

Officers Report

Planning Application No: 141263

PROPOSAL: Planning application for erection of 1no. poultry rearing unit with ancillary feed silos, hardstanding and access.

LOCATION: Saxilby Sykes Sykes Lane Saxilby Lincoln LN1 2NX

WARD: Saxilby

WARD MEMBER(S): Rev Cllr D J Cotton, Cllr Mrs M Brockway

APPLICANT NAME: Mr Caleb Arden

TARGET DECISION DATE: 23/09/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

It is considered that the proposed development is relevant to be presented to the planning committee as the recommendation is for approval and the Parish Council have objected on policies of the Made Saxilby with Ingleby Neighbourhood Plan.

Description:

The application site is part of a larger agricultural field set in the open countryside isolated from any other built form. The agricultural field gently slopes upwards from west to east and is currently used for arable crop growing. Further to the east the land drops down and then up again. The site is accessed down a long single farm track off Sykes Lane. The site is screened to the north by high hedging and is open to the existing agricultural field to the east, south and west. Agricultural fields are adjacent or opposite each boundary of the site with an uninhabitable derelict farmstead close by to the south west. The first part of the farm track runs near to Sykes Farmhouse. A high percentage of the access track to the site is in flood zone 2.

The application seeks permission for erection of one poultry rearing unit with ancillary feed silos, hardstanding and access. The poultry unit will accommodate a maximum of 38,000 birds (chicks) which after 16 weeks will be transported to the egg laying units.

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

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a

sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

None

Representations

Chairman/Ward member(s): No representations received to date

Saxilby Parish Council: Objection

One of Saxilby Parish Council's objectives is: To improve the Health and wellbeing of residents.

During the Covid-19 pandemic and the access to Saxilby Nature Project, more families have rediscovered walking and cycling along Sykes Lane enjoying the countryside in safety with low levels of traffic. Dog walkers and people jogging also use that route. This area of Sykes Lane would also be used to access the proposed cycle/footpath from Saxilby to Torksey, an identified project in the Saxilby with Ingleby Neighbourhood Development Plan. (A feasibility study for the project is planned for this year).

NDP Policy 17: Traffic and Movement around the Village, Policy 16: Existing and New Non-Vehicular Routes and Policy 11: Minimising the impact of Development on the Natural Environment.

The application notes an expected 56 HGV vehicle movements in a 19-week cycle. There are a limited number of options for accessing this site (via Sykes Lane from Torksey direction, Sykes Lane via Church Lane, and Sykes Lane via the High Street), and none of these are suitable for the volume of large vehicles. Sykes Lane as soon as you get out of the village is effectively single track with no passing places and large water filled dykes either side. There are tight bends and the road goes under a height limited railway bridge near blind bends.

We have serious concerns about HGVs attempting to negotiate this route and public safety of other vehicles and pedestrians/cyclists which may encounter these vehicles.

Local residents: Representations received from (Saxilby unless stated):

Objections (summarised)

1 Ivy Cottages, Sykes Lane
The Warren, Sykes Lane
1 Sykes Junction Cottages, Sykes Lane
3A, 11, 14, 54, 64, 66, 81 Sykes Lane
12, 37 Bridge Street
12 The Close
6, 15 Ingamells Drive
17G, 20, 53, 57 Church Lane

20 Otter Avenue
4, 5, 9, 17 Northfield Rise
7, 8 Brackenbury Road
9 MacPhail Crescent
20, 22 Fosdyke Gardens
2 Poachers Court
2 Ballerini Way
27 Mill Lane
30, 40, 55 Highfield Road
10 Eastcroft
18 Daubeney Avenue
5 Wells Court
1 Sturton Road
5, 10 The Sidings
67-69, 121 High Street
31 Warwick Close
11 Thonock Drive
16 Meadow Rise
20 Hawthorne Close
23 Queensway
26 St Botolphs Gate

4 Stretton Close, Sturton by Stow
Berry Brow, 14 Craypool Lane, Scothern
47 Hawthorn Chase, Lincoln
1 Lindholme Road, Lincoln
2 Victoria Street, Lincoln
5 Spring Hill, Lincoln
66 Foster Street, Lincoln
4 George Elsey House, Moorland Avenue, Lincoln
52a Spital Street, Lincoln
54 Anderby Drive, Lincoln
1 College Close, Lincoln
6 Grafton Street, Lincoln
1 Station Field, Skellingthorpe
15 Pottergate Close, Waddington
16 Edinburgh Square, Waddington
33 Cox Drive, Bottesford
31 The Street, Waldron
96 Weir Garden, Rayleigh
10 High Street, North Scarle
3 Grace Avenue, North Hykeham
6 Shaw Way, Nettleham
Jolls Farmhouse, Jolls Lane, Greetham

Animal Welfare

- Opposed to cramming amount of chickens into the unit.
- Impact on welfare of the animals.

Human Health

- Industrial animal farming has caused most new infectious diseases and risks more pandemics.

Visual Impact

- Will ruin the aesthetics of Sykes Lane and this end of the village.
- Unsightly addition to the village.
- Building on Saxilby green space.
- Too close to built up area.
- Must be a better location than on the edge of the village.

Residential Amenity

- Likely to produce bad odour/smells when wind blows in certain way.
- In spite of modern ventilation systems smell will drift over the village.
- Noise pollution from heavy goods vehicles.
- Encourage vermin to the area.
- Too close to built up area.

Highway Safety

- Increase traffic flow even more causing a congestion issue and more accidents.
- Road infrastructure through Saxilby will not cope as it is not designed for heavy goods vehicles.
- Access through residential streets including Sykes Lane within the village is not suitable. Street parking narrows the roads.
- Sykes Lane is a single carriageway with no passing places and blind bends therefore is unsuitable for heavy goods vehicles.
- Grass verges along Sykes Lane are damaged.
- Danger to walkers, dog walkers, cyclists, horse riders etc. Using Sykes Lane.
- Unsuitable access from Torksey or Saxilby.
- Passing places scheme should be conditioned.

Ecology

- Damage to natural habitats on site and surrounding area.
- Local conservation area concern.
- The wildlife impact would not be good.
- Detract from beauty and tranquillity of newly created nature site near the application site.

Environment

- Transport and production emissions would harm the environment.
- Have goals to reduce carbon footprint in next few decades and animal agriculture is a major contributor to our carbon footprint.

Other

- Waste will damage countryside.
- Smell will devalue house prices.

- Have enough chicken plants in the area.
- Should be on brownfield land.
- Approval would lead to further applications.
- Little or no economic benefit with 1 full time and 1 part time employee.
- Inadequate water supply for firefighting.
- Local business could suffer.
- Impact on recreational use of the area by walkers, cyclists, horse riders etc.

Supports (summarised)

12 Queensway

- Local company producing food and providing jobs.

General Observation (summarised)

Sykes Farm, Sykes Lane
114 Lincoln Road, North Hykeham

- Adjacent field used by walker/dog walkers and is a nature site.
- Passing place minimal
- Heavy Goods Vehicles rarely seen on Sykes Lane
- Application address is incorrect

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and advisory notes

Representation received 15th July 2020:

- Construction Management Plan and Method Statement
- 3 Passing Places along Sykes Lane

Representation received 15th July 2020:

It is noted that the applicant has provided proposed vehicle movements, they also need to submit current vehicle movements in/out of the access with Sykes Lane. I see that they have said that the construction movements are not available but this is something that we need to be able to provide a substantive response to the LPA. We will also need to know the proposed routing construction vehicles and servicing vehicles will take. Sykes Lane is narrow in nature with some blind bends.

WLDC Environmental Protection: No objections

Representation received 8th July 2020:

No further concerns

Representation received 6th July 2020:

The odour report at 3.5 page 7 indicates that the “manure is to be removed throughout the flock cycle and therefore emissions during the end of flock

cleaning of the house would be lower than for a traditional house where manure collects within the house” however the Design and Access Statement at 2.9 page 6 states “poultry litter will be removed from the unit at the end of each 16 week cycle. These statements appear in conflict with each other and clarity is sought that the conclusions in both reports, that the predicted odour exposures would be well below the EA’s benchmark and that the proposed development will not give rise to any significant adverse environmental effects remain valid and clarify which system is to be used.

Other than the above clarification point I have no comments regarding this application.

Environment Agency: Comment

The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

Witham 3rd Internal Drainage Board: No objections with advice

LCC Archaeology: No representations received to date

Lincolnshire Fire and Rescue: Objection with advice

The Fire Authority object to the application on the grounds of inadequate water supply for firefighting purposes.

WLDC Economic Development: No representations received to date

IDOX checked: 7th September 2020

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); the Saxilby with Ingleby Neighbourhood Plan (made 8th May 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

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

LP25 The Historic Environment

LP26 Design and Amenity
LP55 Developments in the Countryside
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- ***Saxilby with Ingleby Neighbourhood Plan (SINP)***

Relevant policies of the NP include:
Policy 2 Design of New Development
Policy 11 Minimising the impact of Development of the Natural Environment
Policy 17 Traffic Movements around the Village
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/saxilby-with-ingleby-neighbourhood-plan-made/>

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site/area.
<https://www.lincolnshire.gov.uk/planning/minerals-waste>

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 80 of the NPPF states:
"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

Paragraph 83 of the NPPF states:
"planning policies and decision should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings"

Paragraph 109 state that:
"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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)**

<https://www.gov.uk/government/collections/planning-practice-guidance>
<https://www.gov.uk/government/publications/national-design-guide>

Other:

Natural England's Agricultural Land Classification Map 2010

<http://publications.naturalengland.org.uk/publication/143027?category=5954148537204736>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Saxilby with Ingleby Neighbourhood Plan
Concluding Statement
- Assessment of local policy LP55 (Part E) of the CLLP
- Agricultural Benefit
- Waste Management
- Flood Risk
- Surface Water Drainage

Assessment:

Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036:

The application site is located within the open countryside therefore Tier 8 (countryside) of local policy LP2 applies which allows development demonstrably essential to the effective operation of agriculture. Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

Saxilby with Ingleby Neighbourhood Plan:

Policy 2 (Design of New Development) sets out criteria for the acceptable design of new development.

Policy 11 (Minimising the impact of Development of the Natural Environment) sets out criteria for protecting existing features in the natural environment such as trees, hedging etc.

Policy 17 (Traffic Movements around the Village) provides protection from new development having an unacceptable traffic impacts on the village

Concluding Statement:

The application site is part of a larger arable field therefore the agricultural use of the land will be maintained. The use of the site as a chicken rearing unit is a use which only lends itself to be sited in isolated open countryside locations away from people and buildings, particularly residential dwellings.

The principle of the development is therefore acceptable subject to satisfying all other material considerations including the criteria listed in local policy LP55 Part E of the CLLP.

Assessment of local policy LP55 (Part E) of the CLLP

Local policy LP55 Part E of the CLLP states that “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”.

*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:*

The proposed rearing unit will be a standalone building and would not be close to established businesses or natural features. As already stated agricultural developments of this nature require an isolated location away from people therefore the proposed open countryside location is justified and would provide one full time and one part-time employment opportunity. The development would be expected to generate some off site employment as well such as jobs associated with haulage, construction/manufacturing, food processing, administration etc. The rearing unit will additionally support and supply hens to the applicant’s series of poultry farms specialising in higher welfare free range egg production situated in Newton on Trent, southwest of Saxilby and north of Harby (Newark & Sherwood). Therefore the proposed rearing unit will enhance the local rural economy in the local area, West Lindsey and a neighbouring district.

The location of the enterprise is suitable in terms of accessibility;

A number of objections have been received in relation to highway safety in particular vehicles travelling through the village and along Sykes Lane.

Policy 11 of the SINP States that “*development proposals in Saxilby must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.*”

The proposed building and accompanying structures would be accessed via an existing wide vehicular access off Sykes Lane and a long agricultural track measuring approximately 1,200 metres. To accommodate the type of vehicles that would be visiting the site the site includes a concrete apron to the north and south of the rearing unit to allow for parking and turning.

From the sites entrance Sykes Lane is single carriageway until you arrive at the settlement edge of Saxilby where it widens to a double carriageway through Saxilby to the junction with High Street. The single carriageway section of Sykes Lane does not currently include any formal passing places and relies on informal passing places such as vehicular accesses or damage verges.

The application in the Design and Access Statement (DAS) and additional letter dated 20th July 2020 from JHG Planning has provided details on existing, construction and proposed vehicle movements to the site. In summary the vehicle movements are:

	Movements	Type of vehicle
Existing	149/annum (298 if including return journey)	Tractors Tractor with trailer Crop Sprayer Heavy Goods Vehicles Combine Harvester Excavator
Construction (17 weeks)	180	Heavy Goods Vehicles Light Commercial Vehicles Commercial Vehicles
Operational	151.2/annum (includes return journey)	7.5 tonne Heavy Goods Vehicles 21 tonne Heavy Goods Vehicles 38 tonne Heavy Goods Vehicles Tractor and Trailer
Employee	2-4/day (includes return journey)	Private Car Van

The main operation of the business will generate 56 vehicle movements (including return journey) per rearing cycle which including the 3 week cleaning process lasts 19 weeks. The DAS states that there would be a maximum 2.7 cycles a year totalling the 151.2 journeys (including return journey) per annum. Employee traffic will generate a maximum of 1,460 (4x165) vehicle movements per annum.

Following the submission of the additional information in the letter the Highways Authority have no objections to the development subject to conditions. The recommended conditions includes the submission of a passing places scheme (three in total) along Sykes Lane to be completed prior to operation.

The construction phase of the development will numerically increase and intensify the use of Sykes Lane but only for a temporary period of 17 weeks. The existing and operational vehicle movements are almost identical in terms of number but it has to be considered that the development only uses a relatively small area of the wider field therefore vehicle movements to the remaining arable use would continue. Employee journeys will be higher than the operational traffic but this will be in smaller privately owned vehicles.

The inclusion of a condition requiring three formal passing places along the single carriageway of Sykes Lane is therefore considered relevant, reasonable and necessary. The agent has agreed in writing to the highways condition in email dated 13th August 2020.

Comments have been made around the vehicles travelling through the village to get to Sykes Lane. The additional letter states that *“agricultural traffic presently arising from the farm holding is routed via Sykes Lane through Saxilby to the B1241. It is intended that the proposed development will retain the established vehicle routing.”*

This would be an inevitable consequence of the development but the roads are publicly owned highways and the additional larger vehicle movements generated would be on average 0.4 movements a day (151.2/365)

Comments have additionally been made about the safety of walkers, dog walkers, cyclist and horse riders. Sykes Lane is a single carriageway road with no pedestrian footpath or street lighting. The users of the road for such activities do so, in accordance with highway law and provisions, at their own risk.

The location of the enterprise would not result in conflict with neighbouring uses:

A number of objections have been received in relation to residential amenity in terms of odour (smell) and noise pollution from vehicles.

Local policy LP26 of the CLLP protects the surrounding area from unacceptable harm on the amenity of all existing and future occupants of neighbouring land and buildings. This includes noise, air quality and odour.

The nearest residential dwellings are (approximate measurement):

- Castle Farm – 500 metres to the north
- Bridge Farm – 670 metres to the south west on other side of railway line
- 1-4 Sykes Junction Cottages – 770 metres to the south west
- Handy Tip – 780 metres to the south
- Orange Farm – 790 metres to the south
- The Haven – 810 metres to south east
- Sykes Farm – 815 metres to the south east
- Willow Tree Farm – 830 metres to the south
- Ingleby Hall/Ingleby Cottage – 1200 metres to the east

The proposed building and structures due to the separation distance would not have an overlooking impact, overbearing impact or cause any loss of light on any of the above listed dwellings.

Following the assessment in the location of the enterprise is suitable in terms of accessibility section above the amount of vehicle movements generated will not have cause a harmful noise or head light disturbance on the residents of the village or the residents in the dwellings listed above.

The main consideration is the impact of the development on air quality and odour. The application has included the submission of:

- A Report on the Modelling of the Dispersion and Deposition of Ammonia by AS Modelling & Data Ltd dated 28th May 2020 (DDA)
- A Dispersion Modelling Study of the Impact of Odour by AS Modelling & Data Ltd dated 28th May 2020 (DMSO)

The DDA on page 3 confirms there are three Local Wildlife Sites (LWS) within 2km of the site but no Sites of Special Scientific Interest (SSSIs) within 5 km or no internationally designated sites within 10 km of the site.

The DDA concludes on page 17 that *“should the proposed development go ahead, at all sites considered, the predicted process contribution to annual mean ammonia concentrations would be below the Environment Agency’s lower threshold percentage (100% for a non-statutory site) of the precautionary Critical Level of 1.0 µg-NH₃/m³”*

The DMSO on page 3 and 14 sets out the nearest residential and commercial receptors totalling 11.

The DMSO on page 19 *“should the proposal to construct a new poultry house at Saxilby Sykes be undertaken, at all discrete receptors considered, the predicted odour exposures would be well below the Environment Agency’s benchmark for moderately offensive odours, a 98th percentile hourly mean odour concentration of 3.0 ouE/m³ over a one year period.”*

The potential impact of air quality will be greater as the rearing cycle of 16 weeks progresses and will heavily rely on the ventilation systems on the building. The full 19 week rearing cycle includes a 3 week cleaning process at the end of the initial 16 weeks which will remove the waste which causes odour to be produced. The process of dealing with waste and its impact is dealt with later in this report.

The Environment Agency has not commented on the application but the Authority’s Environmental Protection Officer following submission of an update odour report (received 7th July 2020) has no objections to the development in terms of air quality or odour.

The development is of a size and scale commensurate with the proposed use and with the rural character of the location:

In addition local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'*.

Developments should also *'be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas'*

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

Policy 2 of the SINP states that *"all new development must deliver good quality design."*

The SINP Character Assessment does not provide any context for the area of the application site.

The proposed building will have an appearance within this isolated open countryside rural setting. The design and access statement states that the proposed rearing unit would be constructed from the following materials:

- Elevations - polyester coated profiled steel sheeting in Juniper Green.
- Roofs - polyester coated profiled steel sheeting in Juniper Green.

The building would be approximately 5.6 metres high (2.9 metre eaves), 21.6 metres wide and 96 metres long. The vents on the roof of the rearing unit would reach an approximate height of 6.4 metres high.

The additional infrastructure includes two silos and an LPG tank. The silos will be juniper green in colour and approximately 8 metres high and 2.5 metres wide. The LPG Tank will be white in colour and approximately 1.5 metres high, 1.4 metres wide and 4 metres long.

As already stated the proposed rearing unit and associated infrastructure would be located in an isolated location in the open countryside. Views of the site were observed from the different public vantage points in the immediate and wider setting. The views from the north, south and west would be screened by vegetation, land levels and the railway line embankment. Views from the east from the B1241 to the east around Ingleby which is on a higher ground would view the site from a distance but there are no public rights of

way in this location and the highway in the area is a 60mph highway. In any case the proposal includes a proposed tree belt to the east of the site which in time would provide appropriate screening from views from the east.

It is therefore considered that the proposal will enhance the rural economy, is suitable in terms of accessibility and highway safety, would not conflict with neighbouring uses, is of a size and scale commensurate with the proposed use and would not have a harmful visual impact on the rural character and setting of the open countryside. The proposal will accord to local policy, LP13, LP17, LP26 and LP55 of the CLLP, policy 2, 11 and 17 of the SINP and the provisions of the NPPF.

It is considered that policy LP5, LP13, LP17, LP26, LP55. 2, 11 and 17 are consistent with the highway safety, visual amenity, residential amenity and open countryside rural economy guidance of the NPPF and can be attached full weight.

Agricultural Benefit

Guidance contained within Paragraph 170 of the NPPF states that *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*. The field is classed in Natural England’s East Midlands Agricultural Land Classification Map as grade 3 (good to moderate). The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). This designates the site as being fairly productive for agricultural use. The site is currently used for growing crops and the development is only building on part of the land (0.9 Hectares). The development will lead to a loss of agricultural land but the land will be continued to be used for an agricultural purpose. Therefore the loss of arable land is not considered as significant.

Waste Management

Paragraph 2.9 of the submitted Design and Access Statement states that *“2.9 Poultry litter will be removed from the unit at the end of each 16 week rearing cycle. The litter comprises a valuable fertiliser and will therefore be marketed as manure for spreading upon farmland in accordance with the Code of Good Agricultural Practice (DEFRA, 2009). It will be transported from the site via tractor and covered trailer either directly to outlying farms or P A Arden & Son Ltd’s arable holding (or remote manure storage compound if necessary).”*

The poultry litter will therefore be removed from the site during the last weeks of the 19 week cycle and used on agricultural land in the ownership of the applicant or sold to other farmers for the same use.

The process of managing the waste within the poultry unit is considered acceptable and spreading would be completed in accordance with the Code of Good Agricultural Practice (DEFRA, 2009).

Flood Risk

As previously acknowledged the access track running north to south and a small section of the access track running east to west lies within flood zone 2. The built form of the development is in flood zone 1.

As the access track sits within flood zone 2 local policy LP14 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA). The DAS has included an FRA section.

Paragraph 4.62 of the DAS states that *“With reference to NPPG Table 3, which identifies the flood risk vulnerability and potential compatibility of new development within the various flood zones, it can be noted that ‘less vulnerable’ agricultural development is considered to be entirely strategically acceptable within Flood Zones 1 and 2. The application site is therefore a sequentially preferential location for the proposed development and there is no requirement for applying the ‘exception test’”*.

The proposed use of the site for agricultural purposes is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being less vulnerable. Given consideration to table 3 (Flood risk vulnerability and flood zone ‘compatibility’) of the NPPG the site would not be required to pass the exceptions test if the sequential test is passed and the table considers the use as acceptable in flood zone 2. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

In support of this Guidance contained within paragraph 155 of the NPPF indicates that development should be directed away from areas at highest risk from flooding. The sequential test is applied by the Local Authority. Paragraph 33 (Ref ID: 7-033-20140306) of the NPPG states that *“the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development propose”*.

The main aspect of the development where employee(s) will work and the chicks will be accommodated will be situated safely in flood zone 1 therefore does not need to pass the flood risk sequential test.

The medium risk of the access track in flood zone 2 still has to be considered given that access to employees, deliveries and removal of waste can only be completed by using this track. However given the location of the buildings and the medium risk associated to the access track it is considered that the development is acceptable.

The development therefore passes the flood risk sequential test and will not increase the risk of flooding on the site or the surrounding area. Therefore the development accords to Local Policy LP14 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

It is considered that policy LP14 and policy 2 are consistent with the flood risk guidance of the NPPF and can be attached full weight.

Surface Water Drainage

The application form and DAS state that surface water will be disposed of to soakaways. Paragraph 4.66 of the DAS states that *“The utilisation of soakaways, which are a sustainable infiltration based drainage system, to address the run-off of rainwater from the poultry unit roof will be potentially viable in this location.”*

Therefore it is considered that surface water is capable of being addressed by condition and subject to further details would accord with local policy LP14 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

It is considered that policy LP14 and policy 2 consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Consideration:

Biodiversity

Objections have been received in relation to ecological impacts.

The application site is arable land with some boundary hedging to the north boundary which is to be retained. The application does not include an ecology survey and it is not considered necessary as part of the determination of the application because the site is active arable land and no field hedging/trees are to be disturbed or removed.

The proposal includes the addition of a tree belt to the east boundary which will modestly enhance the biodiversity value of the proposal.

Nature Site

Objections have been received in relation to the impact of the development on the beauty and tranquillity of newly created nature site which is located near the application site. On investigation the Saxilby Nature Project¹ is to the south of the development site on the other side of Sykes Lane. The Saxilby Nature Project is at least 1000 metres from the proposed building therefore will not be harmed by the development.

Animal Welfare

Objections have been received in relation to animal welfare. The DAS in paragraph 6.1 states that *“The development/operation will be associated with ‘RSPCA Freedom Foods’, which seeks to promote the highest animal welfare standards.”* The issue of animal welfare is controlled by separate legislation namely the Animal Welfare Act 2006², and is not a material consideration in the determination of this planning application.

Community Infrastructure Levy (CIL)

The development is not liable to a CIL payment.

¹ <https://www.google.co.uk/maps/place/Saxilby+Nature+Project/@53.2788441,-0.6849502,1250m/data=!3m1!1e3!4m5!3m4!1s0x0:0x75932191046708b8!8m2!3d53.277104!4d-0.679089>

² <https://www.gov.uk/guidance/animal-welfare>

Pre-commencement conditions

The agent has agreed in writing to the proposed pre-commencement conditions

Conclusion and reasons for decision:

The decision has been considered against local policy 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, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and policy 2 Design of New Development, Policy 11 Minimising the impact of Development of the Natural Environment and Policy 17 Traffic Movements around the Village of the Saxilby with Ingleby Neighbourhood Plan. Furthermore consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide. In light of this assessment it is considered that the principle of the proposal is acceptable in an open countryside location and will benefit the rural economy. The development will provide a modest amount of employment opportunities and it will not significantly harm the character and appearance of the site or the open countryside nor the living conditions of the nearest neighbouring occupiers. Furthermore the proposal will not have a harmful impact on highway safety, flood risk, ecology, archaeology or drainage. This is subject to a number of conditions, particularly for appropriate passing places along Sykes Lane.

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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by: Ian Elliott

Date: 7th September 2020

Recommended Conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted must 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 take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
 - vi. method statement for surveying verges along Sykes Lane prior to construction and remedial works for any damage caused by vehicular traffic relating to the development.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the public highway is not impeded during the construction phase causing obstruction and hazard to other highway users to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 11 and 17 of the Saxilby with Ingleby Neighbourhood Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - F2961-A1-01 dated April 2020 – Location, Site, Elevations and Floor plans (Rearing Unit, Silos and LPG Tank)

The works must be carried out in accordance with the details shown on the approved plans, the materials/colour finish identified in section 7 of the application form and email dated 4th September 2020 from the agent 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, local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

4. No construction works above ground level must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No operation of the development must occur until the approved scheme has been carried out.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling and to reduce the risk of flooding to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

5. No operation of the development must take place until details to provide three heavy goods vehicle passing places along Sykes Lane between the Saxilby settlement edge and the sites vehicular access have been submitted to and approved in writing by the Local Planning Authority. The three passing places must be completed prior to operation of the development.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 and 17 of the Saxilby with Ingleby Neighbourhood Plan.

6. No operation of the development must take place until details of the tree species and planting height for the tree belt identified on site plan F2961-A1-01 dated April 2020 has been submitted to and approved in writing by the Local Planning Authority. The approved details must be completed in the first planting season following completion of the development. Any trees which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must 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. The tree belt must be retained thereafter.

Reason: To ensure that appropriate landscaping is introduced and will not harm the character and appearance of the site or the area to accord with the National Planning Policy Framework, local policies LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 and 111 of the Saxilby with Ingleby Neighbourhood Plan.

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

7. All manure from the operation of the development must be removed from the site in accordance with paragraph 2.9 of the Environmental Report and Design and Access Statement dated June 2020 by JHG Planning Consultancy.

Reason: To ensure that all manure from the site is removed in an appropriate manner to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.