

Officers Report

Planning Application No: 140754

PROPOSAL: Planning application for erection of 2no. additional poultry buildings and associated infrastructure

LOCATION: Land off Gulham Road North Owersby Market Rasen

WARD: Market Rasen

WARD MEMBER(S): Cllr. S Bunney; Cllr. J C McNeill; Cllr. Mrs C E J McCartney;

APPLICANT NAME: Mr Alec Mercer

TARGET DECISION DATE: EOT 31/08/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDATION: Grant Permission

Description: The application site is located to the immediate south of the existing poultry farm complex in the countryside approximately 2km to west of North Owersby. The land is gently undulating sloping downwards to the north. To the south and east the land is primarily open countryside and to the west there is a tree lined access road to the farm before a further dense area of trees. The farm managers dwelling is located to the south. The surrounding countryside is characterised by undulating land with individual farmhouses sited within the area. The closest dwellings are "The Grange" on Gulham Road which is approximately 490 metres to the south west of the site (beyond plantation woodland). There are two recently completed detached dwellings (Top Farm Cottages) located approximately 530 metres to south east of the site with densely planted trees running along its western boundary. South Gulham farmhouse is approximately 590 metres to the south beyond existing farm buildings.

The site is within close proximity to Kingerby Beck Meadows Site of Special Scientific Interest.

This application seeks full planning permission for the erection of 2 more poultry buildings with attached control rooms, door canopies and stores. Additional infrastructure is proposed in the form of 3 feed bins, a concrete apron, underground dirty water tank, and the expansion of the existing attenuation pond. Each additional poultry building will accommodate up to 50,000 birds. The broiler rearing buildings each measure 97.9 x 24.6 metres with an eaves height of 3 metres and a ridge height of 6.3 metres. The proposed buildings will be clad with a polyester coated profile sheeting for the walls and roof. The finished colour of the wall will be juniper green and the roof grey to match the existing

The Environmental Permit for this development has already been issued by the Environment Agency.

An Environmental Statement has been submitted with the application. This contains:

- A Noise Impact Assessment
- An Odour Impact Assessment
- An Ecology Appraisal
- An Ammonia Assessment
- A Flood Risk and Drainage Assessment
- Landscape Appraisal

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

The application is 'EIA Development' under the 2017 Regulations and an Environmental Statement has been submitted with the application.

Relevant history:

W76/581/95 – Outline planning application to erect dwelling to replace North Gulham Farmhouse – 12/10/95 - Refused

130639 - Planning application for erection of 6 broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and general purpose storage building – Refused - 13/01/14 – Appeal Dismissed 21/11/14

132242 - Planning application to erect 4 broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general purpose storage building- resubmission of 130639 – This was refused on 03/06/15 for the following reason:

1. The proposed development would lead to an increase in the number of HGV vehicles along a stretch of road from the junction of the A631 with the site. The existing carriageway is not in a suitable condition to accommodate any increase in HGV movements and the improvement works that have been proposed to the highway are not considered sufficient to mitigate the impacts of the increase in movements. The proposed increase in HGV movements will therefore have a detrimental impact on the safe and free flow of traffic along the road particularly given the narrowness of the road and the lack of footways and lighting which will compromise and be severely harmful to highway safety contrary to the requirements of saved policies STRAT 1 and ECON 5 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

An appeal was lodged which was successful and permission allowed on 09/02/16. There is no condition restricting poultry numbers to a specified figure.

136306 - Request for confirmation of compliance with conditions 3-7 inclusive of planning permission 132242 (Appeal: APP/N2535/W/15/3134814 - 09 February 2016) – Determined. Details Agreed.

136334 - Planning application for siting of an agricultural workers mobile home in connection with the proposed poultry unit – 21/09/17 - Granted time limit and other conditions.

136943- Application for the erection additional infrastructure in connection with the proposed poultry unit including a gate house, sub-station, generator pad, dead bird store, water tank and gas tanks. GC 2017.

Representations:

Cllr C McCartney: As discussed the issue I have with regards to this planning application is with regards to the impact on the highways. I feel that granting this permission would put undue stress on the local infrastructure the fragility of which was I believe discussed during the initial application for buildings on this site. In addition to the added pressure on the roads I would also like to clarify the figures issued by the applicant with regards to the actual existing operating numbers. I believe permission was eventually granted for a reduced figure of 180,000 birds per cycle however, in their application, it is stated that there are 200,000 birds. Which is correct and should they be allowed to have an increase of 20,000 birds per cycle? There is also a discrepancy in the figures given by the applicant. In section 8.2 it refers to each house housing 50k birds and the total increase going from 100-300k. However in 11.1 it says the increase is from 200-300k. I suspect that there is just a typing error in 8.2 but whatever the case there should only be a maximum of 180,000 birds and not 100,000 nor 200,000. It is important to get the base figure correct so that the impact of additional vehicles on the site can be accurately measured. Without considerable improvements to the local infrastructure then I am minded that this application should be **refused**. However, I wait to hear what you and the Highways Department say before making a firm and final decision on this.

Owersby Parish/Town Council:

My Council has the following **objections** to make on the proposal:

Planning Permission was originally refused for 6 poultry sheds on the basis of the inadequacies of the vehicular access which remains deemed unsuitable for HGV's

The Parish Council has serious concerns regarding the access to this site.

While there have been improvements to the road from the A631 to the south end of Gulham Lane there are 2 passing places but no road widening has been carried out.

At the corner of Young' s Wood there are 2 passing places.

Gulham Lane is in a very bad state of repair and it appears there is only one new passing place other than field entrances none of which are an adequate in length and width.

Osgodby Parish Council:

Osgodby Parish Council have been asked by numerous Parishioner to support their concerns regarding the planning application 140754 for additional poultry units at North Owersby. Whilst Osgodby Parish Council are in favour of rural business growth, this application will have detrimental effects on the parish if their concerns regarding the highway's infrastructure are not addressed. The original application for this operation was very contentious due to the traffic issues regarding its passage through the Parish of Osgodby. This route was 'insisted' on by the applicant Alec Mercer and Ian Pick Associates, as their preferred and only route to their farming operation. This is not so! As the road from their operation could go to North Owersby, via Moor Road to the A46, a main trunk road and very well able to take the weight and number of vehicles of traffic that their operation will generate with minimal public nuisance. It will also keep the traffic in the Parish where their operation exists. I would be against blocking the Gullam lane to this traffic as the alternative, as it would not be through Owersby down Moor road to the A46 it would be a sharp right down the Owersby road into Kirkby then on the Lincoln lane and back to the A631. The applicant says in this application that the company would put in traffic measures to mitigate, what in effect became a total blockage of the route from the junction of the A631 and the road to Kingerby on given days that their operation would require. No road improvements have been made to the carriageway and it has only deteriorated even further. Councillor Wilkinson has looked at the roads and Gullam lane it's self is falling apart with numerous patches and as far as I can see only one new short passing place, other than those provided by field entrances, It would appear that the damage to the lane could well be down to agricultural machinery other than the three lorry's that go to the chicken site with the road having subsided on one side. Considerable damage has already been done to the roads and verges, which is a single track road, and doubling the amount of heavy vehicles, to something in the region of 1800 HGV's, the current use is for some 1,095 lorry's the increase would mean that if you were sat at the side of the lane you would see a lorry every 1hr 36min in a 8hr day. To use this road will virtually make the route impossible for use by car drivers, cyclists, walkers and horse riders, in effect it will become a private access for the Mercer operation and Happy days farming operations on that road. This will have the effect of making this route virtually unusable for the majority of residents who use the route to get to the A631.

Local residents:

Objections have been received (including a large number of photographs available to view online) from:

Thornton House, Thornton Le Moor; The Gables, Gulham Road; 1 Top Farm Cottage, Gulham Road; 34 Brackenborough Road Louth; The Dawdles Kingerby; Hooks Farm, Gulham Road; The Grange, Gulham Road; Beech House Kingerby; Jesmond Farmhouse, Gulham Lane; 1 Jesmond Farm Cottages; Kingerby Hall, Main Road Kingerby; Frassino, Main Street, Kirby cum Osgodby; Heathercroft Owersby Bridge Road Kirkby Cum Osgodby;

Kirby Steading, Main Street, Kirby cum Osgodby (enclosing an article from local government lawyer looking at a Court of Appeal ruling of R (Squire) v Shropshire Council (2019) when the Court of Appeal quashed the grant of planning permission for a poultry rearing facility **and** a report on the risks

caused by bio aerosols in poultry houses from the Institute of Animal Hygiene, Welfare and Behaviour of Farm Animals, University of Veterinary Medicine Hannover. Germany)

Compassion in World Farming UK: (Summary) Factory farming has catastrophic impacts for people, the planet and animals; specifically, this proposal poses risks of air quality deterioration, increased greenhouse gases, increased risk for development of high pathogenic avian influenza viruses and the spread of antibiotic resistance in the surrounding area, as well as being an unsustainable venture that will offer negligible benefit to the local rural economy. It is the wrong direction for farming locally, nationally and globally and as such, I urge you to reject this application

The Gables Retreat, Gulham Road:

I am writing to you to express my deep concerns regarding the above planning application, specifically in relation to the detrimental impact it is likely to have on the local road network and the effect that will have on holiday-makers travelling to our holiday let and other local destinations.

We own a 5-star self-catering holiday property, The Gables Retreat, (www.thegablesretreat.co.uk), which accommodates 12 people, approximately ½ mile further down Gulham Road, to the west of the proposed site. Gulham Road is the only access to and from the property. Our property, established in 2012, is a popular holiday destination, due to its quiet rural unspoilt location. Many families return to the property year after year and visit other local attractions such as Hall Farm Park, Normanby Hall, Wild Pines Park as well as local farm shops, pubs and restaurants. We have had issues this winter, more so than any other, with the condition of Gulham Road. This is no coincidence as the road is now bearing the full brunt of the high HGV burden of the existing broiler unit which is now in full operation. Serious potholes, the worst we have ever seen here in 50 years, some more than half the width of the road, have appeared overnight and are catching out regular road users, never mind visitors coming to the area for the first time. We have had to specifically warn visitors about them, as they are invisible when full of rain and are even more difficult to see on the dark evenings of winter when many of our guests travel after finishing work. We have phoned the Highways department on several occasions to notify them of these dangerous potholes, and to request immediate action to prevent anybody seriously damaging their vehicles or having an accident. On two separate occasions two different groups suffered punctures to their tyres whilst travelling on Gulham Road to our property which is frustrating when we work hard to provide a high-end holiday retreat. The road has deteriorated more than ever, as the surface and sub-structure are simply not strong enough to cope with the existing amount of HGV traffic, never mind any more, a major concern which was raised by residents during the last application. This situation with the road condition does nothing to promote the tourism sector in our area, which is important not only for our business, but for many other local eateries, farms shops and local attractions. Many of our holiday-let guests enjoy running and walking, but the verges are becoming too rutted to run on and cyclists cannot safely pull off the road when they have to let oncoming traffic pass on the single carriageway, and they feel intimidated by oncoming 16.5t HGVs on

the narrow road with its poor irregular surface. It is not fair on local road users and other local businesses to have one non-resident significant business having such a dominant, damaging impact on the already fragile road structure. Therefore, I strongly object to this planning application and urge the council to refuse it. It would seem highly contradictory of WLDC to originally refuse a 6 building unit and then allow it only 2 years later, when the deterioration of the road has accelerated, additional carriageway repairs are having to be carried out regularly and the existing unit brings nothing positive to the local community.

Summary of objections:

- Would be extremely dangerous for non HGV road users;
- The carriageway is designated "Unsuitable for HGVs" and cannot cope with the existing levels of HGV traffic and continues to deteriorate further and has required several repairs since 2018
- Since planning permission was granted for 4 poultry buildings the condition of Gulham Road has deteriorated markedly;
- The passing places constructed by the applicants as a condition of the original application are not well constructed, are not marked clearly and are ineffective as they become visible too late after the point when needed. As a result, the verges are deeply rutted from vehicles having to move onto them to allow other vehicles to pass on this single-width carriageway. This means that the verges cannot now be enjoyed by walkers, runners or horse riders in many areas
- Total disregard for planning rules and conditions place on previous permission
- The road from the A631 to Gulham still has all the problems it originally had plus more. The inadequate construction means that the foundations are unable to bare the weight of heavy vehicles using it, resulting in cracks to the centre of the road and steep cambers in places.
- The reference made by the applicant that the "route underwent significant improvements" should be considered in the loosest of terms. The road surface is in poor condition, and continues to deteriorate. The HGV movements are a contributing factor to this.
- The proposed extra passing places are not going to make a difference to the structure, or the safety of the roads and the damage caused
- Road is too narrow for regular use by large vehicles;
- We have unfortunately damaged our vehicle on two separate occasions due to newly formed potholes which have been covered in water. The road is not going to be strengthened in any way, thus the current subsidence, pot holes, crumbling verges are only going to worsen with the increased HGV traffic. The road will end up in such a poor state that vehicles will only be able to travel at very slow speeds or risk damaging their cars. This is likely to lead to increased compensation claims made against Lincolnshire Country Council.
- We also have significant concerns over the odour emissions. This is an intensive livestock unit and currently has 4 units which already emit

unpleasant odours, not just on cleaning out days. We are often exposed to repulsive smells over numerous days resulting in us having to keep windows closed. An additional 2 units will only make this situation worse, the applicant's odour report shows a 71% increase of odour exposure at my property location. This obviously will impact on our quality of life now that we are retired, but more worrying is the potential impact on our health.

- The odour impact assessment undertaken (dated January 2020) through a dispersion modelling exercise is purely a theoretical approach using largely standard measures. The use of such an approach is fundamentally flawed in this instance. The 4 broiler units are in full operation, therefore undertaking extensive field testing and extrapolating the data will provide a more realistic impact statement to local residents based on local conditions (i.e. wind conditions (direction and strength)), and make an informed assessment of the operations performance on odour. An email dated 11 January 2018 from the applicants client explained that the poultry units' odour would be "undetectable", which is not the case. My property is only c.0.2 miles away, of which strong periodic odours come from the poultry units. The sharp smell is something I have been concerned with for a while now, and even more disconcerting is its regularity. The Environment Agency permit 'Section 3.3 Odour' is clear that it shall be free of odour and not to cause pollution out of the site, which is presently not being adhered to.
- Large vehicles expect smaller ones to get off the road onto inadequate verges;
- The applicant has failed to abide by their original planning agreement as the 4 poultry units are housing more birds than was approved by the Appeal's Inspector.
- Planning Permission was originally refused on appeal for 6 poultry sheds given the access problem;
- applicant seeking to obtain planning permission ' through the back door';
- Significantly more HGV movements than those rejected at the appeal
- No evidence any landscaping has taken place on the site
- 4 building unit is running at greater capacity than originally approved
- The numbers quoted in this application, as with the last, are misleading/contain omissions/inaccuracies and cannot be relied upon.
- The road widening improvements agreed as a condition of the first application at the bend around Young's Wood and at the junction of the No Through Road sign were not of adequate construction (simply filled with hardcore) and have broken down since, the latter one having already been refilled
- The turning at the end to the chicken unit is often in a poor state of repair and for quite some time there was a large bulge in the centre of it and was waterlogged.
- We have huge sympathy for residents at Top Cottages, and the neighbouring bungalows in the direction of the prevailing wind, as the odour is significant and very unpleasant, particularly towards the end of

the bird cycle and on clearing our days, and will only worsen with the addition of 2 more units.

- Unless this application can be refused by delegated authority, we would strongly request and urge you to refer this application to the full planning committee and convene a site meeting, when Coronavirus restrictions allow, so that the members can fully understand the impact of this application
- Already too many intensive poultry units in the area
- Will increase the risk of disease

Public Protection (Summarised):

(Following response from the Applicants Agent, reproduced later in the report)

22.07.2020 Final Comment:

A helpful response and on the basis of it see little additional impact from the proposal. I have also viewed the application to assess any new information prior to response and find **no cause to object** to the application on Environmental Protection grounds.

30.04.2020 I feel there is need to summarise for purposes of accuracy and clarity, the following:

1. The acoustic note shows the proposed night time flock clearance route to be from the Intensive Livestock farm to the A631, passing only four properties of which two would be more affected than the others.

Is this the route current and proposed, bearing in mind multiple online comment as to traffic impact on nearby parishes?

2. An element of confusion has crept in as regards the terms:

- a. Unit
- b. Flock
- c. Flock cycle

As used through previous and current applicant documents

What is occurring and what is intended for purposes of understanding what may occur?

- a. Is a flock cycle:
 - i. the total of product from the whole site in the 49 daysor
- ii. that product from one building in 49 days

In either case, is the whole site scheduled around the same start and end date or does/can each shed operate independently of the others leading to different flock cycles?

Depending on the above there is indication of anything between 32 and 128 nights of potential disturbance per year currently and between 32 and 192+ proposed (depending on actual numbers of poultry and those intended - see numbers of stock as follows:

3. Numbers of stock

Whilst odour would appear to have been modelled on the statistical change from 200,000 to 300,000, there is some confusion as regards actual numbers of stock for purposes of transport calculations.

Are current transport numbers based on actual stock being cleared or capacities stated?

Whereas there were no night time/transport related noise complaints (exception now noted) there is question as to the accuracy of the changes to numbers of transports that will be required.

- Initial planning application was for 6x45000 (270,000)
- Initial Permit application was for 300,000

It is unclear if the successful appeal granted 4 buildings (units?) of the same capacity (180,000) or for the 200,000 now cited, this into buildings of the same size originally applied for.

The new proposed buildings (units?) are larger and will hold 50,000 birds each. Current application is to increase supposed numbers from 200,000 to 300,000, a 50% increase, however this is 66% increase on numbers originally applied for. Transport numbers, as follows, don't appear to be reflected in those percentages but do appear to reflect the clearing of the whole site of stock on each cycle which would on the face of it appear to be questionable:

Should there be discrepancy in transports per night, as multiplied by any shortfall in the numbers of nights of stock clearance, as may be the case if sheds are individually cleared, could produce a significant differential in the persistence of night time vehicular activity.

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21.04.2020 I believe that my responses of 9 and 15 April address the lack of any history of complaint to the Environmental Protection Department. As per my response of 15 April, clarification is perhaps needed as regards existing arrangements for manure and that any future arrangement is conditioned to have manure cleared the same day from site via sheeted lorry.

I note the phrase '*The sharp smell is something I have been concerned with for a while now*' and '*a measure of the odour pollution is present with the existing 4 units*' and would advise that descriptors such as 'concern' and 'a measure', (indeed annoyance or unwanted, if they were to be used) are not factors amounting to Statutory Nuisance or a likelihood thereof (although annoyance can sometimes be a factor considered by the E.A.)

As regards odour impact I can see that 98th percentile predictive results indicate a year on year increase with and without any grant of this permission, which I do not readily understand. This stated predicted increase without change is from 0.3 to 0.43 ouE/m³ and with change, i.e. a grant of permission, from 0.49 to 0.73 ouE/m³; with an average of 0.6 ouE/m³.

This is less than half that predicted for 'The Grange' at 1.4 ouE/m³ and less than one third the guidance level of 3 ouE/m³ indicative of having a negligible impact ('negligible' at, or below 3 ouE/m³ as a 98th percentile of hourly means;).

I have no cause to dispute or object to this level of impact, although I am mindful that the plume illustrated at Figure 6 of the odour report would potentially bring a negligible impact on occasion of a West South Westerly wind as opposed the prevailing South Westerly or those reported below.

15.04.2020 1. I note intent to provide the additional noise assessment
2. As regards the manure, I suggest that the disposal to Powers Stations be conditioned (Lorries to be sheeted or manure otherwise enclosed), as appears agreeable; in which case a manure odour/disposal plan can be dispensed with.

09.04.2020 There is need for more information and (or clarification) in relation to Transport Noise and Odour (Manure Management).

Recommendations

1. A full impact study of night time (23:00 to 07:00) traffic impact on the NSR's and other sensitive property along the routing ought now to be required; else a restriction placed upon night time movement.
2. A cumulative Manure (odour) Management Plan ought to be required

LCC Highways

06.07.2020 Requests that any permission given by the Local Planning Authority shall include the conditions below:

1. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of a scheme of highway improvements in accordance with Dwg. No. 15382-05, 15382-06 and 1538209 have been submitted to, approved and certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

2. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and provide details of how the scheme shall be maintained

and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

Highway Informatives

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

24.06.2020 I'm happy in part, the passing place dimensions are acceptable where appropriate, some locations will require a widening scheme both sides of the carriageway. I've made some notes on the attached drawing for detail that is still required. I will require a drawing with just the numbered proposed improvements with a reference to a detailed drawing showing finer detail.

03.06.2020 Additional Information Required

The Highway and Lead Local Flood Authority (HLLFA) would comment as follows:

Highways

The transport information submitted represents a fair and reasonable assessment of the impact the development will have on the local and wider highway network. Due to the increase in vehicle trip generation of the existing development, mitigation will be required on Gulham Road in order to improve the carriageway for the additional vehicle numbers. A scheme of highway improvement proposals for Gulham Road will require submission at this stage for consideration by the Highways and Lead Local Flood Authority (HLLFA).

Drainage

The submitted drainage strategy is acceptable, discharge from site will be restricted to 5 l/s, to form part of final recommended conditions.

Environment Agency: We have **no objection** to the application.

Landscape Officer:

03.08.2020 I have looked at the landscaping details, and providing the planting is carried out in accordance with the details on the plan, and it appropriately maintained, i.e. watered during periods of hot or dry weather, and stakes checked and re-firmed straight if necessary, then the planting should develop into a mixed native tree and shrub belt for good screening and softening of the buildings. I understand some planting has been carried out but is much smaller than the specification on the approved landscape scheme, and does not appear to have put on any new growth.

28.04.2020 I have no objections to the proposed development in terms of impact to existing trees or hedges. In relation to a scheme of landscaping, further information is required. We know a landscape scheme was approved for the previous application for 4 units, and we know landscape planting has recently been carried out, but there is nothing on record/file for this current application to clarify what planting has been done or whether it is in compliance with the scheme approved for 136036 and 132242, or whether the previously approved scheme has been planted in its entirety. Providing the planting carried out is the same as the approved scheme and has been completed, then it would be adequate for this application and I would have no further comment.

Natural England (Summary): No objection – Subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would: Damage or destroy the interest features for which Kingerby Beck Meadows and Normanby Meadow Sites of Special Scientific Interest have been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measure is required:

- Compliance with the Code of Good Agricultural Practice for reducing ammonia emissions (Published by the Department For Environment, Food and Rural Affairs 2018)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. We also suggest that the planting of a tree buffer/belt can influence the dispersal and recapture of ammonia when located appropriately in terms of the prevailing wind.

We wish to see a precautionary approach followed in order to ensure the protection of the qualifying features of the SSSIs. Natural England therefore recommends that a condition should be attached to the decision notice which ensures that the Code of Good Agricultural Practice for reducing ammonia emissions is followed and applied if these measures are not already in use.

Applicants Agent: (During the course of determination additional details and clarification were sought which resulted in the submission of additional information throughout the process. It is considered helpful to reproduce the

latest response from the agent to the questions raised by the public protection officer in terms of clarification as it is noted that representations received refer to alleged discrepancies in the submission including the actual number of birds on the site and the numbers applied for. Concerns have also been expressed about routeing).

“1. The only route used is from the A631 to the site. This is the current and proposed route and passes 4 dwellings. This is the only sensible route to the site and is the route which was considered at the appeal and has also been subject to improvements provided by the applicants in terms of passing places and junction improvements.

2. The flock cycle is 49 days for the whole site. The site operates on an all in all out system. All buildings are filled and emptied at the same time. The current number of nights where catching occurs is 4 per flock (32 per annum). This will not change as a result of expansion proposals - there will just be more Lorries on each catching night / day.

3. The maximum stocking for the site allowed under the Environmental Permit is 300,000 birds (50000 per shed) with the proposed expansion. The transport figures quoted relate to the maximum stocking density allowed under the permit of 300,000 birds and the existing figures are based on 200,000 birds. The actual current number of birds at present placed on the site is 47,000 per shed and 188,000 on the whole site. This can vary due to customer requirements as shown below.

The capacity of a poultry shed varies, based on the customer requirements. Stocking of poultry sheds is worked out on kg per square metre, not numbers of birds. The proposed sheds have a usable floor area of 2,477 sq.m and the legal max stocking density in the UK is 38 kg per square metre, therefore, if the customer requirement is 2kg birds as in this case - the stocking density of the shed is 47,000 birds per shed. However, if the customer requirement was 1.8kg birds the capacity in the same shed is 52,000 birds, similarly if the customer requirement is 2.2kg birds, then the capacity of the same shed is 43,000 birds.

The original application was based on 45,000 birds per shed, however, since construction, the applicant has changed customers from a Norfolk based factory to a Scunthorpe based factory, and this has resulted in a change of stocking density of sheds and hence the increase in actual bird numbers (albeit producing smaller birds).

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

The policies considered relevant are as follows:

LP1 A presumption in Favour of Sustainable Development
LP2 The Spatial Strategy and Settlement Hierarchy
LP5 Delivering Prosperity and Jobs
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP17 Landscape, Townscape and Views
LP21 Biodiversity and Geodiversity
LP26 Design and Amenity
LP55 Developments in the Countryside

North Owersby is not a designated Neighbourhood Area and so there is no Neighbourhood Plan in preparation.

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- *National Design Guide (2019)*

Main issues

- Principle
- Highway Safety
- Noise
- Odour and Dust impacts

- Biodiversity and Ammonia
- Drainage

Assessment:

Principle

The site is in the countryside therefore tier 8 of LP2 applies. This allows development demonstrably essential to the effective operation of agriculture. The proposal would introduce an additional two poultry sheds to an existing poultry farm which is considered to comply with this policy. The principle of development is therefore acceptable in accordance with LP2.

Highway Safety

A considerable amount of the objections raised focus on issues of road safety due to perceived inadequacies of existing highway infrastructure and comments are also made about the inadequacy of previous highway improvements. Condition 3 of the allowed appeal was that:

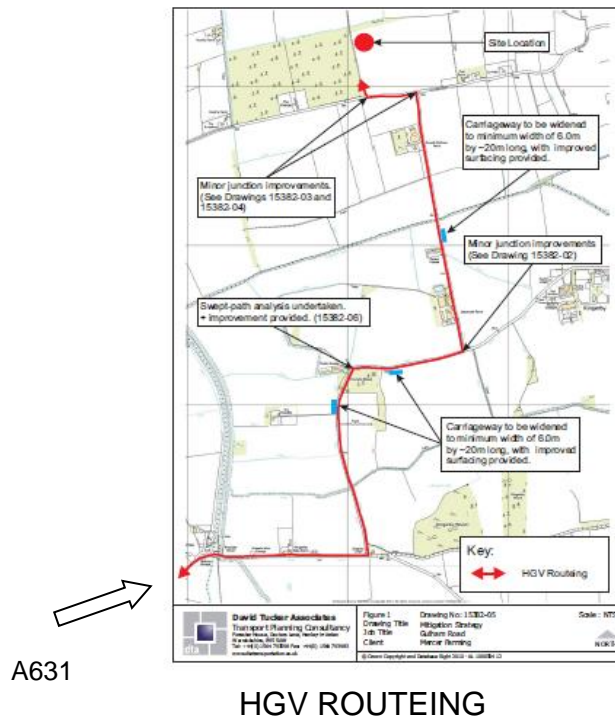
Development shall not begin until full details of the works to improve the public highway shown on plans 15382/02; 15382/03; 15382/04; 15382/05; and 15382/06, along with a scheme to reconstruct the carriageway between the site access and the T junction approximately 200 metres to the east and a scheme to provide an additional passing place on Gulham Road to the south of Young's Wood, have been submitted to and approved in writing by the local planning authority. None of the broiler units hereby permitted shall be constructed until all of the highway improvement works have been completed in accordance with the approved details.

Details were submitted to discharge this condition amongst others under application reference 136306 and were confirmed as acceptable by Lincolnshire County Council (LCC) Highways and works were apparently carried out by an "approved contractor" under licence from LCC.

Routes for HGV Traffic: Condition 5 of the allowed appeal was that:

Development shall not begin until a Heavy Goods Vehicle Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the lifetime of the development.

Details were submitted under application reference 136306 to discharge this condition which included HGV routeing and this is shown below.



The strong concerns about highway safety are known to Lincolnshire County Council Highways who have received communications on this matter from the case officer with some residents copying them into emails expressing such concerns. Highways requested a scheme of improvements to be submitted as part of the consideration of the application.

4 additional passing places and road widening on both sides of the carriage way on the route towards the A631 are proposed. These have been agreed with Highways and can be conditioned to be in place as requested in accordance with the submitted Drawings No. 15382-05, 15382-06 Rev A and 15382-09 and to have been submitted to, approved and certified complete by the Local Planning Authority before the units are in use. The reason given for the imposition of the condition by Highways is to: ensure the provision of safe and adequate means of access. Accordingly subject to the imposition of this condition it is considered that there are no grounds to withhold consent on the grounds of harm to highway safety. It would therefore be in accordance with policy LP 13.

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

Noise, Odour and Dust Impacts

Noise

A detailed noise assessment was submitted in support of the application which looked at plant and operational noise development. The assessment included the proposed ventilation systems and transport related noise. A further note from the acoustic specialists in relation to poultry transport movements during the night (23:00 – 0700) on the unclassified road between the site and the A631 was requested by officers and this was subsequently provided. The assessment included a noise survey conducted to determine the typical background noise levels at the nearest dwellings to the site. It has been demonstrated to the satisfaction of the public protection officer that the noise impact of the ridge extract fans and transport activities during the day and evening would be low and would fall within acceptable levels and does not represent a reason to withhold consent.

Odour

An Odour Impact Assessment (OIA) was submitted in support of the application which presents the result of a detailed dispersion modelling exercise aimed at predicting the odour impact of the proposed facility. Whilst noting the objections raised to this by residents the public protection officer has confirmed in his comments that there is no cause to dispute or object to the predicted level of impact. The guidance level is that 3 ouE/m³ is indicative of having a negligible impact ('negligible' at, or below 3 ouE/m³ as a 98th percentile of hourly means ;). The levels predicted range from 0.49 to 0.73 ouE/m³; with an average of 0.6 ouE/m³ which all fall well below the guidance threshold. In addition during the course of determination of this application an objection received relating to alleged unacceptable existing odour impacts was passed to public protection as an odour complaint for investigation. This was not borne out following investigation and extracts from the response to the complainant are included below:

"Please be aware that there is no history of complaint as regards the permission and activity already in place and other than planning representation there have been no concerns raised with or apparent to the Environmental Protection Department.

Whilst I appreciate the research apparent in your response, evidence to date would not suggest the likelihood of a Statutory Nuisance in respect of odours now or projected.

There can be no legal requirement under Planning or Statutory Nuisance legislation to require there to be no odour produced. As regards any determination of nuisance, or the likelihood thereof, such isn't based on any single aspect of consideration"

Advice was also provided in relation to future actions that the complainant could take:

"If you believe that odour impact from the units at your place of residence or work is of serious impact such as may result in a determination of Nuisance by Authorised Officers of this council then I would ask that you monitor for a week or so, similar to that already provided, with the addition of wind direction

(i.e. compass direction from where the wind is coming) at the time and submit it to me for further evaluation. Ideally there will be a pattern established that may enable officers to witness it when travel restrictions are removed.

It would be additionally helpful if you were able to give assurance, as best you can, in respect of each incident that the odour is actually coming from the units complained of. Best way of providing this assurance is to follow the odour upwind to the best of and extent of your ability without trespass. Without this there will be less confidence that odour is not coming from elsewhere as may be the case, particularly when farmers are actively applying nutrients to their land as was likely the case in March"

An odour and manure management plan for the proposed units will also be conditioned requiring submission and written agreement to it and implementation in accordance with the approved details.

It is considered therefore that odour impacts do not represent a reason to withhold consent.

Poultry Dust (Particulates)

Within a poultry building the main sources of dust are the birds, their food and the floor litter. Dust can be dispersed via the extractor fans and there is a potential for dust when the poultry sheds are emptied and cleaned in preparation for the next "cycle". Concerns about correlations between exposure to fine particulate and impacts on public health have led to measures to regulate atmospheric concentrations of fine particulates. Limits have been placed on Particulate Matter (PM) at a level of 10 μm (10 microns = 10 millionths of a metre), with no differentiation as to chemical specification or origin. In keeping with European limits, the UK Air Quality Strategy (2007) has set a limit of 50 μgm^{-3} (micrograms per cubic metre) over 24 hours not to be exceeded more than 35 times per year and a limit of 40 μgm^{-3} as a maximum annual mean value. With increasing distance from the source the concentration of dust particles which originate from poultry buildings will fall to a level below air quality guide-line values, and eventually be indistinguishable from normal background dust levels. Background dust levels in rural areas according to data collected from the National Air Quality Monitoring Network (2005) indicates that background dust concentrations in a rural environment are around 15 μgm^{-3} . Calculations indicate that annual average concentrations of poultry dust are not expected at distances exceeding 100 metres from the source. The nearest dwellings are over 480 metres from the proposed buildings and therefore it is considered that the proposal is acceptable in this respect.

It is concluded that the noise, odour and dust impacts fall within acceptable levels and the proposal would accord with policy LP 26. Policy LP26 requires that 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. This is consistent with section 12 of the NPPF Achieving well-designed places and is afforded full weight.

Biodiversity and ammonia

A preliminary ecological appraisal comprising an extended Phase 1 habitat survey and a protected species assessment was undertaken and has been submitted as part of the application. In summary as a whole the sites habitats which will be affected by works are common and widespread of low intrinsic biodiversity value.

Recommendations are made which will reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself are provided. Proposed ecological enhancements for wildlife include the planting of a shelter belt on the eastern and southern boundaries of the site, the placement of hedgehog boxes in the bases of hedgerows and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. A condition can be imposed securing compliance with the recommendations. In relation to the planting of a shelter belt the case officer has visited the site and has observed stakes with black protective tubes in the locations of the approved landscaping scheme although it appears from personal observation that the vast majority of the planting has failed to establish itself. A condition can therefore be imposed requiring implementation of the previously approved landscaping prior to occupation of the buildings and notification of completion to WLDC. This will not affect the landscaping condition on the allowed appeal which remains in place.

Natural England have stated that without appropriate mitigation the application would damage or destroy the interest features for which Kingerby Beck Meadows and Normanby Meadow Sites of Special Scientific Interest have been notified. The agent has confirmed that the existing site is designed and operates to "Best available techniques" (BAT) standards in compliance with the EA Permit. Nevertheless a planning condition requiring compliance with the Code of Good Agricultural Practice for reducing ammonia emissions (Published by the Department For Environment, Food and Rural Affairs 2018) will be imposed. In addition the required landscaping once established will also help with ammonia dispersion and biodiversity. Impacts on biodiversity do not represent a reason to withhold consent. It is in accordance with policy LP21. Policy LP21 is in accordance with Section 15 of the National Planning Policy Framework "conserving and enhancing the natural environment" which requires decisions to contribute to and enhance the natural environment by protecting sites of biodiversity value and is therefore accorded full weight.

Drainage

The site is not located within an area at risk of flooding. There is an open drainage ditch located to the north of the proposed development, which drains the adjacent agricultural land and into which the surface water run-off from the existing poultry units discharges. It is proposed to discharge into this drainage ditch via the existing restricted outfall. In order to ensure the discharge of surface water will not increase the risk of flooding to other properties, it is necessary to attenuate the drainage by restricting the discharge and providing storage as required. The original surface water drainage design and strategy which was prepared for the existing poultry units incorporated the current expansion. A hydraulic model study of the new drainage network has been undertaken in order to assess the required pipe sizes and gradients and to check whether the existing attenuation lagoon which was designed to

accommodate the current expansion has sufficient capacity. The results of the study show that the existing attenuation lagoon can accommodate the run-off from this new development.

Foul and surface water drainage on the site will be separated to prevent discharge of dirty water to watercourses. The inside of the proposed building will be sealed and drained to sealed underground dirty water containment tanks. The proposed dirty water tanks will collect contaminated water produced in the washing out process. The concrete aprons have the potential to become contaminated during the manure removal process of the cleanout operate. The concrete apron will be enclosed by a catchment drainage with a switch system. During the cleanout process, the concrete apron will be drained into the dirty water containment system. Outside the cleanout period, when the apron is clean and uncontaminated, the apron will drain into the attenuation pond. The separate drainage systems are a requirement for the Environmental Permit.

The applicant has agreed to a pre development condition in relation to the submission of a surface water drainage scheme for written approval and subsequent implementation in accordance with approved details. On this basis there is no ground to withhold consent in relation to drainage. The proposal accords with policy LP14.

Policy LP14 in the section on Flood Risk requires that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. This is in accordance with the Planning and Flood Risk section of the NPPF commencing from paragraph 155 and is afforded full weight. LP 14 requires, inter alia, proposals demonstrate they would not adversely affect ground water quality. This is consistent with NPPF paragraph 170.

Visual Impact

The existing poultry farm complex is not readily visible from public roads and glimpses are only available through small gaps in roadside hedgerows at a distance. The proposed buildings are very similar to those existing on site in terms of scale, appearance and materials and in any views available will be seen in the context of the existing operation. This together with the imposition of a landscaping condition will ensure that its impact on the character and appearance of the site and wider area will fall within acceptable levels and does not represent a reason to withhold consent. It is in accordance with policy LP 26.

Planning balance and conclusion

This is a proposal that subject to the imposition of the conditions discussed above is not considered to cause significant harm to: the interests of highway safety; the living conditions of nearby dwellings; biodiversity; the character and or appearance of the open countryside. It will also support the development of an existing established rural enterprise. Therefore having considered the proposal against the provisions of the development plan and specifically policies LP1 A presumption in Favour of Sustainable

Development; LP2 The Spatial Strategy and Settlement Hierarchy; LP13 Accessibility and Transport; LP14 Managing Water Resources and Flood Risk; LP17 Landscape, Townscape and Views; LP21 Biodiversity and Geodiversity; LP26 Design and Amenity and LP55 Developments in the Countryside of the Central Lincolnshire Local Plan (2017) ; as well as against all other material considerations including the revised National Planning Policy Framework (2019) it is considered that the proposal is acceptable and a grant of conditional planning permission is considered appropriate.

Recommendation: Grant consent subject to the following 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:

2. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The

approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development and in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

Conditions which apply or are to be observed during the course of the development:

2. The development hereby approved shall be carried out in accordance with the following drawings:

Location Plan IP/MF/02 date March 20; Proposed Site Plan IP/MF/03 date Jan 20; Proposed Elevation and Floor Plans IP/MF/04 date Jan 20

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 in the interests of proper planning.

3. Work shall be carried out on the site in accordance with the “recommendation for mitigations and further survey work” of the Ecological Appraisal prepared by Craig Emms and Dr Linda Barnett dated January 2020.

A plan or other information showing the positions of the hedgehog boxes ; bird and bat boxes placed on the site in accordance with part of these recommendations must be submitted to the Local Planning Authority for approval in writing prior to bringing the hereby approved buildings into use.

Reason: In the interests of biodiversity in accordance with policy LP 21 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

4. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of a scheme of highway improvements in accordance with Dwg. No. 15382-05, 15382-06A and 15382-09 have been submitted to, approved and **certified complete** by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the approved development in accordance with policy LP13 of the Central Lincolnshire Local Plan.

5. No part of the development hereby permitted shall be occupied until an odour and manure management plan has been submitted to and approved in writing by the Local Planning Authority. The details agreed shall be implemented in full for the duration of use of the approved poultry units.

Reason: In the interests of the amenities of neighbouring dwellings in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

6. No part of the development hereby permitted shall be occupied before the Landscaping Scheme shown on plan IPA20826 11A prepared by ACD Environmental dated September 2016 previously submitted on the applicants behalf with the reference 136306 **or** a scheme first submitted to and approved in writing by the local planning authority has been **confirmed in writing as complete** by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, to ensure that a landscaping scheme to enhance the development and to provide increased opportunities for biodiversity on the site is provided in accordance with Policies LP 21 and LP26 of the Central Lincolnshire Local Plan.

7. The hereby approved units shall be operated in "Compliance with the Code of Good Agricultural Practice for reducing ammonia emissions (Published by the Department for Environment, Food and Rural Affairs 2018)"

Reason: As mitigation recommended by Natural England without which the development would damage or destroy the interest features for which Kingerby Beck Meadows and Normanby Meadow Sites of Special Scientific Interest have been notified and in accordance with policy LP 21 of the Central Lincolnshire Local Plan.