



## **Officers Report**

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

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

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

**WARD:** Waddingham and Spital

**WARD MEMBER(S):** Cllr J J Summers

**APPLICANT NAME:** ESCO NRG Ltd

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

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Russell Clarkson

**RECOMMENDED DECISION:** Refuse planning permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Description:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Relevant history:**

Non applicable.

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

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

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

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

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

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

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

### **Glentham Parish Council:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contrary to LP 26 amenity conditions subsection S

Contrary to LP 5 for the following reasons:

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

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

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

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

**Sir Edward Leigh MP:**

Very concerned over the serious objections being raised.

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

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

Potential phosphate pollution must also be taken into account.

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

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

Gives full support to Parish Council's objections.

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

31<sup>st</sup> October: Recommend planning conditions to secure access in accordance with drawing CG-AAP rev.A; The arrangements shown on drawing CG-FSP Rev A for the

parking/turning/manoeuvring/loading/unloading of vehicles to be made available at all times; and to secure a final surface water drainage scheme.

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

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

**Environment Agency:**

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

6<sup>th</sup> July: We have no objection to the proposed development, as submitted.

The site will be required to apply for an environmental permit to operate at 400,000 birds. The operator has already contacted the Environment Agency for pre-application advice and have conducted ammonia screening for the site.

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

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

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

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

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

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

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

### **Environmental Protection:**

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

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

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

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

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

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

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

The Noise Report is unsatisfactory.

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

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

### **Natural England:**

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

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

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

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

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

### **Local residents:**

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

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

Objections received from the following Glentham & Caenby addresses:

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

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

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

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

Objections also received from the following addresses outside the District:

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

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

Objections, in summary:

Policy conflicts and site selection:

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

Highway Impact and safety concerns:

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

Landscape character, setting and visual impact:

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

**Environmental impacts:**

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

**Other matters:**

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

## **Relevant Planning Policies:**

### **Development Plan**

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

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

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

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: The Spatial Strategy and Settlement Hierarchy
- Policy LP9: Health and Wellbeing
- Policy LP13: Accessibility and Transport
- Policy LP14: Managing Water Resources and Flood Risk
- Policy LP16: Development on Land Affected by Contamination
- Policy LP17: Landscape, Townscape and Views
- Policy LP18: Climate Change and Low Carbon Living
- Policy LP20: Green Infrastructure Network
- Policy LP21: Biodiversity and Geodiversity
- Policy LP26: Design and Amenity
- Policy LP55: Development in the Countryside

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

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

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

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

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

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

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

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

## National Policy & Guidance

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

## Main issues

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

## Assessment:

- **Principle of Development**

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

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

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

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

For the purposes of planning, agriculture is interpreted<sup>7</sup> as including “...the breeding and keeping of livestock (including any creature kept for the

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

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

*production of food, wool, skins or fur, or for the purpose of its use in the farming of land)..."*

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

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

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

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

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

A number of people have made representations that CLLP policy LP5 should be applied, and that the development should be located on an alternative employment site. However, the development is for agricultural purposes. It does not fall within any of the ‘B Classes’ (business, general industrial, storage and distribution) under the Use Classes Order. No industrial processes would take place on site, with the buildings solely used for the rearing of broiler chickens for food production. All birds are removed, alive, for processing off-site at the end of the production cycle. The development is only

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

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

expected to generate 3 full time equivalent jobs. It is not considered to be an ‘employment use’ and policy LP5 should not be applied.

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

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

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

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

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

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

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

- **Landscape and Visual Impacts**

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

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

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

The ES (section 11) considers that:

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

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

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

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

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

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

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

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

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

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

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

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

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

In terms of visual impact, the LVIA considers:

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

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

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

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

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

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

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

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

- **Noise & Vibration**

CLLP policy LP26 sets out that:

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

The NPPF states (paragraph 123) that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Noise from Building Plant

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

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

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

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

#### Noise from Grain Store Deliveries

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

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

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

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

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

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

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

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

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

#### Noise from Bird Collection / 'Thinning'

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

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

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

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

- **Odour Impacts and Airborne Pollution**

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

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

CLLP policy LP26 sets out that:

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

CLLP policy LP9 states that:

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

The NPPF (paragraph 120) states that:

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

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

#### *Odour Impacts*

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

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

*"It is known that when litter moistures exceeds 40% there is a progressive decline in the friability of the litter as the moisture increases.*

*When the litter moisture reaches about 46% the litter becomes capped, i.e. a crust forms, often on top of more friable litter under it. Excreta and moisture accumulate on the capped litter with the result that the activity of the aerobic bacteria that break down the excreta and allow moisture to be absorbed is reduced. There is a shift to an aerobic breakdown with the consequence that the release of volatile odorants is increased."*

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

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

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

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

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

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

- **1.5  $\text{ou}_E/\text{m}^3$  for most offensive odours;**
- **3.0  $\text{ou}_E/\text{m}^3$  for moderately offensive odours (which includes the proposed development);**
- **6.0  $\text{ou}_E/\text{m}^3$  for less offensive odours.**

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

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

It cites research that finds:

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

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

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

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

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

The FI goes on to conclude that:

*"it is seen that in 99% of cases, AS Modelling & Data Ltd. dispersion modelling of broiler units has proven to provide good advice on the likelihood of annoyance and complaint about odour; that is to say that it is rather unusual that where predicted odour exposures are below 3.0 ouE/m<sup>3</sup>, that there is a perceived problem with odour once the unit becomes operational."*

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

#### *Dust Emissions*

Section 8.2 of the ES advises:

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

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

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

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

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

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

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

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

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

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

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

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

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

As Agency guidance notes<sup>18</sup> *“Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an*

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

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

*acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.”*

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

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

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

The single sentence response within the submitted Further Information is:

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

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

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

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

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

It is concluded that the Environmental Statement does not adequately assess the likely environmental implications from emissions that would arise from the proposed development. It is therefore in conflict with CLLP policies LP9, LP16, LP21 and LP26(s).

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

- **Flood Risk and Drainage**

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

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

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

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

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

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

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

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

The IDB do acknowledge that ground conditions in this area may not be suitable for soakaway drainage, advising "it is therefore essential that

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

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

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

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

percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year".

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

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

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

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

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

- **Water Environment**

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

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

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

Section 6.3.1 of the ES explains:

*"The houses will have high velocity ridge outlets with side wall inlets. The high speed exhaust will be through the ridge so that stale air is carried upwards and is not deflected down the roof line which encourages dust to*

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

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

*settle. From experience there is unlikely to be any measurable volume of dust requiring the house roofs to be periodically washed down. Any odours will also tend to be carried away from the site by the prevailing wind.”* [emphasis added]

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

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

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

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

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

Section 6.2.1 of the ES explains:

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

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

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

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

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

In response, the Further Information only states:

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

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

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

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

Contaminated litter will be removed by bobcats where “there is in practice little spillage”, and the houses washed down to a central yard, with a “diverter valve” relied upon to prevent foul water entering the surface water system. Foul water will be stored in large above ground storage tanks that will need to be manually emptied, outside, in order to remove wastewater from the site (approximately 30m from the swale).

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

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

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

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

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

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

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

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

- **Light Pollution**

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

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

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

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

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

Planning Practice Guidance on Light Pollution advises:

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

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

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

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

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

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

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

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

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

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

- **Biodiversity & Ecology**

CLLP policy LP26 sets out that all development should:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Traffic Impact & Highway Safety**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Heritage Impacts**

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

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

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

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

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

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

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

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

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

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

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

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

- Alternative Sites and Cumulative impact with other developments**

It is a requirement<sup>29</sup> that the Environmental Statement includes "*a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of*

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

*the main reasons for the option chosen, taking into account the effects of the development on the environment”.*

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

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

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

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

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

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

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

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

The SSP does not identify the other sites or provide a comparative of the ‘environmental impacts’ assessed for each, and does state that “*the other sites may be progressed in the future*”, suggesting the applicant does not consider that they’re unavailable or inappropriate for poultry farm development.

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

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

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

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

- **Other matters**

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

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

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

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

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

Some third parties have noted that the landowner is a former District Councillor. The application form has been signed to certify that correct notice has been served upon the landowner. Land ownership is not a material consideration in the determination of the application. The application is to be

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

determined in a transparent fashion by the Planning Committee within a Public Meeting.

## **Overall Planning Balance and Conclusions**

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

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

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

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

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

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

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

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

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

## **Recommendation**

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

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

## **Human Rights Implications:**

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

**Legal Implications:**

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