

# **Officers Report**

## **Planning Application No: 144826**

**PROPOSAL:** Planning application for erection of 2no. additional poultry sheds with associated feed bins, hardstanding area, dirty water tank and associated landscaping

**LOCATION:** Gulham Fields Farm Gulham Road North Owersby Market Rasen LN8 3PS

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr. S Bunney, Cllr. Mrs C McCartney, Cllr. J McNeill

**APPLICANT NAME:** Alec Mercer, Mercer Farming Ltd. Burton on Trent.

**TARGET DECISION DATE:** Extension of Time to 15<sup>th</sup> September 2022

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Permission

---

This application has been referred to the planning committee, following objections from third parties on planning matters including the Parish Council, and in view of the planning history of the site.

### **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 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 Kingery Beck Meadows Site of Special Scientific Interest.

The application seeks full planning permission for the erection of 2 poultry buildings with attached control rooms, door canopies and stores. Additional infrastructure is proposed in the form of 3 feed bins, a concrete apron and an underground dirty water tank. The feed bins are circular with a diameter of 3.5m and height of 8.5m. 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 in juniper green. This is to match those

existing. The broiler rearing cycle operates on an all-in all-out system, and each cycle takes 48 days. The broilers are reared for approximately 38 days following which the poultry buildings are cleaned out in preparation for the next batch of birds. Thinning of birds is undertaken from day 29, and final clearance from day 37. Removing the birds will be undertaken on 4 days per flock cycle. The buildings are empty for cleaning and preparation for 10 days at the end of the growing cycle. The unit will operate with approximately 7.6 flocks of birds per annum.

Each poultry building will have a control room attached to the west elevation. The control room will include a specialist computer system which is thermostatically controlled to maintain the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting is also controlled by the computer system.

This will bring the total number of broilers at the site to 400,000. The Environment Agency Permit is for 300,000 birds and a variation to the permit has been submitted to the Environment Agency. It will not be possible to increase the number of birds currently on the site without this variation being granted.

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

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

### **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

This was dismissed on the grounds of Highway Safety with the Inspector remarking that *“an increase in the number of HGVs using Gulham Road on these days I believe it is inevitable that the safe and free flow of traffic along the road would be severely affected. In particular it is likely, given the narrowness of the road and the lack of footways and lighting, that there would be conflict between the additional HGVs generated and other road users, including other farm vehicles, car drivers, pedestrians, cyclists and horse-riders.”*

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.

The appeal was **allowed** subject to conditions requiring specified improvements to the public highway and a Heavy Goods Management Plan. Details were submitted to discharge these conditions 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.

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 of 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.

140754 - Erection of 2no. additional poultry buildings and associated infrastructure. GC. 24.08.20.

**Representations:** Members attention is drawn to the representations made in relation to the application, the substance of which are summarised below. The representations made can be viewed in full on the councils’ website.

**Chairman/Ward member(s):** No comments received.

**Owersby Parish: Objects**

This proposed development was discussed at the most recent Owersby Parish Council Meeting. We had received representation from members of the parish objecting to the further development of these poultry units from the current four to six on a number of different grounds, including environmental impact, noise and odour.

When the existing poultry units were first planned, (in 20??) the original proposal was for 6 units, however permission was only granted for the existing 4 units at that time, due in part to local objections and impact on local highways etc.

Whilst we accept that this new proposal only increases the size of this overall development to the size originally planned we still have real concerns about the impact of further expansion, particularly on the local highways.

Owersby Parish is a very small rural farming community accessed by narrow rural roads. The impact of large and heavy articulated lorries, which are increasing in size, and a general increase in road traffic, caused not just by this Poultry unit but also by other existing developments in this geographical area are causing increased wear and tear to the local roads which the highways department seem unable to keep up with in respect of maintenance. The state of all the roads in this Parish are an ongoing concern for this Parish Council.

The highways department have placed road signs at the turning off the A631 towards Gulham, Kingerby and Owersby that state the road is not suitable for HGVs, however, this is the main route used and identified by sat-nav. Moor Road, leading from the A46 into North Owersby is not in a good state of repair, with recent attempts to deal with the breakup of the road shoulders have been inadequate and incomplete. The road from South Kelsey through Thornton Le Moor to Osgodby is also in a poor state of repair, which has only been exacerbated by recent shoddy repairs.

Passing places on all roads are inadequate and not signed, and often the state of the verges, being rutted or churned up make it difficult to pull over as necessary.

This Parish Council objects to this development, on the grounds that the increased size of the development will inevitably cause increased heavy traffic on roads that are already proving not fit for purpose, have not been upgraded to meet current requirements and are inadequately maintained.

### **Local residents:**

#### **Kingerby Hall Main Road Kingerby Market Rasen: Object**

- Repeated applications being made to secure what was refused originally
- Cumulative impact is unacceptable with great harm to local natural environment and highway safety due to single lane roads and poor infrastructure.
- No benefit to local community with no highway improvements offered
- we don't want more and more intensive smelly and noisy intensive farming operations to be built near to our homes, near and on single lane roads which were meant for occasional and less traffic and not by such intensive use by

#### **1 Top Farm Cottage Gulham Road: Object**

- The road is unsuitable for HGVs, and isn't designed for the heavy Lorries, leading to subsidence, regular and deep potholes and general poor condition of the road which will only get worse. The single track road has few passing places and the current passing places are poorly located due to obscurity and undulation of the road. The approved passing places from the last application have not been constructed,
- The entire road from the A631 needs rebuilding to cope with the current demands of large vehicle movement.
- The application was rejected at 6 units, but following appeal a decision was made for 4 units. Limited time passed before a further application was made to increase this to 6, which we had expected to be declined like the original application, particularly due to the strong and valid objections by residents.
- This application is essentially doubling its size due to the close proximity of the two planning applications. We need to be protected from intensive farming of this scale

- The previous applications had condition to plant trees on the east boundary, which has not taken place meaning strong smells caused by the westerly winds, transmit to my house without resistance, which are unpleasant.
- The south boundary also had conditions for tree planting which have not taken place. Appeasing the local community with these preventive measures, particularly due to the unrest the applications have caused should have been at the forefront of the chicken farms consideration. The outstanding passing places also fall into this category.

## 2 Top Farm Cottage, Gulham Road: Object

- Piecemeal planning applications to achieve the intended size is not in the spirit of the planning process nor allows Planning Officers and the Planning Committee to thoroughly evaluate the proprietor's application in respect of its impact.
- The negative impact to residents' mental wellbeing is present through not only having to contend with the local impact of this intensive operation, but also having to keep having to spend time and energy fighting these persistent applications of growth to achieve the proprietor's overall ambitions. When will this stop.
- The Planning Officer and Planning Committee are to be reminded of the recent history of the inception of this intensive development in that the local community strongly objected to these intensive poultry units for many reasons (namely, local highway infrastructure limitations, nuisance, prior use and scale etc.), and the Planning Committee came to the same conclusion and declined the application.
- The application was only successful on appeal in 2017 with a reduced scale (four poultry units rather than the six). The proprietor sought an expansion in 2020 to expand the capacity by a further two intensive poultry units (140754) to six that received Planning Committee approval, even allowing for the strong representation against the proposal by the local community.
- The area is becoming the epicentre of intensive farming, which I don't associate with Lincolnshire's typical countryside character and natural beauty. Consideration therefore needs to take into account the cumulative impact of all these developments in such a small area.
- Persistent breach of planning conditions in relation to landscaping scheme approved and not implemented and occupancy of units contrary to conditions requiring landscaping to be in place before occupation.
- The intensive poultry farm is however in full operation without regard to conditions. This shows a disregard to the planning process, but more fundamentally, the environment (bio-diversity, pollution) and the community (nuisance of the odour coming from the site, and lastly, the visual).
- Highways condition prohibits occupation of the previously approved 2 units until four passing places have been completed. To date, no new passing places have been installed however the unit has been in full operation using the six units, which again fails to comply with the conditions set. Why?
- The proprietor's latest submission refers to 'awaiting LCC minor works approval', therefore details are sought from the Highways authority to confirm when this request was made, and whether the timing correlates with this latest planning application.

- Fundamentally, the proprietor is not adhering to the conditions set by previous planning decisions, and these non-compliance matters should bear significant weight into this latest decision, and that profit and gains should not be at the expense of local residents and countryside living.
- The public highway from the A631 to the poultry unit on Gulham road is unsuitable for increased HGV movement. The route is a narrow single track access road, which is designated by Highways as 'unsuitable for HGV' traffic and the road is uneven, rough and has a significant number of potholes.
- The proposed application is to increase HGV movements to 2,026 p.a. a rise of 34%, which is alarming. This is 2,026 p.a. HGV movements more than what was there before the initial application was submitted.
- The intensification of farming in the local area (whether that be poultry or pigs) are at a scale beyond what is typical in the countryside.
- I have addressed concerns directly to the Highway authority on the pre-planning advice provided, whereby one of the most fundamental points is missing, namely the 'infrastructure' of the road asset and the damage that is being caused to it.
- The poultry business is highly profitable from observations of their company accounts and expansion will secure them even greater financial gains. I am concerned by the exposure this application is causing to Lincolnshire County Council's financial position by not having agreements in place to provide financial protection and investment funds to support existing road structure, which would allow for road infrastructure improvements to be made over the asset life of such intensive industries, but not at the expense of the Lincolnshire taxpayer.
- Conflict between different road users including horse riders, cyclists and HGVs will be increased due to increase in HGV movements impacting harmfully on Highway Safety
- The current passing places in operation are poorly constructed with two of the three passing places placed before an obscure / blind bend, therefore even by travelling at a slow speed, the vehicle user still has to commit to proceed.
- Even allowing for the approved passing places awaiting Council works and two proposed passing places, I still consider it to be inadequate for the current operations HGV movement, let alone for the expansion of it. Both junctions have had the road surfaces completely redressed, however the problems still persist. Water springs continue to appear on the road corner near to the entrance to the poultry farm.
- The odour impact assessment continues to be through a dispersion modelling exercise, which is purely a theoretical approach using largely standard measures. The use of such an approach is fundamentally flawed. The six poultry units are in full operation, therefore undertaking extensive field testing and extrapolating the data will provide a more realistic cumulative impact statement to local residents based on local conditions (i.e. wind conditions (direction and strength odour).
- The modelling predicts 98th percentile odour concentration which is below the Environmental Agency's benchmark for moderate offensive odours – this is a national guide, and its determination could be deemed subjective, from the poultry units. The sharp smell is something I have been concerned with since its inception.

- The noise results are interesting that during day light hours the noise levels are greater near neighbouring properties (site location two) than directly next to it (site location one), which is due to regular westerly winds. Having two units closer to the road is likely to have a significant impact on this and odours travelling, added with the lack of protection from mature trees. Having a young family and earlier sleeping patterns could mean this leads to sleep disturbance where it nears 85db. I see no forecast data of the impact within the noise report for the development. It is also unclear why the noise data is missing at site location one between the times of 03:45 to 12.15?
- There appears to be inconsistencies between the drawings of the site plans over the course of the proprietor's planning applications.
- The two proposed units are to be located nearest to the road, which will be prominent to the eye (and not in keeping with the rural setting), and secondly with the prevailing winds (from the South-west and West) that is likely to result in a greater transient of smells impacting residents and visitors.
- the application fails to satisfy the following relating to development in the countryside: The location of the enterprise is suitable in terms of accessibility; and the development is of a size and scale commensurate with the proposed use and with the rural character of the location.

#### The Gables, Gulham Road, North Owersby:

- This is the third application for this site. The first application for 6 units in 2016 was refused by WLDC and was dismissed at appeal, by the Appeal Inspector who concluded that "the proposal would be likely to be severely prejudicial to highway safety along Gulham Road". The applicant was only granted permission for a reduced scale operation of 4 units, to address these issues and the development became operational in 2018.
- The applicants were granted permission, on the condition that 4 additional passing places were constructed. To date, these passing places have not been built, yet the 6 units are in full operation.
- In addition, the applicants have still not fulfilled a condition of the original application to plant a tree belt and woodland to the east and south boundaries of the site.
- The planning department surely exists to control development in order to protect all local residents, road users and tax-payers and prioritise council funding already stretched to its limit with the state of the county's roads. We have never understood why a development of this scale with associated high HGV movements would be granted permission via an access road already deemed unsuitable for HGVs?
- The applicants suggest they will "improve" the carriageway by the addition of 2 passing places, yet the 4 passing places imposed as a condition of the 2020 expansion still haven't been constructed. The ones built as a condition of the original application are poorly designed/constructed and fail to address the obvious issue of the overall non-suitability of the carriageway along its entirety.
- My husband and I are from farming families - my grandfather, father and now my brother in-law have farmed at the bottom of Gulham Road since 1952. We

have nothing against the development of livestock farming (though we struggle to attach the same description to this industrial scale meat production), but it should not be in locations which adversely affect other residents/road users' enjoyment of the countryside.

- The broiler industry is highly profitable - if the applicant was offering some major investment in the upgrading of the entire carriageway from the A631 the application would maybe be viewed more favourably by the local community. But that is not the case. We strongly object to this application as we have already observed the increased rate of deterioration of the carriageway since the broiler unit has been operational which can only worsen with a 34% increase in operation size and increased numbers of HGVs,
- We urge the planning department to seriously consider the further impact this additional development will have and ask that they refer the matter to the full Planning Committee.

### Hooks Farm, Gulham Road: Object

1. Our most significant objection with the above application is the effect that any further increase in traffic will have on local routes making it more dangerous and hazardous for users. The route used from the A631 is all single width road and is designated as unsuitable for HGVs and it therefore seems incongruous that any application which could increase HGV numbers would be approved. The verges along this route are often water logged and deeply rutted therefore making it unsuitable for vehicles pulling over. There are also significant drops from the road onto the verges at several points which could lead to vehicles being damaged should they need to pull off the road. The passing places that have been constructed provide little improvement and several times we have encountered HGVs associated with the current site/operation who cannot or will not pull over thereby expecting road users to pull on to verges which are unsuitable for cars. Since the 6 chicken sheds have been in use the roads have deteriorated and many deep potholes have appeared which cause damage to vehicles and constantly require repair. Added to this is the fact that the original application for 6 chicken sheds was rejected by WLDC and the Appeal inspector who concluded that "the proposal would be likely to be severely prejudicial to highway safety along Gulham Road". We, local residents, and other people using this route, have already experienced the deterioration in the roads since the completion of the original 4 chicken sheds in 2018 plus the additional 2 chicken sheds added in 2020 as well as the increased hazards from trying to use single track roads alongside the extra HGVs and therefore feel that any further increase in the HGV traffic on this route is unacceptable.
2. Since original 4 chicken sheds in 2018 plus the additional 2 chicken sheds added in 2020 have been in use we have frequently noticed a strong and unpleasant odour at our home which lies north west of the site. This issue is likely to become worse with more birds on the site.
3. Further demonstration of failure to comply with previous planning requirements are evident in the lack of landscaping that been completed on the site which was one of the conditions of the original application.

### Thornton House, Thornton le Moor: Object

- You may recall that the original planning application for 6 broiler units in 2015 was reduced to 4 on grounds of the single carriage way road system, limited passing places and impact of large numbers of HGVs using the narrow lanes



deemed by the council and the Highways Authority to be unsuitable for HGVs. 2 further units were subsequently added in 2020.

- We have seen a considerable deterioration in the condition of the lanes due to the volume of HGVs. The pothole and subsidence situation is dire making the use of these lanes by car often very difficult particularly in wet weather with water sitting in the potholes making it difficult to navigate around them. Meeting a HGV is also potentially dangerous due to the difficulties of having to drive onto the soft verges – the Lorries certainly do not make any effort to leave the road.
- An increase in volume of HGV traffic, deterioration of the highways, increase in potholes/subsidence and odour are all very serious concerns.
- We therefore do not believe that planning permission should be forthcoming for any further units on this site.

### 1 Roberts Meadow Alvingham Louth: Object

- I objected to the original application for 6 poultry units back in 2016 which was refused and my reasons for objecting are still the same, being: Infrastructure The access to the site is a single lane road, which is designated unsuitable for HGV's. The road already suffers from potholes, subsidence and many fractions, affecting the 2.4 miles from the A631 to the site. A 34% increase in HGV movements will result in the road condition deteriorating significantly.
- Concerns raised around the sustainability of the passing places and road improvements. It is impossible to leave the road in some places due to verges being cut up and large ruts.
- Additional passing places were a planning condition on the previous planning application on this site, yet they have still not been constructed.
- The site already emits unpleasant smells, which result in you not wanting to be outside during these periods. The smells occur not just on cleaning out days, as such I am worried 2 further units will create even more nasty odours. The wind tends to be a westerly direction and with the units being nearer the road and not sheltered by the natural dip of the field this will mean the smells will just get worse for those living at Top Farm Cottages and Bungalow. In the original application it stated that there would be landscaping around the site, but I cannot see any additional trees/hedgerows have been planted, which potential would mask some of the current odour transmission.

### LCC Highways: No Objection.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

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

#### Highway Condition 21

The development hereby permitted shall not be occupied before a scheme of highway improvements in the form of four localised highway carriageway widenings (passing places), has been provided in accordance with details that shall first have

been submitted to, approved in writing by and certified complete by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

#### Highway Informative 07

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.

#### Highway Informative 08

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. For further guidance please visit our website via the following links:  
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all major applications. This application has submitted details for a suitable drainage strategy in line with SuDS principles and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

There is no precise definition of "severe" with regards to NPPF Paragraph 111, which advises 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

**Environment Agency:** Whilst we have **no objections** to this application, we would like to draw the applicant's attention to the following informative comments:

Environmental permitting

This site has an environmental permit (EPR/RP3933EU) to rear poultry in a facility with a capacity for 300,000 broiler places. A variation to the environmental permit will be required for the proposed changes.

**Environmental Protection:** I understand that this site currently has an Environment Agency permit under the Environmental Permitting Regulations (England and Wales) 2016. If permission is granted for 2 additional poultry sheds the applicant will need to apply for a variation in this permit to accommodate the additional bird numbers. Under the permit the Environment Agency are responsible for regulating the site with regards to issues such as noise, dust, odour and air quality and all complaints relating to the site are investigated by them. I note that the Environment Agency have no objection to this application.

I have reviewed both the Noise Impact Assessment by Matrix Acoustic Design Consultants dated 31 March 2022 and the Odour Impact Assessment by Isopleth dated April 2022. Taking all information into account I have **no objection** to this application with regards to site noise and odour.

**Natural England:** 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

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

**Lincs Wildlife Trust:**

12.09.2022: I have read the ammonia assessment and can now agree with Natural England regarding the effects of ammonia concentrations in the surrounding area.

08.08.2022 (Summary) Lincolnshire Wildlife Trust wish to place a holding objection onto this planning application until all of the appropriate

Environmental information is provided by the Applicant regarding the effects of ammonia emissions the site will have on the surrounding ecology and what mitigation will be taken to reduce its effects.

**Lincs Wolds Countryside Service 07.09.22(Summary)**

I've had a quick review of the proposal and the ammonia report, so conclusions all noted and in particular any potential impacts to the SSSI grassland at Normanby, which appear to be negligible from the findings as presented.

If the application does proceed, we'd certainly welcome wider landscape habitat enhancements to help aid wider biodiversity net gain/recovery and help minimise the environmental impacts;

### **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 include:

- 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 July 2021.

Paragraph 219 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)**
- **National Design Model Code (2021)**
  
- ***Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)***

*Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).*

*Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.*

### **Main issues**

- Principle
- Highway Safety
- Noise
- Odour
- Dust
- Biodiversity and Ammonia

### **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**

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 110 requiring proposals ensure safe and suitable access for all users and paragraph 111 requiring 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. The policy is therefore attributed full weight.

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. It is noted that conditions were placed on the allowed appeal which required specified improvements to have taken place to the public highway which have been carried out. In addition to this a Heavy Goods Vehicle Management Plan, has been submitted which mirrors that previously approved. There are currently 758 (1516 two way) vehicle movements per annum. The current proposal will see this increase to 1013 (2026 two way) vehicle movements per annum or 127 (254 two way). This represents an increase of approximately 34%. In order to accommodate the additional traffic without compromising highway safety 4 additional passing places (rather than the 1 offered on submission) must be provided along the route connecting to the A631. This will be conditioned requiring details to be submitted and approved in writing by the local planning authority and to be in place before bringing the units into use. On this basis no objections are raised on the grounds of Highway Safety by the Highways Authority. Highway safety is not considered a reason to withhold permission. It would be in accordance with LP13.

## **Noise**

### **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. The assessment included a noise survey conducted to determine the typical background noise levels at the nearest dwellings to the site. A number of objections were raised to the assessment by representations received from residents which I have set out below and the response from the acoustic engineer dated 6<sup>th</sup> September 2022.

Objection 1: *The noise results are interesting that during day light hours the noise levels are greater near neighbouring properties (site location two) than directly next to it (site location one), which is due to regular westerly winds:*

Response: The purpose of measurement Position 2 was to establish the existing noise environment at the nearest dwellings. As detailed in our report, it was observed that at Position 2 extract fan noise emissions from the existing poultry development were inaudible; the general noise environment here was very quiet, consisting of distant road traffic and birdsong.

The background ('underlying') noise levels, which are used in determining the BS4142 noise impact, are in fact lower at Position 2 than at Position 1; the higher levels at Position 1 are due to the contribution of operating extract fans. The maximum (highest individual noise event) and ambient ('average') noise levels, which are not used to determine the noise impact, are generally higher at Position 2 as a result of other noise sources not related to the poultry development plant/on-site activities e.g., vehicles pass on the adjacent road (short duration cars passes have a minimal influence on background noise levels). The wind speed during the survey was very low, and consequently will not have influenced the survey findings.

Objection 2: *Having two units closer to the road is likely to have a significant impact on this and odours travelling, added with the lack of protection from mature trees.*

Response: The purpose of our assessment is to review the noise impact of the proposed poultry development expansion, for which the aggregate noise impact was established to be low. Note that trees only provide noise attenuation if they form a dense woodland.

Objection 3: *Having a young family and earlier sleeping patterns could mean this leads to sleep disturbance where it nears 85db.*

Response: Day and night periods are clearly defined in the relevant British Standards, with sleep disturbance only required to be assessed during the night period (23:00 – 07:00hrs). In our report we reviewed the aggregate noise ingress levels from the development on the assumption of an open window (worst-case scenario); the resultant levels were found to have a negligible impact on sleep disturbance when reviewed against published guidance. We have no idea where the claimed 'near 85dB' value comes from; in the report the highest noise ingress levels are clearly stated as LAeq 16dB and LAmx 29dB.

Objection 4: I see no forecast data of the impact within the noise report for the development.

Response: Section 5 of our report covers the noise impact assessment, which details the noise sources, their operation, calculation methodology and individual and aggregate Rating Levels (noise emissions levels with Character penalties applied) and corresponding BS4142 noise impact. Full calculations are provided in Appendix B. We therefore can only assume that either they have a corrupted version of the report with this section/appendix missing or it has been misread/misunderstood.

Objection 5: It is also unclear why the noise data is missing at site location one between the times of 03:45 to 12.15?

Response: In the report it is clearly stated that the monitor did not operate for the full 24hrs due to battery failure. The purpose of Position 1 was to identify the fluctuation of the noise emissions from the existing extract fans and to review if there was any correlation with the noise levels obtained at Position 2. Sufficient data was obtained that demonstrated that the existing extract fans did not have any significant influence on the noise environment at Position 2 i.e., the dominant noise sources affecting Position 2 were not related to the existing poultry development.

#### Summary on noise and disturbance

It has been demonstrated to the satisfaction of the environmental 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 therefore does not represent a reason to withhold consent.

#### **Odour**

An Odour Impact Assessment (OIA) was submitted as part of the application. The guidance level is that 3 ouE/m<sup>3</sup> is indicative of having a negligible impact ('negligible')

at, or below 3 ouE/m<sup>3</sup> as a 98<sup>th</sup> percentile of hourly means ;). The levels predicted range from 1 to 1.97 ouE/m<sup>3</sup> which fall below the guidance threshold of 3 ouE/m<sup>3</sup>. As the OIA itself acknowledges *"It must be noted that the facility will not be odour free. Odour will be perceived at locations such as The Grange, however this will not be at a level which would normally be considered unacceptable at this location according to Institute of Air Quality Management Guidance (IAQM) or that from the Environment Agency. Similarly, odour may be perceived by users of the roads alongside the site however these would be of low sensitivity and the perception would be short term. According to the IAQM Guidance and FIDOL factors this impact would also be regarded as 'not significant' at residences"*

No objections have been raised by the Environmental Protection Officer to the methodology used or the results reported. On this basis notwithstanding the number of objections received on this matter odour does 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<sup>-3</sup> (micrograms per cubic metre) over 24 hours not to be exceeded more than 35 times per year and a limit of 40 µgm<sup>-3</sup> 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<sup>-3</sup>. 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 and is afforded full weight in the determination of this application.

### **Biodiversity and ammonia:**

A preliminary ecological appraisal 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 use of native planting (preferably of local origin) in all landscaping and placement of hedgehog boxes 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 correspondence with the agent he stated that the applicants competed planting on the southern and eastern boundaries of the site as part of the original consent for the site and that the expansion of the site resulted in the planting on the southern side of the site being removed." On this basis it will therefore be necessary to impose a pre-development landscaping condition which has been agreed by the applicant.

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.

### **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.

### **Drainage**

A Flood risk and drainage assessment has been submitted to support the application. 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 new drainage will be discharged at an unrestricted rate to the existing attenuation lagoon and then to the watercourse via the existing restricted outfall which limits the discharge for the full poultry development to 5 litres per second. 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. 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 and is afforded full weight.

### **Planning balance and conclusion**

The reasoned conclusion of the local planning authority following examination of the Environmental Statement and discussed above is that there will not be a significant Environmental Impact arising from the proposals subject to the imposition of conditions recommended below. This is a proposal that subject to the imposition of conditions is not considered to cause significant harm to: the interests of highway safety; the living conditions of nearby dwellings; biodiversity; the character 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 other material considerations including the National Planning Policy Framework it is considered that the proposal is acceptable and a grant conditional planning permission is considered appropriate.

### **Recommendation: Grant Permission 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 take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme to help ameliorate its impact in this rural location and to provide increased opportunities for biodiversity on the site is

provided in accordance with Policies LP21 and LP26 of the Central Lincolnshire Local Plan.

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

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

Location Plan: Dwg. Number IP/MF/02 Date April 22:  
Proposed Site Plan: Dwg. Number IP/MF/02 Date April 22  
Proposed Elevations: Dwg. Number IP/MF/03 Date April 22

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.

4. 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 March 2022. 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:**

5. The development hereby permitted **shall not be occupied** before a scheme of highway improvements in the form of four localised highway carriageway widenings (passing places), has been provided in accordance with details that shall first have been submitted to, approved in writing by and certified complete by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

**Reason:** To ensure the provision of safe and adequate access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with policies LP13 and LP14 of the Central Lincolnshire Local Plan.

6. The Heavy Goods Vehicle Management Plan must be adhered to at all times.

**Reason:** In the interests of highway safety and to reduce impacts on existing dwellings in the area in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan

7. The Landscaping Scheme referred to in condition 2 must be completed in the first planting season following completion of the development or the bringing into use of the approved buildings whichever is the sooner **and it must be 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 **avoiding previous delays on this site** in terms of landscaping provision 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.

8. 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.

### **Notes to the Applicant**

#### Comments from Lincolnshire County Council Highways:

The highway improvement works referred to condition 5 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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>