

AGENDA ITEM

PLANNING COMMITTEE
20 April 2016

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

16/01604/MFUL - ERECTION OF 5 POULTRY UNITS (5040 SQ. M) AND BIOMASS BOILER UNIT; FORMATION OF ATTENUATION POND, ACCESS TRACK, AND HARDSTANDING; LANDSCAPING; AND ASSOCIATED INFRASTRUCTURE - LAND AT NGR 288027 116786 (GIBBETT MOOR FARM), TEMPLETON, DEVON.

Description of Development:

The proposed development is on undeveloped agricultural land covering approximately 7 hectares in area, and is approximately 250metres south of the existing farmstead (Gibbett Moor). The site is 3.5km east of the village of Rackenford, 3.5km north of Templeton, 6.3Km north of Nomansland (approximately 15 minute drive time) and 350metres to the south of the A361. The site is accessed via a single track unclassified road to the east. Gibbett Moor Farm includes an existing dairy unit, as well as associated agricultural facilities.

The application site consists of two fields separated by approximately 240metres of hedgerow and 80metres of fence. The site slopes gently from east to west, and is surrounded by well-established hedgerow including a small amount of native woodland to the west. The nearest development to the site is an agricultural livestock building, 20metres to the south east of the site. The nearest residential dwellings which are not associated with the application are 300metres to the west and 320metres to north east of the site. The site is 110 metres from a scheduled ancient monument, described by Historic England as Three Bowl Barrows.

The description of development is as follows:

- Each of the five poultry rearing sheds shall measure 80 metres in length by 12.6 metre width. This gives a floor area of 1008 square metres per building. The buildings have a proposed eaves height of 2.9 metres and a maximum ridge height of 4.2 metres. The sheds are to be constructed using a steel frame system with a timber roof structure to support a pitched roof. Walls will be insulated panels and will extend to 1 metre above ground level, incorporating polycarbonate sections with an open section above. Double opening doors are proposed in each gable end and underground tanks are proposed to hold dirty water which is collected from the clean out of each shed. Each shed will sit on a concrete base with an apron beyond the building dimensions
- A Biomass plant room designed with a mono pitch roof with dimensions of 11.4 metres by 3.8 metres with a maximum height of 3.9 metres.
- Two feed silos are proposed at the end of each shed. They will have a footprint of 3.5 metres by 3.5 metres with a height of just less than 7 metres.
- A small site office building is proposed with a gable roof. The dimensions of which are 6 metres by 3 metres and just under 3 metres in height.

- An attenuation pond is proposed beyond the southernmost poultry shed close the south west boundary. This shall measure 7 metres in width and 20 metres in length.

A total of 60,000 birds are to be housed across the five sheds which will operate on a 56 day cycle, with seven to ten days between cycles reserved for the cleaning of the sheds. This equates to no more than six cycles per year. The proposed poultry sheds will operate on an alternative cycle to the proposed and existing sheds at Menchine and Edgeworthy Farms and will generate waste equivalent to 120 tonnes per cycle, or 820 tonnes each year.

The proposal will result in the generation of additional vehicle trips using the public highway. For each cycle (of up to 66 days) the total number of vehicular trips that can be expected to arrive and depart from the site per cycle is set out in this report during consideration of the proposed reason for refusal 3 below.

The cumulative total of vehicle movements associated with the proposed development would be up to 70 vehicle movements per cycle or 420 movements per annum, and the majority of these movements will be accommodated via the A361, with the exception of the transfer of waste from the site .

Movement of waste: Poultry litter from the proposed poultry sheds will be transported to the AD plant at Menchine Farm via Nomansland. The estimated tonnage of waste produced per cycle per shed is 24 tonnes per shed. As such this equates to 120 tonnes per cycle. The load carrying capabilities of the trailers which will be designated for the transportation of waste from Gibbett Moor Farm to Menchine Farm are tractors and trailers with the capacity to hold 14 tonnes per load. Therefore, at the end of each cycle there would be up to nine vehicular trips (18 movements) associated with the movement of waste between Gibbett Moor Farm and Menchine Farm. This equates to 108 movements per year.

REASON FOR REPORT:

To set out and review potential reasons for refusal identified by Members at the meeting of Planning Committee at the meeting of 6th April 2016.

Relationship to Corporate Plan:

The emerging Corporate Plan sets out four priorities including the economy, community and the environment, upon which this application has a bearing.

Financial Implications:

The applicant may make an application for costs against the Council at appeal. Such costs claims are made by demonstrating that there has been unreasonable behaviour that has led to unnecessary expense. The Council must be in a position to defend and substantiate each of its reason for refusal.

Legal Implications:

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision making is therefore the policies within the development plan. Members will need to weigh the impacts of the scheme against the benefits of the proposal. In order to refuse, the impacts will need to be substantiated and outweigh the benefits.

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour. Expert advice may be needed to support any reasons for refusal.

REASONS FOR REFUSAL AND IMPLICATIONS:

During the meeting, Members indicated that they were minded to refuse the application for the following proposed reasons:

1. Cumulative impact of the number of operations in the area particularly in respect of traffic generation.
2. Insufficient, inconsistent and inaccurate information in order for the Local Planning Authority to adequately assess the impact of the application.
3. Access and traffic – the unacceptable impact of traffic generation and on highway safety
4. Landscape and visual impact.

Suggested wording for reasons for refusal

Your officers suggest the following wording for the reasons for refusal:

1. In the opinion of the Local Planning Authority, from the information supplied it is not possible to undertake an accurate assessment of the potential impacts arising from the development as the information submitted in support of the proposal contains inconsistencies, conflicting and contrasting statements. It has not been adequately demonstrated that the proposal is in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Officer note, if members consider that an adequate assessment of the application cannot be made, then they should not attach reasons which state the impacts of the proposal cause unacceptable harm (as the impacts are not clear)

2. Due to the scale and siting of the proposed poultry units and associated infrastructure, the development is considered by the Local Planning Authority to have a harmful effect on the rural landscape character and visual amenities of the area, and it has not been demonstrated that this harm could be satisfactorily mitigated. The application is considered to be contrary to policies COR2 and COR18 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2, and DM22 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority, the proposed access arrangements do not result in the creation of a safe and accessible place and the increase in heavy goods vehicular movements on the surrounding road network would lead an unacceptable impact on highway safety. The application is considered to be contrary to policies COR9 of the Mid Devon Core Strategy and policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
4. In the opinion of the Local Planning Authority, due to the number and size of vehicular movements associated with the application travelling on the local highway network, in particular within the hamlet of Nomansland and the surrounding narrow rural roads, is likely to cause significant impact upon residential and pedestrian amenity. The application is considered to be contrary to policies COR9 of the Mid Devon Core Strategy and policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
5. In the opinion of the Local Planning Authority, insufficient information has been submitted to adequately assess the cumulative impact of the proposal in terms of highway safety and residential and visual amenity when considered in conjunction

with other proposals for poultry housing recently considered by the Local Planning Authority (Tollgate Farm, Menchine Farm, and Edgeworthy Farm), together with other existing poultry units within the local area. It has therefore not been adequately demonstrated that the proposal is in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Implications: reason for refusal 1.

Members identified during Planning Committee on 06th April 2016 that the application documents contain inconsistent information. This is also a point raised by Clarke Willmott and in various objection letters.

Examples of the inconsistencies within the application documents relates to the number of chickens kept on the site (ranging from 60,000 birds to 95,000 birds), and the length of the breeding cycle. At various stages within the application period the applicant has been asked to clarify inconsistencies, and it is ascertained that the application relates to a total of 60,000 birds to be housed across five sheds which will operate on a 56 day cycle.

Your officers can relate to Members concerns, however, it should be noted a condition could be used to restrict the number of birds to 60,000. If a condition is considered appropriate by Members, it is considered it would meet with the six tests set out in paragraph 206 of the National Planning Policy Framework as shown below:

Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects.

If Members consider the application documentation to be inaccurate, inconsistent and/or insufficient, they should highlight the deficiencies and the implications of them upon the assessment of the application and the impacts of the development when considered against policies and other material planning considerations (for example if the number of chickens significantly exceed 60,000, the transport and environmental impacts associated with the development could not be ascertained). Members will need to establish that as result the application has not demonstrated compliance with development plan policies and other material planning consideration such as the National Planning Policy Framework. Reference in detail to the submitted documentation will be required.

Implications: reason for refusal 2.

Your officers identified in their report to Planning Committee on 06th April 2016 that the proposed development could cause some harm to the site's landscape character and visual appearance, however, as noted in the officer report this harm could be considered limited, due to the natural screening surrounding the site which provides a degree of containment to short distance views, and the limited visibility of the site from surrounding public vantage points.

Members may wish to consider themselves the visual and landscape impact and make an alternative assessments over the level of harm the proposal creates. Policy DM22 'Agricultural Development' notes that the development should be sensitively located to limit

any adverse effects on the living conditions of local residents, and is well designed, respecting the character and appearance of the area.

Members are advised to consider whether a proposal of this size and scale is respectful to the character of the area, and wherever the existing hedgerows and/or proposed mitigation will adequately militate against the proposals visual impact.

Implications: reason for refusal 3

The Highway Authority has not objected to the application, subject to mitigation being provided in the form of passing bays and junction improvements. The potential transport movements associated with the application were set out within the earlier officer report and is as follows:

The proposal will result in the generation of additional vehicle trips using the public highway. For each cycle (of up to 66 days) the total number of vehicular trips that can be expected to arrive and depart from the site per cycle is set out below:

- At the beginning of each cycle, there would be two deliveries to the site for the delivery of chicks from the hatchery in Kentisbere. These deliveries would be undertaken over two days, generating one trip to the site per day or two vehicular movements per day (4 vehicular movements per cycle).
- Up to ten articulated vehicles delivering feed to the site throughout each cycle. This will generate a maximum of two vehicular trips to site each week (20 vehicular movements per cycle).
- It is expected there would be nine loads required to transport birds to the processing plant at the end of each cycle, generating nine trips. This is to be undertaken overnight, however, it should be noted that the farmer has no control over these collection times because they are set by the processing plant's requirements (18 vehicular movements per cycle).
- At the end of the cycle, cleaners would visit the site to clear, wash and disinfect the sheds. Over a period of two days they will use a 12 metre rigid HGV to transport their equipment onto site, resulting in a maximum of two trips (4 vehicular movements per cycle).
- A tanker will transfer waste water from the holding tanks after clean out resulting in an additional two vehicular movements (2 per cycle).
- Vets and maintenance teams are expected to visit the sheds with three trips (6 movements per cycle). In addition, a site manager will also generate an additional but small number of movements.
- There will be three deliveries of bedding per year and 12 deliveries of wood chip to run the boiler heating system (30 movements per annum).
- In each cycle there will be nine deliveries of poultry litter from Gibbett Moor Farm to the Menchine Farm AD plant to be used as feedstock. This equates to 54 deliveries annually. Note: The TPA Technical Note received on the 8th January 2015 confirms these trips will already be on the network because they relate to an existing process

for another site. As such they are not considered to be additional, new trips relating to Menchine.

The cumulative total of vehicle movements associated with the proposed development would be up to 70 vehicle movements per cycle (66 days) or 420 movements per annum, and the majority of these movements will be accommodated via the A361, with the exception of the transfer of waste from the site.

In this case the main issues outlined by members were the site access, and the vehicle movements between the site and Menchine Farm AD. These two issues are discussed below:

Transport movements from the proposed site to Menchine

The applicant’s justification for the proposal is that there would be no additional vehicle movements on the highway travelling to the Menchine Farm AD, as this application would replace existing movements from alternative farms which transport waste to the AD. The Menchine Farm AD has a capacity to take 3,000 tonnes of poultry litter, and it is likely that if this application was approved the capacity would be reached. Vehicle movements associated with this 3,000 tonnes of poultry litter were taken into account in the grant of planning permission for the AD plant. It is considered by your officers that the vehicle movements associated with transporting waste from Gibbet Moor to the Menchine Farm AD can be considered as a substitution for other allowable movements within the 3,00 tonnes of litter, and may create some level of control (or at least clarification), over where some of this waste being delivered to Menchine AD is being transported from.

The applicant has outlined within a transport assessment the likely vehicular movements from the site to the Menchine Farm AD. This equates to 54 deliveries annually. In support of this the applicant has submitted an assessment of the cumulative impacts of the proposal, set out within the Transport Planning Associates Technical Note, December 2015. A summary of the cumulative vehicular movements accessing the Menchine AD is shown in table 5.1 below.

Table 5.1 - Cumulative Impact of Proposals

		Baseline Total Traffic Flow*	With Dev Total Traffic Flow	Additional Two-Way Trips		% age Increase		Magnitude of Impact (Table 8.3 of ES)	
				Total Vehs	HGVs	Total Vehs	HGVs	Total Vehs	HGVs
B3137	Mon- Fri	1915 [80 HGVs; 4.2%]	1935 (100 HGVs; 4.7%)	20	20	1%	25%	Negligible	Minor

* 5 day annual average daily flow

This table includes transport figures from Edgeworthy, Gibbett Moor and Menchine Farm. Table 5.1 portrays a ‘worst case scenario’ and shows a potential increase of 20 vehicular movements on the busiest day during the cycle creates a minor impact on the local road network. As noted within Paragraph 32 of the National Planning Policy Framework, “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.” If members accept the above figures as an acceptable assessment of cumulative impact, then it is clear in this case the proposals impacts are not ‘severe’. The cumulative impacts of the scheme are discussed in implication 5 of this report.

A letter received from Clarke Willmott, and representation from Templeton Parish Council and neighbours suggest the applicant could potentially increase the number of chickens at the site from 60,000 to 95,000. This has already been discussed within implication 1 of this report; however this could impact on the number of vehicle movements using the local highway network, which have not been considered. To control this, the members could condition the number of bird spaces on the site. This would be enforceable, as the applicant has to make this figure public as part of any environmental permit, and considering the potential impacts associated with an increase in birds, is considered necessary, reasonable and relevant.

If the existing assessment of cumulative impacts is deemed by Members as acceptable, then your officers consider that some harm will be produced by the proposal, however this harm in the view of officers would not be so significant as to render the proposal unacceptable, due to mitigation and conditions restricting the number of birds and controlling the proposed HGV route.

Site access

It is acknowledged that the access road (S1614) between the site and Bulworthy Knapp is narrow, and has limited passing opportunities. To militate against this, the applicant has agreed to provide a passing opportunity along this road in addition to making improvements to the field access and the access onto Bulworthy Knapp.

Following these infrastructure improvements, the Highway Authority considers the access to be acceptable, subject to conditions concerning surfacing and drainage. As above, your officers have carefully considered and weighed the advice from the Highway Authority and the impact the proposal may cause on the S1614, and concluded that the impact will not be so significant to render the proposal unacceptable. To conclude differently on highway /access impact, Members will need to demonstrate that severe harm will still result following mitigation measures.

Implications: reason for refusal 4.

In addition to the above highways technical data, the applicant also submitted an assessment of likely significant impacts on pedestrian amenity (including fear and intimidation). The assessment accepts that due to a lack of footpaths on the local highway network, pedestrians may be forced to walk on the carriageway, however, concludes that the level of pedestrian activity along the proposed route when compared to the number of potential vehicles results in insignificant impacts.

Notwithstanding the above, within a recent appeal decision (3003677) to allow the capacity of the Menchine AD to be increased, the Planning Inspector acknowledged that harm would be caused to the amenity of local residents within Nomansland, in terms of the noise and disturbance increases arising from heavy goods vehicles associated with that development. Your officers acknowledge the proposal may cause some harm to the amenity of local residents by encouraging the use of the proposed route through Nomansland and surrounding narrow rural roads (C308 and S2302), in comparison with a chicken unit situated in a different location and utilising the improved infrastructure of the B3137. The latter being likely to cause less harm to the amenity of local residents. It is considered by your officers that a case could be made against the proposal in terms of the waste disposal transport movements causing an increase in harm to the amenity of local residents. Members should consider if the level of harm to local amenity is so severe as to warrant refusal.

Implications: reason for refusal 5.

During the Planning Committee meeting on the 06th April 2016, Members considered that the cumulative impact of the proposal with other poultry operations in the area had the potential

to be unacceptable, particularly with regard to traffic generation and its impact upon the local highway network and local amenity.. This is supported by an objection made by Clarke Willmott, dated 07th March 2016.

This application was screened by the Local Planning Authority under the Environmental Impact Assessment Regulations 2011, where it was ascertained there may be cumulative impacts arising from the proposal in terms of transport, waste handling at Menchine Farm, and increased level of odours. To support the application the applicant submitted an Environmental Statement; however, this did not adequately consider the cumulative impacts of the transport impacts, in particular for the handling of waste at Menchine Farm.

Following a request from the Local Planning Authority, the applicant submitted an amendment to the environmental statement produced by Transport Planning Associates, named 'Technical Note' and dated December 2015. As discussed within implication 3 of this report, the technical note makes a consideration of the cumulative highways impacts of the proposal, including with Edgeworthy and Menchine Farms.

Representations from Clarke Willmott, Rackenford & Creacombe Parish Council, and local residents do not consider that an adequate assessment of the cumulative impacts of the development has been made. Following a search on the Environment Agency's website, the following farms within 10Km of Rackenford have been identified as requiring environmental permits for the management of waste/manure (with the exception of Stourton Lodge).

Search Results

'All' by 'Town Search' - '10 km' - 'Rackenford'

Environmental Permits (Industrial Installations)

6 Results

Name	Distance ▲	Address
GW Frankpitt & Sons	1.18 Km	Little Rackenford Farm, Rackenford, Tiverton, Devon
Cole	4.88 Km	Menchine Farm, Nomansland, Devon
Hook 2 Sisters Limited	5.33 Km	Tollgate Farm, Nomansland, Tiverton, Devon
Hook 2 Sisters Limited	6.96 Km	Stourton Lodge, Witheridge, Devon
Hutchings	7.46 Km	Stourton Barton Farm, Witheridge, Devon
Hook 2 Sisters Limited	7.77 Km	Horseford Farm, East Worlington, Devon

It was acknowledged by the LPA during the screening process that the proposal has the potential to cause cumulative impacts regarding the waste handling arrangements at Menchine Farm. In this case the issue is the whether other sites surrounding the proposal use similar transport routes to those proposed within this application. Limited information has been submitted by the applicant regarding the cumulative impact of existing chicken installations nearby. **Appendix 1** of this report maps the farms within 10km of Rackenford which require an environmental permit, including the farms detailed by Rackenford and Creacombe Parish Council within their consultation response.

The map at **Appendix 1** shows that the majority of the above farms requiring Environmental Permits are unlikely to use the route proposed in this application, as they are predominantly based on the B3137. The Environment Agency was asked where the chicken waste from these permitted sites was transported to, however; unfortunately they do not hold this information. The Environment Agency did comment that Stourton Lodge is not a site requiring permit for the disposal of poultry litter. At the time of writing this report no information has been identified regarding waste disposal arrangements for these units, with the exception of Menchine and Tollgate Farms.

North Devon Council's website includes information regarding waste arrangements for Higher Thorne Farm, Rackenford. In this case the waste will be spread on surrounding farmland. It is unlikely waste disposal arrangements at Higher Thorne Farm will impact on the highways network associated with this.

Beech Farm and Hollyfield are situated approximately 1km to the south west of Gibbett Moor. Again, at the time of writing this report it has not been possible to establish the waste arrangements for these units, however transport associated with them has the potential to use similar transport routes. As these proposals are not controlled by Environmental Permit, the numbers of chickens on the sites are likely to be modest and it may be possible for these farms to dispose of manure on the surrounding farmland. Notwithstanding this, if Members consider the application for Gibbett Moor is acceptable, then the capacity for disposing of waste at Menchine AD is diminished. Taking this into consideration, it unlikely these schemes will result in cumulative transport movements to the Menchine Anaerobic Digester and/or through Nomansland. Discussions have been held with the Highway Authority who are also of this view. More information is being sought on waste disposal arrangements from these other sites. Members will be updated at the meeting.

Members should be mindful that there are no outstanding objections from any Statutory Consultees, and that the Highway Authority has raised no objections to the proposed transport arrangements, including the cumulative impacts. It is the opinion of your officers, that although the information submitted regarding cumulative transport impacts (in particular for the disposal of waste at Menchine AD) is limited, a decision on the proposal can be made. Members should carefully consider refusing the application based upon cumulative impacts and will need to clearly demonstrate unacceptability.

CONCLUSIONS

Your officers urge caution over proposed reasons for refusal 1, 3 and 5 as set out above. Reasons for refusal 2 and 4 may be considered to be stronger, however, they are not without risk.

Contact for any more information	Kristian Evely 01884 234218
Background Papers	Supporting documents of 15/01604/MFUL
File Reference	16/01604/FULL
Circulation of the Report	Members of Planning Committee Councillor Richard Chesterton

Appendix 1 – Nearby poultry units

