong rural economy, local and neighbourhood plans should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*
- *Promote the development and diversification of agricultural and other land-based rural businesses.*

In considering suitable locations for development the document indicates that 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 a higher quality.

The policies within the NPPF apply from the date of publication, however for the 12 months from that date, decision makers can continue to give full or due weight to existing relevant policies in local plans in they were adopted after 2004.

Environmental issues are of major concern with all forms of development. Agricultural development which is deemed significant, such as the additional poultry housing proposed, has the potential to have an impact on the environment.

Hence major developments of this type were included within the Town and Country Planning (Assessment of Environmental Effects) Regulation 1988. Environmental issues tend to be site specific in relation to the importance of such issues as landscape impact, ecological issues, effect on water sources, highways and other important issues.

The Town and Country Planning (Environmental impact Assessment) Regulations 2011 are now the current version and identified further issues to be considered.

The above policy and regulations have been used as a basis for the preparation of this report with the major issues given the appropriate weight in initial consultations, and addresses accordingly.

### **Local policy**

Local policy can be found within the West Lindsey Core Strategy 2013;

Policy CL22 – Strategy for the Rural Area of Central Lincolnshire

The Central Lincolnshire Authorities and their partners will support the Rural Area of Central Lincolnshire through an integrated and sustainable approach to planning based on the Core Strategy’s Vision and Objectives.

To achieve this, the Local Plan will:

- Promote and support the sustainability of rural communities, so that they are prosperous, balanced and resilient;
- Protect, enhance and expand existing services, facilities and other infrastructure across the Rural Area in line with the Infrastructure Delivery Plan, Sustainable Futures Study and the review of rural settlement roles proposed as part of the Local Plan review;
- Maintain and enhance the smaller towns (Market Rasen and Caistor) including their roles in supporting their surrounding areas;
- Seek to ensure that rural housing needs, including affordable housing, are met in line with the Spatial Strategy for Growth in Central Lincolnshire;
- Promote a sustainable rural economy, including support for innovation, diversification and use of local resources (locally produced food, biomass, timber and other renewable construction materials; etc). Opportunities to link the rural and urban economies and resource use in Central Lincolnshire will be promoted;
- Promote improved access to the countryside and sustainable rural tourism;

- Promote improved accessibility and public transport provision serving the Rural Area as part of the transport strategy for Central Lincolnshire;
- Protect, nurture and enhance the quality of the rural environment and countryside, including its natural and historic value, landscape character and local distinctiveness.

## **4. DETAILS OF PROPOSAL**

### **4.1 Description of the proposed sheds**

It is proposed to construct 10 new poultry buildings housing 400,000 birds. The buildings will measure approximately 24.3 metres x 91.4 metres. Details of the proposed buildings are contained at appendix 4.

Each of the new buildings will provide a total floor area of approximately 2221 m<sup>2</sup> (although the usable internal floor space will be slightly below this). The total floor space will be approximately 22210m<sup>2</sup>.

Eaves and ridge heights will be 2.6 metres and 6 metres respectively. Each of the new building will accommodate 40,000 broilers based on the maximum stocking density of 38 kg/m<sup>2</sup> with thinning. Therefore the number of birds housed in all the new buildings will be around 400,000 although the stocking for much of the time will be less than this with approx. 10 days empty each cycle.

The pair and the single house will be equipped with 4 x 20 tonne feed bins.

#### **4.1.1 Proposed Management Cycle**

Broilers will be purchased as day old chicks. There will be 40,000 in each house, and the birds will consist of a mixture of males and females. The houses will have been pre-warmed by propane gas space heaters.

The floor will have a suitable litter spread consisting of wood shavings/straw to a depth of 20 mm (<sup>3</sup>/<sub>4</sub> inch). Birds will be thinned at approximately 38 days of age and taken to be processed and males kept to approximately 42 days old when they will be removed.

The whole site will therefore be managed on an all in/all out basis over the 42 days. After the removal of all the broilers from the site, the litter will be loaded into trailers, covered and removed from the site. It will be disposed of sending it to one of the specialist power stations.

The whole site and equipment will be power washed, disinfected and then dried out before the cycle starts again.

When a 42 day growing period is used, the total cycle length including the clearing out and reinstatement period will take approximately 52 days. It is likely therefore, that there will be around 6.5 cycles/annum.

Rearing cycles can change slightly if different weight birds are needed but the stocking densities will remain similar. Bird numbers will be governed by the IPPC licence.

## **4.2 Layout of the site**

The site will be laid out as shown on the Site Plan at Appendix 4.

## **4.3 Building construction**

The new buildings will be of typical, modern construction comprising:-

### **4.3.1 Materials**

Each building will comprise of pre-cast concrete panel walls supported on strip foundations with an internal concrete floor poured over a continuous DPM. The insulated roof and side walls will be clad in profiled steel sheeting or timber in a colour to be agreed.

The pitch of the roof will be 15°. The height to the eaves will be 2.6 metres with a height to ridge circa 6metres.

### **4.3.2 Insulation**

The broiler house roofs will be insulated with 200 mm fibreglass and the walls with 100 mm to achieve a U-value not less than 0.4 W/m<sup>2</sup> °C thus eliminating condensation on the inner linings and minimising solar heat gain.

#### **4.3.3 Floor**

The broiler houses will be erected with a smooth and easily washable concrete floor on a continuous damp proof membrane. The dwarf walls will be reinforced on a poured concrete foundation and contain all dirty water and prevent the ingress of ground water.

#### **4.3.4 Ventilation**

The ventilation system will consist of a computer-controlled mechanical ventilation system.

- There will be inlets in each bay of the two side walls and these will open to a maximum of around 45 cm.
- There will be extractor chimneys in the roof
- There will be a number of 710 mm dia air extraction chimneys on the new sheds.
- 1,270 mm gable end fans will be incorporated as a back up in hot weather.

Use of such a system should result in a well controlled environment inside the house, with no condensation to cause litter to get wet. Good control of internal environment is the prime factor influencing litter quality, which in turn influences the amount of odour being emitted from a site. A drier litter is a less odorous one.

**In the event of a failure in the mains electricity supply or an equipment breakdown, an alarm system linked to a generator will operate, allowing ventilation to continue.**

The 710 mm fans have a sound measurement of 57 dBA, 4.5 amps and move 17,000 m<sup>3</sup> air. The 1,270 mm fans have a sound level of 80 dBA and move 43,000 m<sup>3</sup> air.

#### **4.3.5 Windows**

Polycarbonate windows based on 3% of floor area to latest RSPCA Welfare Standards will be incorporated achieving a minimum U-value of 1.7 at 62% light transmission. Bringing natural light into intensive poultry houses is deemed a significant welfare advantage. The windows will be fitted with full black-out blinds to control the potential of night time light pollution.

## **4.4 Husbandry and equipment**

### **4.4.1 Stocking Rates**

The maximum stocking density will be in line with the figure of 38 kg live weight per square metre, although the unit may operate in line with a lower stocking density depending on markets to be supplied.

### **4.4.2 Drinkers**

The drinkers will be nipple drinkers with drink cups with rows running parallel to the long axis of each house.

The reason for choosing nipple drinkers with drink cups is not only for ease of management, coupled with good bird performance and maximum hygiene, but also to keep the moisture content of the litter as low as is practicable. A dry litter is a less odorous one and it is necessary to ensure that the risks of odours are minimised.

### **4.4.3 Feed**

The feed will be blown from bulk feed lorries into the bulk bins. A centreless auger will convey feed to pan feeders.

The feed will be supplied by either a regional or national compounder. It will be composed of high-quality raw materials, and be nutritionally tailored to the broiler's requirements. It will contain enzymes that enhance the digestion of the cereal components of the feed. As a result of the improved digestion, the amount of water drunk by the birds is reduced, and this in turn leads to a lower moisture content of the litter. Consequently the risks of odours are reduced by this drier litter. Wheat feeding will be practiced.

### **4.4.4 Heating**

Thermostatically-controlled space heaters will be used for heating the new houses. Propane gas will be the fuel and there will be suitably sized storage tanks positioned on the site.

#### **4.4.5 Water**

Water for the site will be obtained from the mains supply.

A back up storage tank will be installed underground to be used in case of a problem with the mains supply.

#### **4.4.6 Mortalities**

These are removed from the houses daily if any occur and stored in sealed containers. A specialist contractor then collects them from site once a week.

#### **4.4.7 Pest Control (Rodents and Flies)**

Rats can be attracted to poultry units, but are rarely a problem on well managed modern broiler units because:-

- Modern building construction does not allow rats to enter the building easily, where as older sheds are more difficult to control, particularly timber.
- Bait points are provided at regular intervals replaced monthly which will control any rats that do appear.

Flies are not a problem with broiler units as the manure produced by the birds mixes with the litter within the house. The short cycle of 42 days does not give time for flies to breed, and in any case the birds themselves would eat anything in the litter.

#### **4.5 Labour**

There will be a manager with overall responsibility. In addition to the manager there will be up to 2 further employees on site, normally an assistant manager and a trainee/junior.

Additional specialist staff will be bought in for removal of the birds for processing and cleaning the sheds.



## **4.6 Litter**

### **4.6.1 Material**

Wood shavings will be used to a depth of 20 mm, this allows the floor to breathe and release moisture enhancing environmental conditions inside the poultry houses.

The litter will be taken and used as a renewable energy fuel.

### **4.6.2 Quantities**

It is anticipated that each 1,000 broilers will on average produce approximately 1.3 tonnes of used litter to be removed at the end of each crop. Using this figure, the total quantity of used litter produced from this proposal will be approximately 520 tonnes per crop.

## **5. ITEMS TO BE ASSESSED**

Reference to the scoping opinion received from East Lindsey District Council and the background information collected during the Environmental Impact Assessment process has identified the following issues.

- Clean and dirty water disposal and how this is handled particularly at the end of the cycle
- Litter and Muck disposal
- Airborne Pollution Impacts - noise, dust and odours
- Landscape Impacts
- Ecological Impacts
- Highway Impacts
- Archaeology and built heritage Impact
- Lighting Impact

These aspects are assessed in the following sections with the technical information at various appendices.

## 6. CLEAN AND DIRTY WATER DISPOSAL

### 6.1 Background

The unit is to be sited at the northern end of an isolated rectangular field surrounded by hedges to the west of Market Rasen. There are to be 10 new chicken houses arranged in 2 rows (one of 6 and one of 4) to either side of a 14m wide central service yard. The houses will run from north to south and will each measure 91.8 long x 20.1m wide. The farm is to be a broiler unit producing chickens on a 6-8 week cycle on an "all in all out stocking policy".

The land is at a height about 16m in the south east corner and so well out of the flood plain with ditches on the northern and eastern field boundaries running to the lowest point in the north east corner at a level of approximately 13m. They do not appear to be IDB ditches requiring a clearance gap of 8m to allow for ditch maintenance. The actual poultry site slopes by about 1.2m from west to east and by about 1.5m from south to north. The drainage therefore needs to run towards the north east corner.

The soil type is a heavy clay of the 711f Wickham 2 series – Drift over Jurassic and Cretaceous clay or mudstone – "Slowly permeable seasonally waterlogged fine loamy over clayey, fine silty over clayey and clayey soils. Small areas of slowly permeable calcareous soils on steeper slopes." Hence a surface drainage system as widely used in the area is the appropriate site drainage system.

This report aims to:-

1. Design and size an attenuation system for heavy rainfall.
2. Size a dirty water system for the houses, thereby keeping the clean roof water separate from the dirty washing water.

### PROPOSALS

The "new" hard impervious concrete area will measure:-

10 houses each 91.8m long x 20.1m wide	= 18,452 m <sup>2</sup>
Central service yard at the 170m long x 15m wide	= 2,548 m <sup>2</sup>
Extra for lorry turnaround at the western end 24m x10m	= 240 m <sup>2</sup>

---

Total 21,240 m<sup>2</sup>

There will be 6m grass strips between the new houses which will drain as now via the field drains. There will be stoned but not concreted access yards at the northern and southern ends of the unit together with connecting roads which will be porous to rainfall

and so not allowed for in the rainfall calculations. These, plus the entrance roadway, will be clean the whole of the time.

## **SOIL TYPE**

The soil type is a heavy clay of the 711f Wickham 2 series – Drift over Jurassic and Cretaceous clay or mudstone – “Slowly permeable seasonally waterlogged fine loamy over clayey, fine silty over clayey and clayey soils. Small areas of slowly permeable calcareous soils on steeper slopes.” Hence a surface drainage system as widely used in the area is the appropriate site drainage system.

## **6.2 Dirty water**

### **6.2.1 Cleaning out**

Clearing out and washing down will take 8-10 working days when parts of the service area at the front of each house will be dirty. The birds will come in and go out from this yard. At the end of each batch the spent litter based on wood shavings or chopped straw will be cleared out by Bobcats and loaded directly into lorries or large farm trailers parked just outside the doors. There is in practice little spillage. To ensure poultry disease guidelines are adhered to and for bio security the litter needs to be taken off the actual poultry site immediately. No manure will therefore be stored around the buildings, even for a short period. The remaining yard and roadway areas will be clean all of the time and drain to the ditch system via an attenuation pond.

When the central service yard and the lorry turnaround covering 2,788 m<sup>2</sup> is dirty it will drain in to one or two dirty water tanks as central as possible to minimise pipe runs and most likely sited between the houses. Such a tank(s) needs to be protected from being runover by a heavy lorry perhaps by a kerb and not for pollution reasons be within 10m of a ditch or the attenuation pond. This service yard will in general slope slightly towards the middle and away from the houses to a grid/manhole about 7m away from each set of doors. The grid covers a manhole housing a diverter valve. One position directs the dirty washing water in to a collection tank (when cleaning out) and the other setting diverts clean rain water on the pad into the clean water system and so the balancing/attenuation pond. Hence for only about 10 days in every 8 weeks will any part of the concrete be dirty.

### **6.2.1 Washing down**

With the power floated level unobstructed concrete floors and brushing down the floor after clearing out the litter there is very little solid matter to be carried away with the washing water. This will run out of the building on to the yard and into the manholes and so the dirty water tank(s). In practice most of the remaining solids settle out on the yard and can be swept up rather than being washed into the dirty water tank. Each of the houses will take about 8 hours to be fully washed down by a specialist contract gang. There are likely to be two pumps, one working in one house and one in another each operating 2 pressure washing lances. Each individual lance delivers about 15 litres per minute. They are likely to be running for 70% of the working time and so the total volume of water used in an 8 hour day will be approx. 20 cu. metres. In practice because of the warm temperature of the concrete floor inside the houses some of this water evaporates.

We also need to allow for possible heavy rainfall on the dirty service yard during the cleaning out period. If we all allow for 25mm of rainfall during the working day the volume needing to be contained is:-

$2,788\text{m}^2 \times 25\text{mm} = 70\text{m}^3$  plus the washing water ( $20\text{m}^3$ ) giving a total tank size of  $90\text{m}^3$  (19,800 gallons). With the long (180m+) yard and a risk of blockages it may be preferable to have two tanks each holding  $45\text{m}^3$  and serving 5 houses.

These tanks could be in glassfibre or concrete to BS 5502. If they are concrete sectioned tanks a removable top to periodically dig out any solids would be useful. A level indicator in the tanks, easily visible from the service area, would help to quickly identify that a tank needs emptying. The tanks will be emptied at the end of each day and taken away by the contractor to a safe site, most likely still on the farm. The farm, contractor's staff and the industry as a whole are well versed in this procedure with many other similar units.

## **6.3 Clean Water**

### **6.3.1 Ventilation**

The houses will have high velocity ridge outlets with side wall inlets. The high speed exhaust will be through the ridge so that stale air is carried upwards and is not deflected down the roof line which encourages dust to settle. From experience there is unlikely to be any measurable volume of dust requiring the house roofs to be periodically washed down. Any odours will also tend to be carried away from the site by the prevailing wind.

There will be no gutters and so the rainfall will runoff the eaves and be collected in stone drains with a perforated drainage pipe in the bottom. A balancing/attenuation pond needs to be installed to buffer heavy rainfall.

### 6.3.2 Land Drainage

The site has an annual rainfall of 617mm. Based also on the local soil type the greenfield site drainage figures obtained from [www.uksuds.com](http://www.uksuds.com) for these buildings and concrete area give runoff rates for the proposed site as follows:-

Estimated Site Discharge	IH124 results
1 in 1 year	5.44 l/sec.
1 in 30 years	15.31 l/sec.
1 in 100 years	22.24 l/sec.

The land is a medium to heavy silt/clay soil and so the houses and yards will rely upon the adjacent ditches backed up by the balancing or attenuation pond. If data for poor land drainage with a figure of 2 litres per second per ha over the 1.5 ha of hard area is considered, this gives a design site drainage figure of 3.0 litres/second. This is actually a little over the half the projected figure 1 in 1 year figure above.

### 6.3.3 Rainfall Data

As is standard 1 in 100 return period rainfall figures plus 20% for global warming will be considered.

#### Rainfall Volumes v Time

Storm Duration	Depth of Rainfall mm	Total Volume of Rainfall m <sup>3</sup> over 1.5 ha	Volume allowing an extra 20% for global warming	Restricted discharge 3l/sec m <sup>3</sup>	Storage Volume required m <sup>3</sup>
5 mins	12.1	181	218	1	217
15 mins	21.8	327	392	3	389
30mins	28.6	429	515	5	510
1 hour	35.9	539	646	11	634
2 hours	43.7	656	787	22	785
3 hours	48.4	726	871	32	839
6 hours	56.6	849	1,019	65	954
12 hours	65.3	980	1,175	130	1,045

24 hours	75.2	1128	1,354	259	1,095
36 hours	81.5	1223	1,467	388	1059
48 hours	86.2	1293	1,552	518	1,034
72 hours	93	1395	1,674	777	897
96 hours	99.9	1499	1,798	1,036	762
8 days	125.1	1877	2,252	2,074	178
25 days	183.6	2754	3,304	6,480	Nil

These figures are Meteorological Office figures.

### 6.3.4 Attenuation Pond

The most challenging period is at or around 24-36 hours requiring up to 1,550 m<sup>3</sup> of buffer capacity in the attenuation pond. As usual there are several periods where the volume peaks to a very similar figure. The intention is to form a rectangle shaped grassed balancing pond in the north eastern corner of the site (see sketch):-

Surface Area Length 85m x 17m wide = 1,445 m<sup>2</sup>  
 Slope on inner sides 1 in 1.0  
 Depth 1.25m  
 Base area 82.5m x 14.5m = 1,196 m<sup>2</sup>  
 Capacity **1,650 m<sup>3</sup>**

The calculations cover length v width v depth which is limited by the depth of the ditch so that the pond will be empty most of the time. A small 300mm lip will be formed around the balancing pond to make sure it holds the water and it does not flow out taking account of any small land level variations. The excess capacity will more than allow for rainfall on the pond itself. The attenuation pond needs to be separate from the ditch itself to avoid drawing in very large volumes of field drainage water be that from piped drainage or surface runoff. It also needs to be about 4m from the ditch to allow for a small digger to clean out the field boundary ditches in the future.

### 6.3.5 Hydrobrake

Based on a flow of 4.24 litres/sec. and a fall of 1 in 175 the nearest pipe size in to the ditch will need to be of a 115 mm internal diameter (Ref. Polypipe chart open Inlet corrugated plastic pipe). This is not a very small pipe, indeed most land drains entering a ditch will be much smaller without blocking. The pipe will be in use all of the time for the site drainage so any blockage should be readily spotted, especially as the pond will be close to the normal working area.

A purpose built and sized hydrobrake would further minimise the chance of a blockage (e.g. Ref Hydro International [www.hydrointernational.biz](http://www.hydrointernational.biz).) The intake pipes would need to be sized and specified at the design and manufacturing stage together with the required outflow of 4.24 litre/sec. Basically a hydrobrake consists of an inlet, an outlet and a baffled "volute" through which water is introduced

tangentially. The outlet opening is 3-6 times greater than for conventional flow thus reducing the chance of blockages. The outlet pipe to the ditch will be checked by the farm manager before the houses are cleaned out each time and so in this case it is not considered that a hydrobrake is really necessary.

### 6.3.6 Site Filter Drains

Drainage pipes laid with a 1 in 200 fall will deliver up to:-

75mm	1.8 litres/sec (6.48 cu. metres/hour)
85mm	2.25 litres/sec. (8.10 cu. metres/hour)
100mm	3.2 litres/sec. (11.5 cu. metres/hour)
115mm	4.5 litres/sec (16.2 cu. metres/hour)
135mm	7.0 litres/sec (25.2 cu. metres/hour)
155mm	9.5 litres/sec. (34.2 cu. metres/hour)
180mm	16 litres/sec ( 57.6 cu. metres/hour)
210mm	22 litres/sec. (79.2 cu. metres/hour)
250mm	31 litres/sec. (111.6 cu. metres/hour)
300mm	50 litres/sec. ( 180 cu. metres/hour)
350mm	76 litres/sec ( 274 cu. metres/hour)

Ref. Polypipe flow chart Restricted and open inlet –corrugated plastic pipes

The houses will have gutters leading to a drainage pipe in a trench under each eaves. There will be one drain for each eaves i.e. 20 in all, draining to the rectangular balancing pond. All will serve a half roof area of 91.8m x 10.05m = 922 m<sup>2</sup> plus a share of the central service yard/lorry turning area 2,788/20 = 140m<sup>2</sup> giving a total area of 1,062m<sup>2</sup>.

The design need is to cope with the 30 minute storm of rain 1 in 100 years. For these areas the volumes are therefore:-

### House Stone Drains

Storm Duration	Intensity mm/hr (Depth	Volume of runoff m <sup>3</sup>	Volume allowing an extra	Discharge through 180mm	Volume surplus if any	Discharge through 210mm pipe	Volume surplus if any



	<b>of Water mm)</b>	<b>on roof area 1,062m<sup>2</sup></b>	<b>20% for global warming</b>	<b>pipe over this period m<sup>3</sup></b>	<b>m<sup>3</sup></b>	<b>over period m<sup>3</sup></b>	<b>this m<sup>3</sup></b>
15mins	87.2 (21.8)	23.1	27.8	14.4	13.4	19.8	8.0
30mins	57.2 (28.6)	30.4	36.5	28.8	7.7	39.6	Nil
1 hour	35.9 (35.9)	39.0	46.8	57.6	Nil	79.2	Nil

If void capacity within the stone trenches is allowed for e.g. 92m long x 750mm deep x 400mm wide and assume a 30% void within the stone a further 8.3 m<sup>3</sup> of holding capacity is to hand making a 180mm pipe adequate. This could be graduated as the 1<sup>st</sup> half 155mm and the second half 180mm. These will need to be linked to divert the rainwater across to the attenuation pond e.g. with these flows 2 x 180mm pipes can feed a 250mm pipe, 3 x 180mm pipes a 300mm pipe and 4 x 180mm pipes a 350mm pipe. For most of the time the attenuation pond will be empty more resembling a grassed depression.

Looking at the site the longest pipe runs from the far end of the southern houses to the balancing pond will be about 198, most considerably shorter. Hence a fall of 1 in 200 will be just over 0.5m. I am satisfied that a fall of 1 in 200 is adequate for these pipes laid in long sections with few joints and also with pipes of these large diameters. It will however mean when we get rainfall of this record intensity there is no option but for the water to back up within the pipes to an extent.

Hence the eaves drainage system for the site will be based on 115mm/180mm and 210mm and 250mm pipework running directly in to the attenuation pond. No realistic pipe sizes could fully cope with the short bursts (5-10 minutes) of very intensive rainfall. Stone underneath the outlet pipes into the attenuation pond will help to protect any erosion. In practice however when the soils are saturated much of the heavy rainfall on agricultural land will inevitably be shed from the surface with much surface ponding.

#### **6.4 Summary**

With the above drainage and attenuation pond in place the heaviest rainfall falling in 100 years can be safely contained and metered in to the ditch as the rainfall and surplus water subsides. The foul water when cleaning out and washing down will be fully contained.

## **7. FLOOD RISK**

### **7.1 Flood Risk Assessment**

A flood risk assessment is contained at Appendix 5

## **8. AIRBOURNE POLLUTION**

### **8.1 Odours**

#### **8.1.1 Litter Moisture/Odourants**

Research evidence suggests that odour emissions increase at the time of the growing period when litter moisture is also rapidly increasing or at high levels. It is known that when litter moisture exceeds 40% there is a progressive decline in the friability of the litter as the moisture increases.

When the litter moisture reaches about 46% the litter becomes capped, i.e. a crust forms, often on top of more friable litter under it. Excreta and moisture accumulate on the capped litter with the result that the activity of the aerobic bacteria that break down the excreta and allow moisture to be absorbed is reduced. There is a shift to an aerobic breakdown with the consequence that the release of volatile odorants is increased. It is therefore desirable to put strenuous efforts into management practices and building design that lead to low litter moisture levels. It is often the older buildings with less efficient ventilation and insulation that lead to odour problems. Odour emissions will be less and performance, welfare and profitability enhanced.

**These problems can be avoided** and are certainly not anticipated at the application site with the new more efficient sheds. The MAFF booklet POULTRY LITTER MANAGEMENT (Ref: PD 1739) outlines the factors involved and how to avoid problems with litter quality.

Most poultry odours are believed to travel either absorbed into dust particulars or in solution within small water droplets. Ammonia is very soluble and can be carried outside the house within water droplets. It is likely to be further diluted by water in the outside atmosphere and is soon dissipated.

#### **8.1.2 Protection of Water, Soil and Air - A Code of Good Agricultural Practice for Farmers, Growers and Land Managers**

The revised Code of Practice was issued by DEFRA in 2009. It describes the main causes of air pollution from different agricultural activities and provides a practical guide to help farmers and growers avoid causing air pollution from odours,

ammonia, smoke and greenhouse gases. In the case of a broiler unit, the most important factors relating to potential air pollution are ammonia and odours and the terms of the code will be strictly adhered to in the management practices used on the proposed site. Paragraphs 322 outlines the importance of Best Available Techniques and paragraphs 325 - 328 Deep Litter Poultry Systems.

### **8.1.3 Odour Model**

AS Modelling and Data was commissioned to undertake an odour model for the new unit (see Appendix 6). The layout has changed slightly from the model layout but not in a way that would affect the general conclusions. The conclusions under the proposed scenario are that all properties are below the Environment Agency Guidelines.

## **8.2 Dust concentrations and emissions**

Within a poultry building, the main sources of dust are the birds, their food and the floor litter. Measurements of dust concentrations have been found to be variable, depending on the number and age of the birds as well as the level of activity within the buildings. The particle size of dust is variable too.

In general terms, particles smaller than 2 microns (2  $\mu\text{m}$ ) account for around 70% of the number of particles, but only 5% of the mass. Similarly, particles greater than 5 microns (5  $\mu\text{m}$ ) account for under 10% of the number, but between 40 and 90% of the dust mass.

The particles of dust inside the building are emitted to the atmosphere via the ventilation system. The amounts of dust emitted are influenced by the level at which the ventilation system is operating. In hot summer weather, for example, the ventilation system will be opening at high rate.

The larger dust particulars (5 microns/5  $\mu\text{m}$  and over) found within the building either tend to fail to migrate to the ventilation fans, or are expelled from the building and immediately deposited to the ground. The unit will employ high speed ridge ventilation so there will not be any large concentrations of deposited dust on the ground outside, therefore creating few deposits entering the water course via land or French drains.

Once released to the atmosphere the dusts will be carried on the wind, with deposition continuing under the natural turbulent flow of the air. With increasing distance from the source there will come a point where the concentration of dust particles which originate from poultry buildings fall into a level below air quality guide-line values as laid down by the EU and eventually be indistinguishable from normal background dust levels.

Evidence indicates that annual average concentrations of poultry dust are not expected at distances exceeding 100 m from the source. Thus, only properties situated very close to a poultry building are in danger of exceeding either the EU and UK regulations on dust concentrations in air, or the tolerance threshold

values for dust deposition. Landscaping can help by trapping particles. Together with the high speed fans it is considered dust will not be an issue.

When examining the above factors it can be seen that dust should cause no problems to nearby protected dwellings because of distance.

### **8.3 Flies**

Flies are not a problem on a well managed and hygienically run broiler site. This applies to the proposed development as broiler litter is not a breeding ground for flies during the broiler's life and no dirty litter will be stored on the site thereafter.

### **8.4 Vermin**

Routine baiting and a well constructed site will ensure that there will be no risk of the broiler site becoming a breeding ground for rats or mice.

### **8.5 Noise**

There are a number of sources of noise in a broiler unit, including ventilation fans, lorries and other vehicles. The proposed sheds will have modern ventilation fans, most of which are contained within cowls directed upwards which limits noise.

Birds are sometimes removed at night. This is a quiet operation.

In addition the noise of feed being blown into the bulk bins might occasionally be heard. The noise of lorries and other vehicles may be heard in the vicinity, however this will be no different to the current scenario under the agricultural use.

These noises will not be unusual in an agricultural area, where other farms in the vicinity use similar equipment, and will last approximately 1 hour.

The report at appendix 7 contains noise readings for a similar sized farm to the one proposed during removal of birds at night and shows no noise issues in the locality.

## **9. ECOLOGY**

### **9.1 On and off site**

Poultry units can have an impact on ecology in three ways, namely:-

- a) The site of the new buildings removing habitat, especially any elements constructed on previously undeveloped land.
- b) The impact on species that might use the site temporarily or immediate surrounding area.
- c) The impact of emission on sites of ecological interest further afield, principally ammonia.

In terms of a) and b) a Phase 1 Habitat Survey and assessment has been undertaken and is contained at Appendix 3.

The main conclusion states that planning permission for this development should not be significantly constrained by ecological issues.

In terms of ammonia a screening opinion was obtained from the Environment Agency re the need for Ammonia Modelling. They confirmed in a letter dated 16/06/16 that no detailed modelling was required. A copy is contained at Appendix 8.

### **9.2 Arboricultural Implications**

There are no trees affected by the development.

## 10. TRAFFIC STATEMENT

### 10.1 Road network

The land is accessed off the A631. This is a good quality A class road which links the A15 to the west (Caenby Corner) to the A 46 in the east.

### 10.2 Site access

The access onto the A631 is currently a field access which is partly stoned. There is a good sized verge of approx. 3m wide. Either side of the access is a low hedge which doesn't restrict visibility. A proposed upgrade of the access is part of the scheme and is shown on the application plans.

### 10.3 Traffic movements

Proposed – 400,000 Birds

Commodity	Delivery/Collection	Week							Total
		1	2	3	4	5	6	7	
Gas & shavings	Delivery 25 tonnes	4	3						7
Feed	Delivery 38 tonnes	6	9	9	10	10	10		54
Chicks	Delivery 20 tonnes	8							8
Birds	Collection 21 tonnes						20	46	66
Litter	Collection 20 tonnes							26	26
Carcass	Collection 20 tonnes	1	1	1	1	1	1	1	7
Dirty Water	Collection							5	5
Total/Week		19	13	10	11	11	31	78	173

The average number of vehicles per week is 24.7 (49.4 movements).

It can be seen from the table that generally the predicted amount of traffic movements is low, apart from the relatively short periods at the beginning and particularly the end of each cycle when the mature broilers are taken away for slaughter.

The variety of vehicle types, loads and therefore starting points/destinations will mean that movements will be distributed fairly quickly on leaving the site. Given



this is an agricultural area where peaks and troughs in farm vehicle movements are common it is considered that the increase in movements will have little environmental effect.

There will be a reduction in agricultural traffic for the land taken from arable cropping. 12 acres for example under potatoes or sugar beet would involve approx. 20- 25 vehicles removing the crop.

In addition to the above HGV/tractor movements, there will be a requirement for staff to visit the site. There are likely to be 3 full time staff working on the unit plus specialist labour for catching and cleaning out.

#### **10.4 Mitigation**

Mitigation will be in terms of upgrading the access to a sufficient standard to serve the unit.

#### **10.5 Impact**

The road network is good in the vicinity and the proposed access point has good visibility. Assuming the upgrade is undertaken as proposed will mean the impact will be low.

#### **10.6 Impact on footpaths**

There are no footpaths, etc in the vicinity of the site, therefore no impact will be caused.

### **11. LANDSCAPE IMPACT**

A Landscape Assessment has been undertaken which is included at Appendix 9. It must be noted that the landscape assessment was based on an earlier version of the scheme, however for the purposes of the assessment it is thought there is no material difference.

The main conclusion from the report is that the impact is limited due to only distant views into the site.

The landscape is large scale and open and is not particularly sensitive, and should be able to accommodate the development without a detrimental impact on the landscape character.

New planting would screen the site and further reduce any visual impact, whilst still keeping the landscape character. A planting specification and plan are contained at appendix 9a.

## **12. LIGHTING IMPACT**

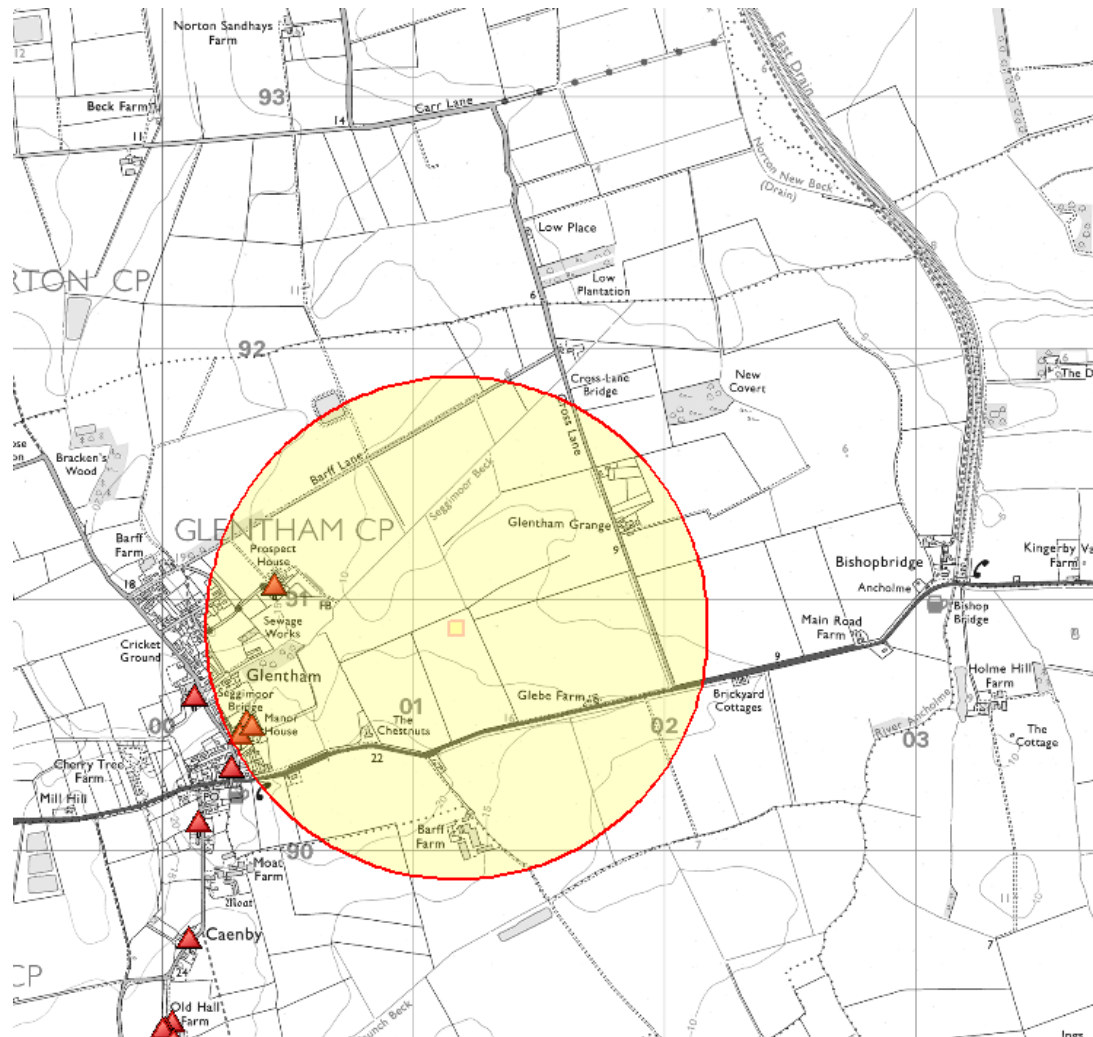
Details of likely lighting are contained at appendix 10. These are a mixture of floodlights over the main doors and personal lights beside each personnel door. The floodlights will be pointing towards the ground and so will have minimal impact on the wider environment.

## **13. PREVIOUS LAND USE AND CONTAMINATION**

The land has been farmed with arable cropping for many years. It is possible the site may have been grass and grazed historically but this would represent no greater risk than the arable cropping.

## **14 HERITAGE ASSETS**

A search of heritage assets was undertaken using the DEFRA database via Magic Maps (<http://magic.defra.gov.uk/home.htm>), from which the below information is taken.



There are not any listed buildings or scheduled monuments on the site. A 1km search from the site was undertaken using the DEFRA database via Magic Maps, this showed there was no scheduled monuments in the immediate locality and only a small number of listed buildings, as detailed below.

#### Listed Buildings (England)

Name
MANOR HOUSE
Reference
1064186

**Grade**  
II  
**Date Listed**  
01/11/1966  
**Legacy UID**  
196776  
**Scale of Capture**  
1:2500  
**Easting**  
500336  
**Northing**  
390514.36084  
**Location**  
Glenthams, West Lindsey, Lincolnshire, LN8  
**Name**  
CHURCH OF ST PETER AND ST PAUL  
**Reference**  
1165045  
**Grade**  
I  
**Date Listed**  
01/11/1966  
**Legacy UID**  
196775  
**Scale of Capture**  
1:2500  
**Easting**  
500310.26  
**Northing**  
390462.83572  
**Location**  
Glenthams, West Lindsey, Lincolnshire, LN8  
**Name**  
TRAP HOUSE AT MANOR HOUSE  
**Reference**  
1165069  
**Grade**  
II  
**Date Listed**  
22/02/1985  
**Legacy UID**  
196777  
**Scale of Capture**  
1:2500  
**Easting**  
500358  
**Northing**  
390498.36084  
**Location**  
Glenthams, West Lindsey, Lincolnshire, LN8  
**Name**  
PROSPECT HOUSE  
**Reference**  
1165078  
**Grade**  
II

**Date Listed**

22/02/1985

**Legacy UID**

196780

**Scale of Capture**

1:2500

**Easting**

500447

**Northing**

391058.36084

**Location**

Glentham, West Lindsey, Lincolnshire, LN8

The closest listed building is Prospect House, approximately 700 metres from the site. This is a Grade II listed C17 farmhouse. Any impact is thought to be low due to the distances involved and the low sensitivity of Prospect House. In addition existing and proposed landscape planting will help mitigate any potential impact there may be.

Other listed buildings are in the village of Glentham and it is not thought that the proposal will have a significant impact on these due to distances, blocked views from other existing buildings, and the proposed landscaping.

The nearest scheduled monument is a D shaped Barrow approximately 1.5km north west of the site, it isn't thought there will be any impact from the proposal. The distance between the two sites is significant, with the village of Glentham, and so a large number of buildings between the two sites.

The Scoping Opinion result did not raise any requirement for heritage studies for this development.

**15. ALTERNATIVE**

Alternative layouts have been considered however it is felt that the proposal makes best use of the site.

## **16. CONSTRUCTION PHASE**

The construction of the unit will involve the following phases:-

- a) Preparation.
- b) Strip soil and put to one side
- c) Formation of new bases on new sites and installation of new access
- d) Erection of frame and installation of services. The frame will be all pre designed and the erection process will take a matter of a few days.
- e) Concreting and building works.

In total construction is expected to take approximately 8 months

During construction there will be vehicle movements, but these will last for only a short period whilst materials are being delivered, particularly stone and concrete which make up 2/3 of the likely vehicle movements, although these will be over the first 3-4 weeks.

For the remainder of the period vehicles will mainly be vans with trades people plus delivery of equipment. The overall daily average will be 3 HGVs and 3 vans.

All framework and equipment will be delivered ready to fit so there will therefore be no concern noise wise at building erection phase.

There will, however, be some noise when finishing the concrete floor, although this will be for short periods.

## **17. CONCLUSIONS**

The background investigations and scoping opinion identified a number of aspects which may give rise to environmental effects of the development. The proposal consists of 10 poultry sheds and the conclusions on the various aspects are as follows:-

### **Clean, Dirty Water and Flood Risk**

A full containment system is proposed for the dirty water and this will then be removed from the site.

Clean water will be disposed of via a balancing system.

### **Airborne Pollution**

The issue of odours, dust and noise have been investigated including the involvement of Agromet specialists. These conclude that odours will be within guidelines.

### **Landscape Impact**

The main conclusion is that the proposed buildings will have a low impact in the landscape which can be mitigated through new planting to provide screening.

### **Highways**

While there will be traffic to and from the site as a result of this development, this will only be at certain times during each cycle, such as removing the birds and cleaning out.

The variety of vehicle types, loads and therefore starting points/destinations will mean that movements will be distributed fairly quickly on leaving the unit. Given this is an agricultural area where peaks and troughs in farm vehicle movements are common it is considered that the movements will have a low environmental effect.

### **Ecology**

The main conclusion states that planning permission for this development should not be significantly constrained by ecological issues.

**Noise**

The site is at a distance to residential properties so there are not considered to be any noise issues. Modern fans will be fitted in the roof and clearance of birds is a quiet operation.

**Heritage**

There are no listed buildings or scheduled monuments within the proposal site. There are a number of listed buildings within 1km of the site, however due to distance, planting and existing buildings it is thought that any impact is minimal.





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01427 676641

26 July 2017

Mr Henry Doble  
Acorus Rural Property Services  
The Old Market Office  
10 Risbygate Street  
Bury St Edmunds  
IP33 3AA

Dear Mr Doble,

## **THE TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

**APPLICATION REFERENCE NO: 136274**

**PROPOSAL: Planning application for proposed new poultry rearing units and associated works**

**LOCATION: Land off Bishopbridge Road Glentham Market Rasen**

I write as the Case Officer considering your application accompanied by an Environmental Statement, as detailed above. The application is subject to the provisions of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, which came into force on 16<sup>th</sup> May 2017, except where [regulation 76](#) applies.

I have now taken the opportunity to review the Environmental Statement (ES) submitted. Please take this letter as a formal request for further information and evidence in accordance with [regulation 25](#).

### **Introduction**

The Environmental Statement (ES) must be prepared by competent experts, and must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts ([reg. 18\(5\)](#)). Please provide a reg.18(5) statement.

### **3.7 Land grading**

The Natural England data is high-level and not site specific. Please confirm the agricultural land classification using site specific data.

### **3.9 Surrounding Properties**

Please provide exact data as to the distances between the proposed development and nearby properties. The approximations given are notably greater than my own

measurements, or that within supporting documents such as your Dispersion Modelling Study (appendix 6).

### **3.20 Planning policy**

Please note the 2011 Regulations have been revoked and replaced with the 2017 Regulations (subject to reg. 76).

I am unfamiliar with the “West Lindsey Core Strategy 2013” and it does not form local policy.

The Development Plan is made up of the Central Lincolnshire Local Plan (April 2017)<sup>i</sup> and Lincolnshire Minerals and Waste Local Plan - Core Strategy & Development Management Policies (2016)<sup>ii</sup>.

I would advise that you revise this chapter accordingly.

### **4. Details of Proposal**

The plans detail a number of ‘gas tanks’. What are these for? Are these likely to have any impact upon the environment?

### **6. Clean & Dirty Water Disposal**

Whilst this section gives detail of intended processes and practice, it provides no assessment of the factors likely to be significantly affected by the development ([Reg. 4\(2\)](#) and [Schedule 4, paragraph 4.](#))

It does not detail the likely significant effects on the environment ([Reg.18\(3\)\(b\)](#) and [Schedule 4, paragraph 5](#)).

What is the likelihood and extent of pollution to land, soil, water, air etc.? What will be the Environmental Impact of the development be in this regard?

### **7. Flood Risk**

The ES should detail the findings of the appended flood risk assessment.

### **8. Airborne Pollution**

Again, this section provides no site specific assessment of the factors likely to be significantly affected by the development ([Reg. 4\(2\)](#) and [Schedule 4, paragraph 4.](#))

The accompanying Dispersion Modelling Study (appendix 6) concludes that The New Chestnuts, at 2.95ouE/m<sup>3</sup> is only just within the benchmark for moderately offensive odours of a maximum 98<sup>th</sup> percentile hourly mean odour concentration of 3.0ouE/m<sup>3</sup>. What is the margin for error?

The ES provides no site specific assessment of the factors likely to be significantly affected by the development and any likely significant effects on the environment. It states that “*evidence indicates that annual average concentrations of poultry dust are not expected at distances exceeding 100m from the source*”. What aspects of the environment

will be affected by this? What evidence is being used (see [schedule 4, paragraph 6](#)) to support this statement?

### **8.5 Noise**

The ES provides no assessment of the environmental noise impacts arising from *this* development, giving only generic statements such as “these noises will not be unusual in an agricultural area”.

A Noise Impact Assessment relating to an unrelated site (appendix 7) is not satisfactory for the purposes of an Environmental Impact Assessment.

The ES should provide an assessment of the factors likely to be significantly affected by this development ([Reg. 4\(2\)](#) and [Schedule 4, paragraph 4.](#)) – which properties will be affected by noise? Will nesting / breeding birds be affected?

It does not detail the likely significant effects on the environment ([Reg.18\(3\)\(b\)](#) and [Schedule 4, paragraph 5](#)) – what are the existing background noise levels? what will be the noise levels received at any nearby properties as a result of the development?

Will traffic movements and routing have an effect on noise? Will the development increase the number of vehicles travelling through Glentham at night?

### **9. Ecology**

The findings of the Phase 1 Preliminary Ecological Appraisal (appendix 3) are noted.

The ES should detail the findings of the report, and the mitigation and biodiversity enhancement measures that are proposed.

Will activities produce in excess of 70dB during the bird nesting season (section 7.5)? This should be identified and addressed in the Environmental Noise Assessment.

### **10. Traffic Statement**

What are the intended times of traffic movement? What is the intended vehicle routing? Will Heavy Goods Vehicles be travelling through populated areas at unsociable times? Are there any environmental impacts that are likely to arise in this regard?

### **11. Landscape (& visual?) Impact**

Section 7 of the LVIA (Appendix 9) refers to possible landscaping mitigation? Is this to take place?

### **13. Previous Land Use & Contamination**

What are the risks and likely impact of contamination (land, soil, water, air etc.) from the proposed development? During both operation and construction phases?

## **15. Alternative**

It is a requirement of the Regulations ([reg. 18\(3\)\(d\)](#)) that the Environmental Statement at least contains:

*“a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;”*

The ES acknowledges that “alternative layouts have been considered”. [Schedule 4, Paragraph 2](#) sets out for inclusion within an ES:

*“A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”*

Please provide such information within the ES.

## **Conclusions**

As it stands, I do not consider that West Lindsey District Council, as the relevant planning authority, is able to meet with its requirements under [regulation 26](#), in considering whether planning permission should be granted.

Having examined the environmental information, we are unable to reach a reasoned conclusion on the significant effects of the proposed development on the environment.

I am particularly concerned that the ES provides a number of broad and generic statements without providing a detailed assessment of the aspects of the environment likely to be affected and the significant effects on the environment likely to arise from this particular development.

The 16 week target date for the Council to determine the application is the **3<sup>rd</sup> October 2017**. Forthcoming meetings of the Planning Committee are scheduled to be held on 23<sup>rd</sup> August, 20<sup>th</sup> September, 18<sup>th</sup> October, and typically every 4 weeks thereafter<sup>iii</sup>.

Upon receipt of the further information requested the Council is required ([regulation 25](#)) to publish notice in a local newspaper circulating in the locality, send a copy to persons to whom it relates, and to the Secretary of State. Furthermore, the Authority must not determine the application before the expiry of 30 days from these events.

I am therefore concerned with the ability for the Council to adequately assess the application and fulfil its obligations under regulation 26, by the target date of 3<sup>rd</sup> October.

**To that end, I would be grateful if you could provide me with a date, as soon as is possible, by which you can realistically supply the further information required.**

From that we can ascertain whether it would be appropriate to agree an extension of time to determine this planning application; or whether you should withdraw the current

application, and consider making a fresh application only when you are in possession of the further information required.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Clarkson', with a horizontal line underneath.

**Russell Clarkson BA(Hons) Dip TP MRTPI  
Principal Development Management Officer**

If you require this letter in another format e.g. large print, please contact Customer Services on 01427 676676, by email [customer.relations@west-lindsey.gov.uk](mailto:customer.relations@west-lindsey.gov.uk) or by asking any of the Customer Services staff.

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<sup>i</sup> Available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

<sup>ii</sup> See <https://www.lincolnshire.gov.uk/minerals-and-waste-local-plan/66543.article>

<sup>iii</sup> See <https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/committee-timetable/>

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**Proposed poultry unit at Glentham**  
**Additional items/Clarifications for the Environmental Statement –**

**Contributors to the Statement and their experience.**

**Brian Barrow BSc(Hons) MRICS – Acorus Rural Property Services Ltd**

Brian is a Chartered Surveyor and member of the Rural and Planning/Development sections of the Royal Institution of Chartered Surveyors. He has been involved with poultry and pig planning applications for approximately 25 years including undertaking applications, appeals and collating Environmental Statements. In total he has been involved in over 100 large scale proposals in all parts of the UK.

**Steve Smith – A.S Modelling & Data Ltd (Odour Modelling)**

Steve is Director of A S Modelling an Data Ltd and has been since 2012. Prior to this he worked for the Met Office and was on secondment to ADAS from 2007 – 2012. He has extensive experience with modelling ammonia and odour for agricultural sources including pig, poultry and cattle farms, but also other industrial processes such as sewerage treatments, anaerobic digester and composting plants.

**Graham Hinton – Landscape and Environmental Consultant**

Graham has undertaken in excess of 70 Landscape and Visual Impact Assessments for agricultural developments, typically related to poultry buildings and associated developments, which form part of the Environmental Statement submitted to local planning authorities throughout England.

He is a land manager responsible for the formation and implementation of landscape management plans developed in conjunction with landscape architects, ecologists and planners relating to agricultural and non-agricultural developments. Graham is also responsible for the land management of the Sizewell Estate on behalf of EDF Energy.

He has also been responsible for the formation of landscape schemes associated with developments which would typically include the management of rural landscape features such as woodland, hedges, ponds, grassland, heathland and marshes and is experienced in expert witness work at public inquiries and in litigation.

**James Hodson BSc MIEEM – Ecocheck Ltd.**

James is the director and principal ecologist at Eco-Check Ltd an environmental and wildlife consultancy business established in 2007 and based in Norfolk. He holds a degree of Master of Sciences in Environmental Impact Assessment and the Honours Degree of Bachelor of Sciences from the University of East Anglia. He also has a Class 2 Natural England bat license and accredited to undertake great crested newt surveys.

He has 13 years professional experience as an ecologist, during which time he has undertaken numerous ecological assessments (including Habitats Regulations Assessment) on behalf of government, government agencies and private clients throughout the UK for major infrastructure and other projects including pipelines, renewable energy, highways, leisure and tourism facilities and other industrial, residential and commercial development. This work has included the development of ecological mitigation and enhancement measures at a site scale for development projects, as well as for strategic and landscape-scale projects covering more extensive areas of land and including environmental impact assessments (EIA). James has been involved in numerous poultry unit proposals.

**John Bailey – Acorus Rural Property Services Ltd**

John is a farm mechanisation specialist with a particular experience in farm waste and water disposal over 40 years. He has designed drainage strategies for numerous livestock units including poultry, pigs and cattle. He has worked on several projects through DEFRA and MAFF on farm waste handling.

John has also provided technical input into Flood Risk Assessments.

**Nigel Mann – Director: Noise, Air Quality, Lighting & Odour at WYG**

Nigel is an expert in noise, acoustics, vibration, environmental lighting, air quality, and odour with 15 years' experience. He is a Member of the Institute of Acoustics (MIOA) and an Associate Member of the Institute of Environmental Management and Assessment (AIEMA).

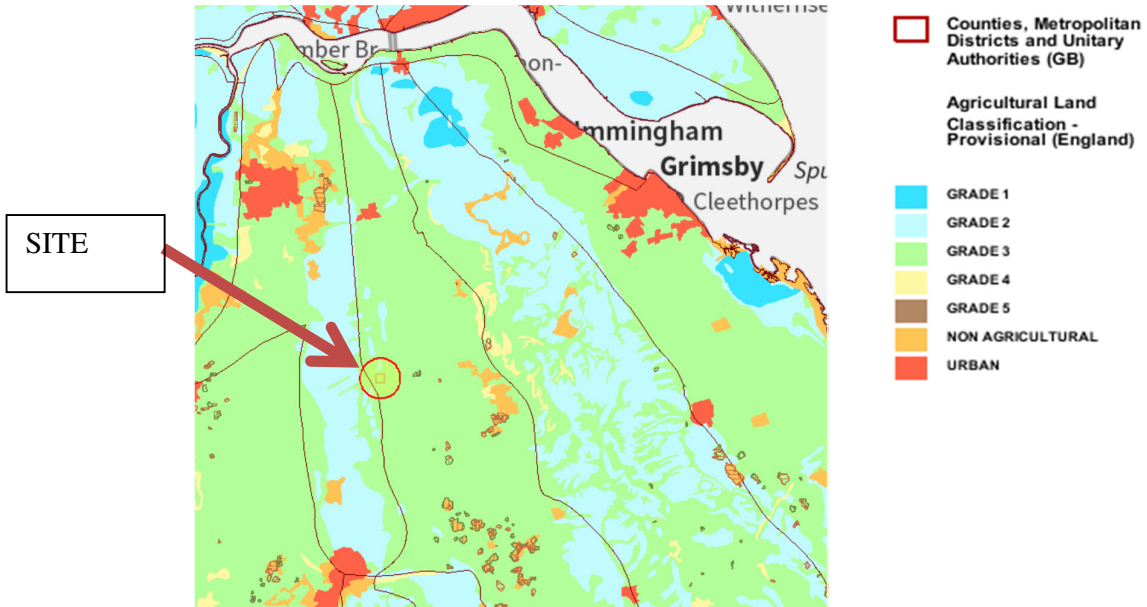
His expertise includes:

- expert witness and public inquiry work – noise legislation for clients including Sainsbury's, Persimmon Homes and East Midlands Airport
- noise surveys & assessments for health & safety standards
- noise investigations and assessments, including rock concerts at Donington Park
- PPG24 and BS4142 assessments
- Environmental Impact Assessments (EIA)
- wind turbine noise impact assessments
- highways assessments, such as the M1 junction 19
- M1 junction 19, DMRB and GOMMMS (CADNA noise modelling)
- building and architectural acoustics
- construction/demolition noise impact assessment.

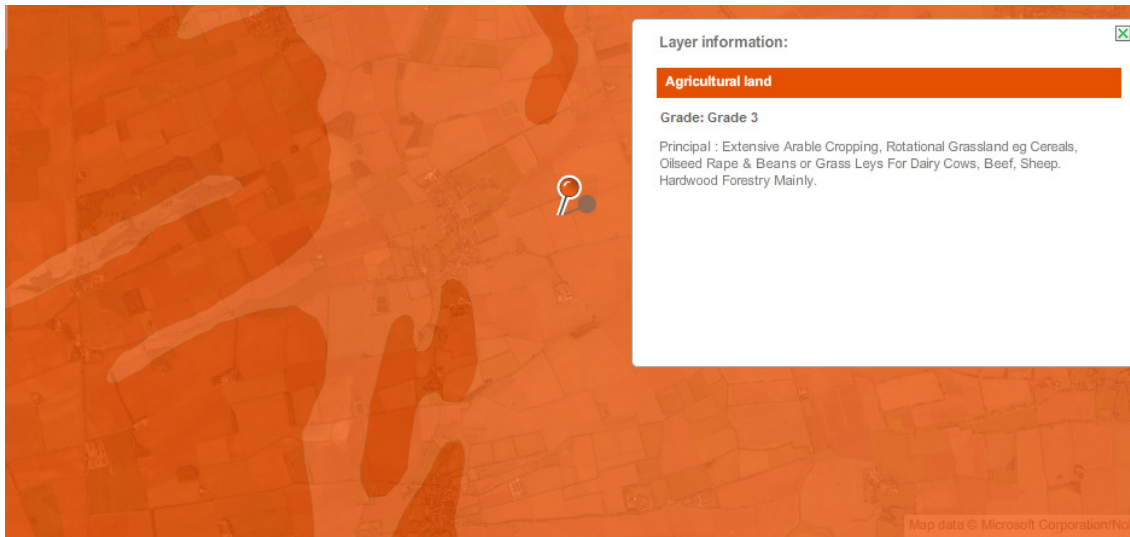


### 3.7 Land Grading

Land at and surround site is designated as grade 3 defined as Good to Moderate. As shown on the map below, extracted from [www.Magic.gov.uk](http://www.Magic.gov.uk):



This is verified, in more detail, by an extract from [www.sketchmap.co.uk](http://www.sketchmap.co.uk), see below:



### 3.9 Surrounding properties

The minimum distances from the poultry sheds to neighbouring properties are as follows:

Property name	Distance to residence	Distance to garden
The Chestnuts	375m	332m
The New Chestnuts	403m	387m
Glebe Farm	472m	462m
Prospect House	600m	569m
Barff Farm House	635m	309m
Glenthams Grange	709m	702m

These locations and distances are shown on the diagram below:



The farm layout has been placed on an aerial image to best fit with topographical survey and measurements taken from nearest point on a shed to residence/garden, using Google Earth measurement tool.

### 3.20 Planning policy

#### National policy

March 2012 saw the publication of the Government's National Planning Policy Framework (NPPF). This document replaces all Planning Policy Statements. The document states that there is a presumption in favour of sustainable development.

Section 3 is entitled 'Supporting a Prosperous Rural Economy' and paragraph 28 states:

*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*

In particular it goes on to state;

*To promote a strong rural economy, local and neighbourhood plans should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*

- *Promote the development and diversification of agricultural and other land-based rural businesses.*

In considering suitable locations for development the document indicates that 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 a higher quality.

The policies within the NPPF apply from the date of publication, however for the 12 months from that date, decision makers can continue to give full or due weight to existing relevant policies in local plans in they were adopted after 2004.

Environmental issues are of major concern with all forms of development. Agricultural development which is deemed significant, such as the additional poultry housing proposed, has the potential to have an impact on the environment.

Hence major developments of this type were included within the Town and Country Planning (Assessment of Environmental Effects) Regulation 1988. Environmental issues tend to be site specific in relation to the importance of such issues as landscape impact, ecological issues, effect on water sources, highways and other important issues.

The Town and Country Planning (Environmental impact Assessment) Regulations 2017 are now the current version and identified further issues to be considered.

The above policy and regulations have been used as a basis for the preparation of this report with the major issues given the appropriate weight in initial consultations, and addresses accordingly.

### **Local policy**

Local policy can be found within the Central Lincolnshire Local plan.

Policy LP1: A Presumption in Favour of Sustainable Development

At the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth; growth that is not for its own sake, but growth that brings benefits for all sectors of the community for existing residents as much as for new ones.

When considering development proposals, the Central Lincolnshire districts of West Lindsey, Lincoln City and North Kesteven will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The districts will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Central Lincolnshire.

Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted

### **Policy LP55: Development in the Countryside**

Part E: Non-residential development in the countryside

Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

#### **4. DETAILS OF PROPOSAL**

The sheds will be heating using LPG. This will be stored onsite in gas tanks. The quantity stored will be below what is required for the hazardous substance regulations. The system will be completely sealed.

#### **6 CLEAN AND DIRTY WATER DISPOSAL**

There will be no anticipated environmental effects as it will be a totally sealed system with tanks as specified. Contaminated water will be tankered off site for disposal. Other Environmental issues are assessed in the different sections of the EIA.

#### **7. FLOOD RISK**

##### **7.1 Flood Risk Assessment**

A flood risk assessment is contained at Appendix 5 to the main EIA.

This concludes that:

- \* The proposed development is not in a Functional Floodplain.
- \* The site is in Flood Zone 1 with the actual risk of the site flooding from any river system being very low (less than 0.5%).
- \* Surface water drainage from the site has been designed to accommodate the 1 in 100 year rainfall event to meet BRE365 design requirements and Building Regulations approval.
- \* Floor levels of the development will be above the average ground level of 15 metres AOD.

##### **8.1.3 Odour Model**

The AS Modelling & Data Ltd. modelling methodology has been assessed and is accepted by national regulators' modelling experts. Whilst there is always going to be some margin for error in dispersion modelling, any assumptions made that would have a significant effect on the results are precautionary i.e. they err on the high side.

For example, probably the key aspect is the source term and for the broiler emission model, the internal concentrations used are somewhat above the average of what are reported in literature, or that is seen from olfactometric measurements. Furthermore, it

is seen that in 99% of cases, AS Modelling & Data Ltd. dispersion modelling of broiler units has proven to provide good advice on the likelihood of annoyance and complaint about odour; that is to say that it is rather unusual that where predicted odour exposures are below 3.0 ouE/m<sup>3</sup>, that there is a perceived problem with odour once the unit becomes operational.

## **8.2 Dust concentrations and emissions**

For dust, the relevant guidance for local authorities is in Defra LAQM TG(16). i.e. no further assessment is required unless the site is for more than 400,000 birds and there are residential receptors within 100 m.

## **8.5 Noise**

A noise survey is submitted with this additional information. This concludes

“When the building services plant is arranged as outlined in Section 3.0 and during worst case operating conditions, the specific noise level of proposed building services plant (gable end fans, roof vents and silo motors) will be around or below existing background noise levels during both day and night-time periods.

With regards to operations (grain deliveries, vehicle movements and thinning processes) noise levels are predicted to be around or below during the daytime period. Additionally, the noise levels from all sources are predicted to be within the BS8233/WHO criteria at the majority of nearby residential receptor locations.”

It must be noted that no mechanical operations, including feed delivery, will take place at night.

## **10 Traffic Statement**

The majority of the movements are associated with the transportation of the birds from the site, to the likely processing plant at Scunthorpe. The lorries will exit the site onto the A361 and head the short distance west, where they will join the A15 and head north to Scunthorpe. An alternative processing facility exists at Anwick which would mean travelling south on the A15.

The other major movement is the poultry litter which will be transported to the power station at Thetford which will mean travelling south on the A15.

The good quality of roads means there will be minimal impact.

Emptying and cleaning of the poultry sheds is a daytime operation, in order to avoid local disturbance and additional labour costs.

## **11. LANDSCAPE IMPACT**

The proposed landscape mitigation is the planting of a vegetation screen on the southern and western boundaries of the site as shown in Appendix 9a of the EIA. The proposed mitigation can be conditioned to ensure it is implemented.

## **13. CONTAMINATION**

It is believed that the contamination risk is low. The site is currently a Greenfield site in agricultural use. It is understood there have been no other uses of the site. Therefore the risk of existing contamination is low.

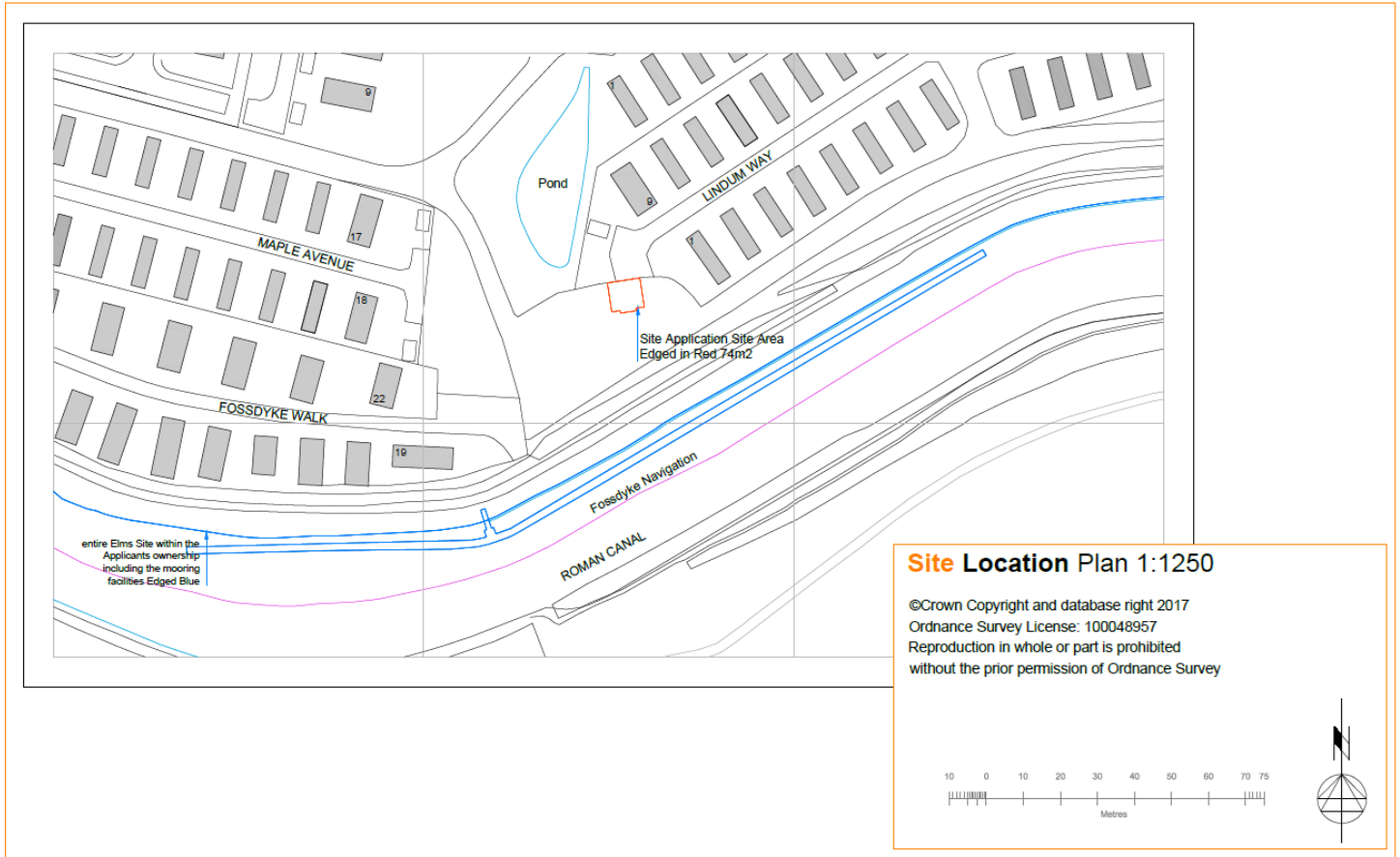
Risk of contamination during construction will be low. The contractors will work in accordance with a Construction Management Plan and Site Waste Management Plan.

## **14. ALTERNATIVES**

Appendix 1 to this report contains the developers' information about alternative sites they investigated before proposing the site at Glenthams.



# Site Location Plan



## **Officers Report**

### **Planning Application No: 136636**

**PROPOSAL:** Planning application to erect detached single-storey flat roof building to be used as a bus shelter and sanitary accommodation

**LOCATION:** Lindum Way The Elms Torksey LN1 2ET

**WARD:** Torksey

**WARD MEMBER(S):** Torksey

**APPLICANT NAME:** Mr Stuart Kinch

**TARGET DECISION DATE:** 06/10/2017 (extension until 16 November 2017)

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Abbie Marwood

**RECOMMENDED DECISION:** Grant permission subject to Conditions

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#### **Description:**

The site is located within The Elms Retirement Park at Torksey Lock. It is currently an open parcel of hardstanding used as a minibus pick up area and parking area for visitors, residents and people utilising the moorings. There is a small existing bus shelter to the north of the site, with residential park homes to the north and west of the site and the Fosssdyke to the south of the site. There is a combination of low wall with railing and hedge to the boundaries.

The proposal is for a detached single-storey flat roof building to be used a bus shelter and to provide shower and sanitary facilities for the residents of the park and the users of the moorings on the Fosssdyke.

The application has been referred to Planning Committee due to the applicant being an elected member of West Lindsey District Council.

#### **Relevant history:**

W114/528/81 – Change of use of wasteland to form extension to caravan park: granted

W114/613/88 – Change the use of agricultural land to caravan site: refused

W114/613/89 – Reorganise and extend mobile home park with associated recreational areas: refused

#### **Representations:**

Chairman/Ward member(s):

No representations received

Parish/Town Council/Meeting:

The proposed building will be situated in the heart of a residential Park Home and a number of residents are worried that the presence of non-residents (boaters) will disturb the peace and quiet for which the Elms is renowned, and affect the security of the site. There are some who question the need for sanitary accommodation, when boats, like caravans have these facilities already on board. If there has to be such a building it would be preferable that it be situated away from the centre of the site, in a location which would not disturb residents, as this sort of block will possibly be in use as times when residents want to enjoy the peace and quiet of their surroundings.

#### Local residents:

Two objections from local residents have been received from:

- 14 Maple Avenue and 12 Maple Avenue

Their comments, in summary:

#### Security

- allowing non-residents access to the middle of the site together with associated pets and potential litter problems
- diminish the safety and security of vulnerable residents
- this building is for non-residents who could be wandering the park at all hours
- the building would be better suited near the main office where they have 24hr CCTV and able to monitor activity

#### Noise

- Noise as residents we respect others regarding peace and quiet, will there be the same conditions on non-residents.

#### LCC Highways & Lead Local Flood Authority:

No objections

#### Archaeology:

No objections

Environment Agency: Withdrawn initial objection subject to the imposition of the following condition:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by ARQ Design revised October 2017 and the following mitigation measures detailed within the FRA:

The flood resilience measures specified in section 6 of the FRA shall be implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied

within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To ensure that the development is resilient to flooding at set out in Paragraph 59 of the National Planning Policy Framework.

Canal and River Trust:

No representations received

Trent Valley IDB:

The board maintained Darnsyke an open watercourse, exists in close proximity to the site and to which byelaws and the land drainage act 1991 applies. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Relevant Planning Policies:**

National guidance

National Planning Policy Framework  
National Planning Practice Guidance

Local Development Plan

Central Lincolnshire Local Plan (2012-2036). Relevant Policies are listed below:

LP1: Presumption in Favour of Sustainable Development

LP14: Managing Water and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

**Main issues**

- Principle of Development
- Flood Risk
- Residential Amenity

**Assessment:**

*Principle of Development*

The proposal is for the construction of a single storey flat roof building to provide a bus shelter and toilet/shower facility. It would replace an existing bus shelter located within The Elms residential park. This area is used for vehicle pick up, parking and turning generating its own activity and noise. Similarly, the addition of a toilet and shower is not deemed to significantly alter the character or nature of the area. It is considered that the location within an existing residential area would be acceptable.

*Flood Risk*

The site is within close proximity to both the River Trent and the Fosdyke Canal and falls within Flood Zone 3, although this area benefits from flood defences. A Flood Risk Assessment has been provided as part of the application which demonstrates that the building will be constructed using flood resilient materials, with services above 1m above the finished floor level of 3.85m AOD.

The development is located on an area of existing hardstanding which drains into the adjacent pond. This arrangement will not be affected by the proposal.

It is considered that the proposed development would be in accordance with Policy LP14: Water Management and Flood Risk.

#### *Residential Amenity*

Objections have been received from local residents in relation to the impacts the proposal may have on site security and noise.

The application site is located on an existing car park area within the residential park. The nearest residential unit is to the north-east on Lindum Way, and these are separated by a 2m high hedge.

The applicant has clarified that the proposed toilet and shower would be for boaters mooring on the Fosdyke who already have access to the area to park their cars. Boaters are under contract not to bring pets or to access other areas of the park. In addition to this contact details are held for the boaters and they have keys and barrier cards to enter the park. This arrangement would not change as a result of this proposed development. The toilet block will be locked at all times and only boaters who have been authorised will have keys. The bus shelter will remain for the residents of the park only and the improvements are intended to provide better shelter and lighting in winter months and bad weather.

Given the area, is already used for a mini bus pick up/ drop off, car park and turning area, it is not considered that the addition of a replacement bus shelter (albeit larger) and the toilet and shower unit would generate significant activity sufficient to raise an objection on amenity grounds.

The proposed building would not have an adverse effect on the character of the area and would relate well to the surroundings. It would not adversely affect neighbouring properties through overshadowing, loss of privacy or loss of light. It is therefore considered that the proposal would be in accordance with Policy LP26: Design and Amenity.

#### **Conclusion**

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development, Policy LP14: Water Management and Flood Risk and Policy LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

In light of this assessment it is considered that the proposal would not harm the character and appearance of the area and would not have a significant impact on the living conditions of neighbouring occupiers. The extension would not have a detrimental impact on highway safety or Flood Risk.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**RECOMMENDATION: Grant permission subject to Conditions**

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

None.

**Conditions which apply or are to be observed during the course of the development:**

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: ARQ/1149/01 dated 03 August 2017. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by ARQ Design revised October 2017 and the following mitigation measures detailed within the FRA:

The flood resilience measures specified in section 6 of the FRA shall be implemented and the mitigation measures shall be fully implemented prior to first being brought into use and retained thereafter.

**Reason**

To ensure that the development is resilient to flooding at set out in Paragraph 59 of the National Planning Policy Framework and in accordance with LP14 of the Central Lincolnshire Local Plan.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

None.

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**Planning Committee**

**15 November 2017**

**Subject: Determination of Planning Appeals**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

**Equality and Diversity including Human Rights:** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment:** None arising from this report.

**Climate Related Risks and Opportunities:** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr and Mrs Darkins against the decision of West Lindsey District Council to refuse planning permission for a new access to the property at Cross Roads Farm, Caistor Road, Middle Rasen, Market Rasen LN8 3JE.

**Appeal Dismissed** - See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission

- ii) Appeal by Mr and Mrs R Watson against the decision of West Lindsey District Council to refuse planning permission for the erection of one dwellinghouse with associated new vehicular access at Land East of Corrie Cottage, Gainsborough Road, Middle Rasen, Market Rasen LN8 3JU.

**Appeal Allowed** – See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse permission

- iii) Appeal by Mike Watson against the decision of West Lindsey District Council to refuse planning permission for change of use of agricultural building to a single dwelling and extension at 7 Grange Lane, Willingham by Stow, Gainsborough DN21 5LB.

**Appeal Allowed** – See copy letter attached as Appendix Biii.

**Officer Decision** – Refuse permission

- iv) Appeal by Mr Colin Gibson against the decision of West Lindsey District Council to refuse planning permission for an 'outline planning application to erect 1 no. two storey detached dwelling – access to be considered and not reserved for subsequent applications' at 9a Front Street, Grasby, Barnetby, Lincolnshire, DN38 6AN.

**Appeal Dismissed** – See copy letter attached as Appendix Biv.

**Officer Decision** – Refuse permission

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## Appeal Decision

Site visit made on 5 October 2017

**by D Guiver LLB(Hons) Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2017**

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**Appeal Ref: APP/N2535/W/17/3177804**

**Cross Roads Farm, Caistor Road, Middle Rasen, Market Rasen LN8 3JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Darkins against the decision of West Lindsey District Council.
  - The application Ref 135073, dated 5 October 2016, was refused by notice dated 19 December 2016.
  - The development proposed is a new access to the property.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Issues

2. Since the date of the decision the Central Lincolnshire Local Plan 2017 (the Local Plan) has been adopted and therefore this appeal is determined in accordance with that Plan. The Council has not identified the specific policies that it believes should apply in place of Policy STRAT1 of the former West Lindsey Local Plan 2006 referred to in the decision notice. However, Policy LP13 of the Local Plan deals with highway safety and I have therefore considered this appeal against that Policy.
3. I have adopted the Council's description of the proposed development as this is more precise.

### Main Issue

4. The main issue is the effect of the proposed development on highway safety in the vicinity of the appeal site.

### Reasons

5. The appeal site operates as a kennels and is approximately 1.5 miles north of Market Rasen. The surrounding area is largely rural and therefore customers of the business are largely reliant on vehicles to deliver and collect their animals. The appeal site sits adjacent to Caistor Road, which is a busy, single-carriageway section of the A46. Access is by way of a vehicle crossover on the highway verge and this entrance sits close to the northern edge of the site.
6. The appellants state that the existing entrance is hard to find for customers travelling south. The proposal is for the construction of a new access point approximately 70 metres south of the existing entrance and close to the

southern edge of the site. The appellants state that the northern entrance would remain in use and the proposal would serve as an additional, secondary access point.

7. The Council accepts there are problems with the existing entrance and does not dispute the appellants' comment about customers finding it difficult to locate. However, the Council's concern is that the proposed access point would undermine highway safety in the area as any traffic exiting the site at that point would have a significantly reduced view to the north. In the vicinity of the appeal site the A46 is subject to the national speed limit and vehicles travel at speed past the site entrance.
8. Over a period of ten minutes or so from both the existing entrance and the location of the proposed southern access I observed traffic approaching from the north and south. The view to the south from either location was unimpeded as the A46 runs approximately straight for half a mile or so at this point.
9. However, immediately north of the existing entrance the A46 bends slightly to the right before cresting a small hill. Traffic travelling south can be seen as it tops the hill close to the junction with Top Road, some 200 metres or so to the north of the site.
10. From the location of the proposed access, oncoming traffic is only visible as it rounds the bend close to the existing entrance, which provides less than half the current visible distance. I estimated traffic approaching from the north became visible between four and six seconds sooner from the existing entrance than from the location of the proposed access.
11. Given the visibility problems for customers in locating the existing entrance, I consider it likely that the proposed southern location would become the principal means of access rather than a secondary entry point.
12. I consider that the proposed southern access would result in an increased level of traffic merging onto the A46 with significantly reduced visibility both of and for oncoming traffic. Given the speed of vehicles travelling on the road in the vicinity of the appeal site, any reduction in visibility is likely to have an unacceptable detrimental effect on highway safety.
13. Therefore, I conclude that the proposed development would be contrary to Policy LP13 of the Local Plan, which seeks to ensure that developments contribute to an efficient and safe transport network.

### **Conclusion**

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

*D Guiver*

INSPECTOR



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## Appeal Decision

Site visit made on 5 October 2017

**by D Guiver LLB(Hons) Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2017**

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**Appeal Ref: APP/N2535/W/17/3178121**

**Land East of Corrie Cottage, Gainsborough Road, Middle Rasen, Market Rasen LN8 3JU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs R Watson against the decision of West Lindsey District Council.
  - The application Ref 136035, dated 30 March 2017, was refused by notice dated 8 June 2017.
  - The development proposed is the erection of one dwellinghouse with associated new vehicular access.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwellinghouse with associated new vehicular access at Land East of Corrie Cottage, Gainsborough Road, Middle Rasen, Market Rasen LN8 3JU in accordance with the terms of the application, Ref 136035, dated 30 March 2017, subject to the conditions in the attached Schedule.

### Main Issue

2. The main issue is whether the proposed dwelling would be a sustainable form of development.

### Reasons

3. The appeal site is part of an area of open land to the east of the host building and sits to the south of Gainsborough Road as it passes through the village of Middle Rasen. The proposal is for the construction of single dwelling on the site, together with a garage for two cars and space for vehicles to turn within the site.
4. The Central Lincolnshire Local Plan 2017 (the Local Plan) is a cross-boundary strategic development plan for a number of local planning authorities in Lincolnshire. Policy LP2 of the Local Plan provides a spatial strategy that seeks to ensure housing growth is concentrated in the main urban settlements and provides for a settlement hierarchy of eight tiers to prioritise development.
5. Middle Rasen is a tier four large village for the purposes of Policy LP2 of the Local Plan. The Policy states that tier four settlements will be a focus for growth to maintain and enhance their role in providing housing, key services and facilities for the local area. The Policy seeks to ensure that most of the

- growth occurs on allocated sites or by way of appropriate infill, intensification and renewal within the existing developed footprint of the village.
6. The Policy defines the developed footprint as the continuous built form of the settlement and excludes, amongst other things, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area.
  7. There are fields and open spaces in Middle Rasen interspersed between areas of housing, which is characteristic of a rural settlement. The properties on the southern side of Gainsborough Road are characterised by relatively large houses in significant plots. The appeal site comprises an undeveloped fenced paddock with open countryside to the south.
  8. However, there are clusters of housing built to the east, west and north of the site. The housing to the east extends further south than the southern border of the appeal site. I consider that the appeal site relates more to the village's continuous built form, than to the countryside which is located to the south of the paddock rather than surrounding it. Therefore, I conclude that the proposed development would be in accordance with Policy LP2 of the Local Plan.

### **Conditions**

9. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
10. In the interests of proper planning I have imposed the standard conditions in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. To protect the character and appearance of the area I have imposed a condition relating to the approval of external materials. To ensure that foul and surface water is appropriately dealt with I have imposed a condition regarding approval of a drainage scheme.
11. Lincolnshire County Council's archaeology department has identified that the appeal site is in an area of likely Roman settlement and I have therefore imposed a condition to provide for a scheme of archaeological investigation. In the interests of highway safety I have imposed a condition to ensure that parking and turning will be provided.

### **Other Matters**

12. The Parish Council has questioned whether, by reason of size, bulk and design, the proposed building would cause harm to the character and appearance of the area. The proposed building is relatively large but its footprint is not excessive when compared to neighbouring properties.
13. The pitched roof and mixture of hipped and gable ends proposed would be conventional in design and reflect the appearance of many other properties in the vicinity. I consider that the development would not cause harm to the character and appearance of the area and note that the Council takes no issue with the size or design of the proposed building.



## **Conclusion**

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be allowed.

*D Guiver*

INSPECTOR

## **Schedule**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 737E-07, 737E-08A, 737E-09 and 737E-10A.
- 3) No development shall take place until details of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 5) No demolition/development shall take place on the site until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
  - i) the programme and methodology of site investigation and recording;
  - ii) the programme for post investigation assessment;
  - iii) the provision to be made for analysis of the site investigation and recording;
  - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 6) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 737E-10A for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

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## Appeal Decision

Site visit made on 5 October 2017

**by D Guiver LLB(Hons) Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 October 2017**

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**Appeal Ref: APP/N2535/W/17/3177306**

**7 Grange Lane, Willingham by Stow, Gainsborough DN21 5LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mike Watson against the decision of West Lindsey District Council.
  - The application Ref 135950, dated 11 March 2017, was refused by notice dated 4 May 2017.
  - The development proposed is change of use of agricultural building to a single dwelling and extension.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural building to a single dwelling and extension at 7 Grange Lane, Willingham by Stow, Gainsborough DN21 5LB in accordance with the terms of the application, Ref 135950, dated 11 March 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Proposed Block Plan', 'Proposed Access and Parking to 7 Grange Lane', 'Proposed Dwelling (elevations)' and 'Floor Plans – Proposed Dwelling'.
  - 3) The external surfaces and boundary treatments of the development hereby permitted shall be constructed in materials to match the existing structures.

### Preliminary Matter

2. The description of the appeal site used by the appellant and the Council refers to the change of use of an agricultural building. While this might reflect the original use of the building, it was partly converted into bed and breakfast accommodation pursuant to planning permission granted in 2005.

### Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the host property and proposed dwelling with particular regard to parking.

## Reasons

4. Willingham by Stow is a small rural village approximately five miles from Gainsborough. The appeal site is close to the eastern edge of the village and comprises a large detached house and an ancillary outbuilding, formerly an agricultural building and now used partly for bed and breakfast accommodation and partly for storage.
5. The proposed development is for the change of use of the existing building into a single dwelling. The development would require erection of a small extension to the eastern end of the outbuilding together with some minor internal construction works. The Council states that the proposed development would result in a substandard relationship between the proposed dwelling, the host dwelling and the surrounding area.
6. However, the Council states that the proposal is acceptable in principle and there are good transport links and access to local services so is a sustainable form of development. The Council also accepts that the scheme would not result in any detrimental impact on occupiers of other premises in terms of privacy, light or overbearing. The Council states that the visual impact of the scheme would not be detrimental to the character and appearance of the area.
7. In respect of the proposed dwelling, the Council accepts that the internal space exceeds the minimum standards for a two-bedroom property and that bedroom sizes are adequate. Similarly, the proposed garden space would provide sufficient external amenity space while leaving an adequate parcel of garden land for the host building.
8. The Council accepts that the driveway and turning space for cars proposed in the scheme is adequate for the dwelling and would still leave the host building with adequate vehicle space of its own. However, the Council states that the distance from the proposed dwelling to the car-parking area of approximately 30 metres would prevent the future occupiers from exercising any natural surveillance of parked vehicles. Because of the site layout, the driveway would not be visible from the proposed dwelling.
9. The Council gives little detail as to how the proposed parking arrangement has a detrimental impact on the relationship between the proposed dwelling and the host building and surrounding area. There is also no evidence before me to show how the arrangements would have a detrimental impact on the living conditions of the occupiers of the host building and neighbouring properties.
10. While there would be a significant distance between the driveway and the proposed dwelling, this is not an unusual occurrence. While future occupiers might not be able to carry out natural surveillance of the drive it would remain in the clear sight of the host property and several surrounding houses.
11. I consider that the distance between the drive and the proposed dwelling is unlikely to have any adverse impact on the living conditions of future occupiers, or the living conditions of the occupants of other properties. Therefore, I conclude that the proposal would be in accordance with policy LP26 of the Central Lincolnshire Local Plan 2017, which seeks to ensure that developments do not unduly harm the living conditions of the occupants of the proposed dwelling and neighbouring properties.

### **Conditions**

12. I have imposed conditions based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
13. In the interests of proper planning I have imposed the standard conditions in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans.
14. To protect the character and appearance of the area I have imposed a condition requiring external materials and boundary treatments to match the existing materials.
15. The application form confirms that foul and surface water drainage would be connected to existing sewers which the Council agreed was acceptable. Drainage would be dealt with by compliance with the application and I have therefore not imposed a drainage condition.

### **Conclusion**

16. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be allowed.

*D Guiver*

INSPECTOR

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# Appeal Decision

Site visit made on 25 October 2017

by **D R Cullingford BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2017

**Appeal Ref: APP/N2535/W/17/3176779**

**9a Front Street, Grasby, Barnetby, Lincolnshire, DN38 6AN**

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr Colin Gibson against the decision of the West Lindsey District Council.
- The application (ref: 135877 and dated 24 February 2017) was refused by notice dated 25 April 2017.
- The development is described as an 'outline planning application to erect 1 no. two storey detached dwelling – access to be considered and not reserved for subsequent applications'.

## Decision

1. I dismiss this appeal.

## Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would inappropriately harm the open character of the settlement here, contrary to policies LP2 and LP4 of the recently adopted Central Lincolnshire Local Plan 2012-2036 and the guidance offered by the Framework (NPPF).

## Reasons

3. Grasby is a pleasant village spread out on the lower slopes of the Wolds beneath Brigg Road (the A1084). Most of the dwellings are strung along the village streets; Vicarage Lane and Clixby Lane are aligned roughly along the contours, Church Hill and Front Street traverse the slopes and more modern development encroaches into the plains below astride Station Road. There are exceptions. Bungalows coagulate around culs-de-sac at Holland Drive and Wilmore Lane and houses are grouped around a courtyard at The Old Quarry. However, the appeal property stands on the eastern side of Front Street amongst cottages, bungalows and substantial dwellings that all face the street. The rear gardens back on to fields and farmland or to other long back gardens. Indeed, the appeal plot is part of the neat and extensive rear garden at No.9a adjoining open fields to the south and east and the long rear gardens behind the properties in Clixby Lane to the north. There are views eastwards to the Wolds: to the south, the tops of the cottages in Bentley Lane can be seen above, or between, the intervening foliage: to the north, thick hedges and some fine trees obscure all but an occasional glimpse of the properties on Clixby Lane. A footpath connecting Bentley Lane and Clixby Lane runs through the adjoining field and beside the eastern boundary of the appeal site.

4. In 'small villages' like Grasby, small scale schemes limited to around 4 dwellings in 'appropriate locations' would normally be permitted (policy LP2). The proposal would certainly be small scale and entail only 1 additional dwelling. Moreover, as it is envisaged that the village might reasonably accommodate up to 20 additional dwellings over the Plan period and only 1 has currently materialised, the scheme would be well within the levels of growth outlined in the Plan for Grasby (policy LP4). However, it is also necessary to test whether the proposed dwelling would occupy an 'appropriate location'. For this to be so, policy LP2 indicates (amongst other things) that a scheme should not significantly harm the character and appearance of the settlement and retain its core shape and form, criteria endorsed by guidance in the Framework that development should respond to local character and reflect the identity of local surroundings while not preventing appropriate innovation.
5. The proposed dwelling, as currently illustrated, would stand some 50m behind No.9a marooned amongst surrounding open fields and long rear gardens. Its oddly isolated position would be evident from the nearby footpath, from several of the rear elevations and rear gardens of the dwellings lining Front Street and the structure would be glimpsed from the street itself through the occasional gap in the frontage development. This part of the village is open and verdant, attributes to which the appeal plot contributes. The proposed dwelling would thus represent an incongruous intrusion into the swathe of undeveloped land (either field or garden) behind Front Street reflecting neither the shape nor form of the village here and, thereby, spoiling the character and appearance of the place. I consider, therefore, that the scheme would be contrary to the Development Plan, particularly the requirements set out in policy LP2.
6. I have considered all the other matters raised. I do not agree that the driveway currently under construction to serve the garages behind the adjacent new dwellings offers any kind of precedent warranting the present proposal. The garages are not dwellings and neither they nor the driveway extend noticeably beyond the other plots in the vicinity. The appeal proposal would be quite different. Nor do I regard the appeal plot as being obviously 'enclosed'. Although hedges and trees line the northern boundary, most of that vegetation is deciduous while other boundaries do not offer particularly effective screens; indeed, it is recognised that open views through the site would still be evident from the public footpath on completion of the scheme. In any case, the proposed dwelling would not reflect the form and character evident in this part of the village. I appreciate that there is some 'development in depth' elsewhere, as indicated above. But, it is fairly limited and, importantly, located elsewhere; it could not be described accurately as a 'distinctive feature' of the place, in my view.
7. As for the decisions referred to at Snitterby and Covenham, it is acknowledged, quite properly, that such decisions are to be determined on their own merits. In this case Snitterby is a different village in a very different part of the District while Covenham is subject to different policies applied by a different Local Planning Authority. Of course a new dwelling would provide a new home and foster employment. But it is not Government policy to erect new housing anywhere. On the contrary, the Framework advises that schemes should be of 'good design' that reflect the character, identity and appearance of their surroundings. For the reasons indicated, I



am afraid that this proposal would fail to reflect that advice or comply with the statutory planning policies that apply here. Hence, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

*David Cullingford*  
INSPECTOR

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