

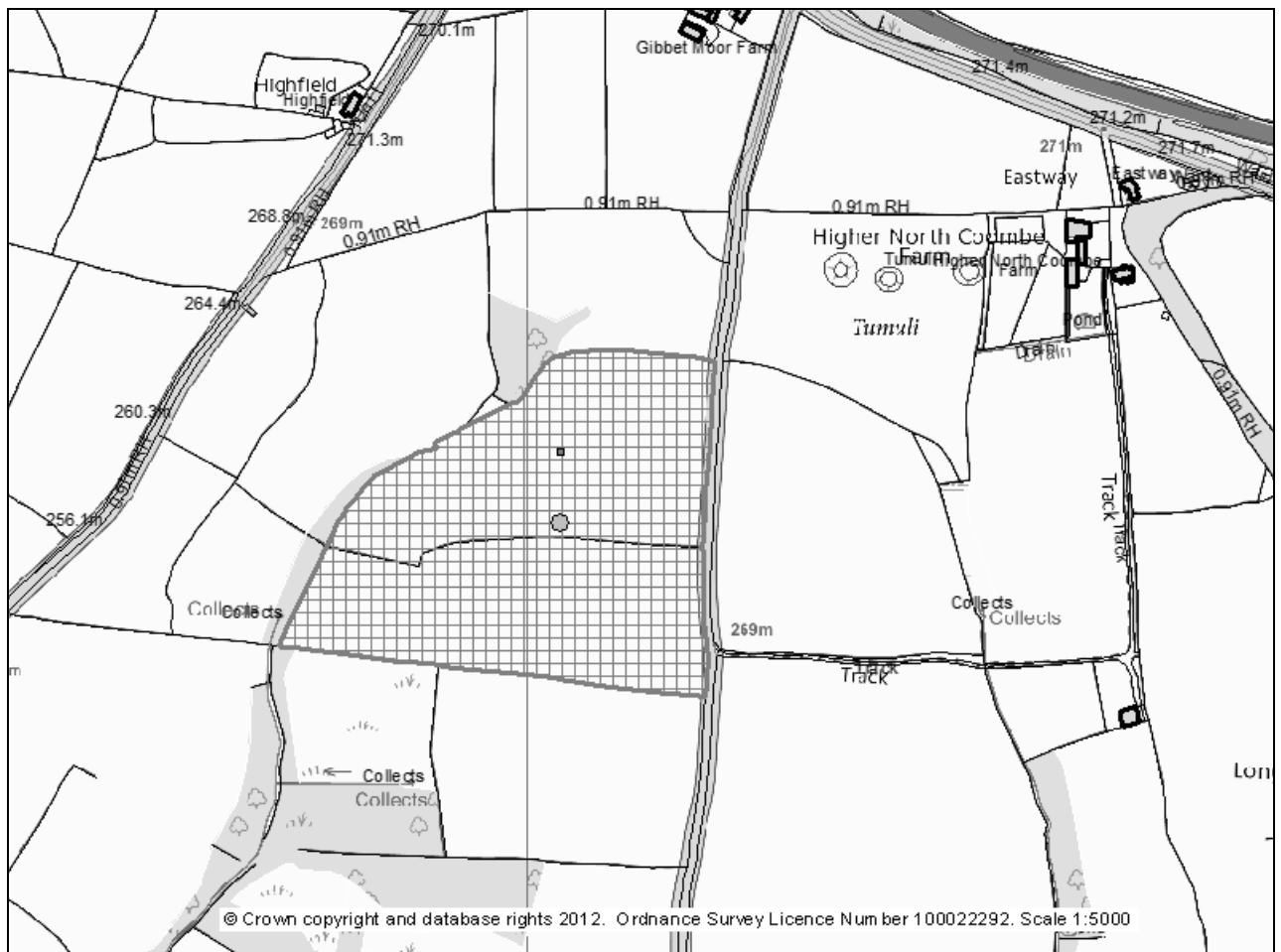
**Grid Ref:** 288027 : 116787

**Applicant:** Greener For Life

**Location:** Land at NGR 288027 116786  
(Gibbett Moor Farm) Templeton  
Devon

**Proposal:** Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure

**Date Valid:** 5th November 2015



## **Application No. 15/01604/MFUL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

The application seeks planning permission for the erection of 5 poultry units (5040 sq. m), a biomass boiler unit, formation of attenuation pond, an access track, hardstanding, landscaping and associated infrastructure on land to the south of Gibbett Moor farm, Templeton (NGR 288027 116786). 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 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 to and from the site (see additional comment 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.

The application has been submitted by Pegasus Group on behalf of the Greener for Life group (GFL).

## **APPLICANT'S SUPPORTING INFORMATION**

Statement of Community Engagement

Drainage Information

Erratum Notice

Wildlife Checklist

Addendum to Historic setting assessment

Design and Access Statement

Environmental Statement - Non Technical Summary

Heritage Desk Based Assessment

Planning Statement

Environmental Statement Vol 1

Environmental Statement Vol 2

Environmental Statement Vol 3

EA screening report Land at NGR 285047 114124 (Edgeworthy Farm) Nomansland Devon

Transport Technical Note

Ammonia Assessment

Archaeological Trench Evaluation

TPA Transport Technical Note: December 2015

## **PLANNING HISTORY**

15/00867/SCR Environmental Impact Assessment Screening Opinion for the erection of 5 poultry sheds - CLOSED

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR5 - Climate Change  
COR9 - Access  
COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM3 - Sustainable design  
DM4 - Waste management in major development  
DM5 - Renewable and low carbon energy  
DM6 - Transport and air quality  
DM7 - Pollution  
DM8 - Parking  
DM22 - Agricultural development  
DM30 - Other protected sites

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 12th January 2016 (the comments as set out below are the final comments provided by DCC – Highways, updating earlier comments submitted on 10th December 2015 which are set out below for the sakes of completeness)

The Highway Authority are in receipt of the technical note dated 9th December 2015 received by the Highway Authority on the 8th January 2016.

The applicant has agreed to the passing bay on the C308 in item 4.4 and details of this and the junction improvement of the S1614 with Bulworthy Knap will need to be submitted and approved in writing by the Local Planning Authority prior to commencement on site. The applicant in their route description have identified " the route forks to the southwest onto the S2302 before turning west onto the B3137" for the avoidance of doubt the route from Bulworthy Knap south towards the B3137 is the S2302 and where vehicles turn right to the southwest before joining the B3137 is, according to Highway records, the C308. The Highway Authority has previously shown the location of the passing bays and the junction improvements on a plan and this is resubmitted for clarity. The Highway Authority has also sought the improvement to an existing agricultural gateway in the control of the applicant and such improvements should also form part of the details submitted such an improvement is considered necessary to provide suitable passing opportunity along the S1614.

The applicant has made representation over the additional contributions (£10,000) as originally requested to improve the network, and the Highway Authority has considered the applicants arguments and accept the applicants position and will withdraw the contribution requirement. The applicant has taken on board the Highway Authority advice for the return route of the vehicles to the chicken farm and while this represents best endeavours this should be included as part of their traffic management plan.

Therefore subject to the approval of the two passing place details and junction improvements, and the submission of a traffic management plan which the Local Planning Authority may wish to securer by legal means the Highway Authority will raise no objections and the conditions previously requested should be imposed – set out below.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. The site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the a drawing which should be submitted to , and agreed in writing by the Local Planning Authority prior to commencement on site where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.00 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 25.00 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4. Off-Site Highway Works No development shall take place on site until the off-site highway works for the improved accesses, provision of passing bay(s), Junction improvements has been submitted to and approved in writing by the Local Planning Authority and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy 32.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Traffic Management Plan (TMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) details of operational routes

10th December 2015

Observations:

The Highway Authority (HA) has visited the site and in particular the route to be taken for the waste material to serve the AD plant at Menchine. The Highway Authority has considered this route along roads which are substandard in terms of width and visibilities and would recommend a number of mitigation measures that are considered necessary to accommodate the increased traffic which would exacerbate existing issues along the route.

The access into the field will need to be brought up to a suitable layout and construction. The HA would wish to see the access constructed as a minimum of 3.0m in width set back from the carriageway edge and with radii suitable to accommodate the swept path of the articulated lorries accessing the site, this would nominally be 10m. Visibility splays of 2.4m by 25m in either direction with no obstruction greater than 1.0m should be provided at the junction with the rural lane S1614. The Highway Authority disagree with the applicant over the forward visibility of rural lane and the available visibility at Bulworthy Knap and would wish to see an additional passing opportunity between the access and the existing passing bay and junction improvements. The location of this passing can be accommodated by an improvement to the existing agricultural gateway by setting back the gates to 4.5 and splaying the access at 45 degrees. this will provide passing opportunities for smaller vehicles and improve the substandard visibilities of the farm gate. The junction of Bulworthy Knap can achieve the visibilities shown on the plan but will require the removal of several small saplings carriageway side of the ditch and this work will need to be undertaken before construction begins. In addition to which the northwestern radii should be improved to cater for the swept path of articulated lorries and other construction and operational vehicles so that vehicles do not cross to the opposite carriageway. this will require an improvement to the radii and necessitating protection of the ditch and culvert; details of which should be approved in writing by the Local planning Authority.

The route between Bulworthy Knap and Nomansland has the benefit of passing bays but onsite evidence shows that there is still issues of conflict, verge and edge of carriageway damage. The traffic generated by the site in terms of tractor and trailer while limited to 9 loads per cycle will exacerbate the current situation and the HA would seek a contribution to the improvement of the existing bays a nominal sum of £10,000.00 towards this cost is requested.

At the junction of the S2302 and C308 the routing of the vehicles is to turn right along the C308. The C308 is narrow with limited passing relying solely on Private access drives. The HA would seek the provision of a passing bay along the route on verge in the control of the HA this will necessitate curvetting of the ditch and inclusion of headwalls and possibly additional drainage requirements. The Local planning Authority should seek to approve the design, construction details, and its implementation prior to the use of the Chicken farm first being brought into use.

The current route plan has empty vehicles returning via the same route, the HA has concerns with a return movement along the C308 in particular the substandard nature of the junction visibility with the S2302. The HA would recommend that the return route should take vehicles to the junction of the C308 with the B3137 adjacent to the Mount Pleasant Inn which would afford greater visibility. The Highway Authority will forward sketch plans to indicate the works separately to this response. While the proposal is acceptable to the highway Authority subject to the conditions set out above it is for the Local Planning Authority to consider the amenity, Fear and intimidation of the additional movements along the roads which are residential in nature. In addition the Local Planning Authority may wish to secure the off site highway works and contributions via an appropriate legal agreement.

ENVIRONMENTAL HEALTH - 23rd November 2015

Contaminated Land - no objection to this proposal

Air Quality - no objection to this proposal

Environmental Permitting - Environment Agency A1 Permit required

Drainage - no objections to these proposals

Noise & other nuisances – (11/03/2016) There should not be an increase in the transportation of chicken litter and in essence there should be a reduction in the amount of transport movements per year resulting from the expansion of Menchine farm and having to import less chicken litter from other

sites. Taking this information into consideration I have no further objections to each of the three planning applications and I would recommend approval of all three.

Housing Standards - N/a

Food Hygiene - N/A

Private Water Supplies - Not Applicable

Health and Safety - no objections to this proposal

HISTORIC ENVIRONMENT SERVICE – the comments as set out below are the final comments provided by HSC, updating earlier comments submitted)

17th March 2016

The archaeological evaluation of the above site has been completed and no archaeological features other than an undated pit or posthole was revealed. A copy of the report has been received by this office from the applicant's agent and I understand that the archaeological contractor - Cotswold Archaeology - is in the process of preparing an OASIS entry and will be uploading a copy of the report.

In the light of this new information and the absence of any archaeological or artefactual evidence for significant heritage assets being present on the site I would like to withdraw the Historic Environment Team previous objection and request for additional information.

HISTORIC ENGLAND - 11th March 2016 - Thank you for your letter of 19 November 2015 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

We can confirm that Historic England consider any impact on designated heritage assets to be 'less than substantial' and that, as recommended previously, it will be for the LPA to determine the case with reference to the planning balance as recommended in NPPF .134.

Our only additional comment relates to the layout of the development and the benefits of ensuring that the sheds closest to the minor road are far enough downslope away from the hedge to ensure that they are not visible over the hedge.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

LEAD LOCAL FLOOD AUTHORITY - 8th March 2016 - Although I have provided an e-mail response to the Consultant Drainage Engineer in respect of the surface water drainage aspects of the above planning application, I have not provided one formally to the Planning Case Officer.

Further to my previous correspondence (FRM/2015/230) dated 26th November 2015, the applicant has provided additional information by e-mail, for which I am grateful. This addresses all of my concerns and I am satisfied that the downslope intercepting swale which is now proposed is satisfactory in terms of its location and design.

I would request that if the Planning Case Officer is minded to grant planning permission in this instance, a pre-commencement condition should be imposed to secure the final detailed design of the surface water drainage management plan. The condition could be worded as follows:

The development hereby permitted shall not be commenced until a detailed surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority. This detailed surface water drainage management plan will be in accordance with the principles set out in the additional information provided by the Consultant Drainage Engineer for this application in an e-mail dated 1st December 2015.

For continuity purposes, I would advise that the aforementioned email is submitted to the Planning Case Officer in order for it to be formally registered as part of this planning application.

NATURAL ENGLAND - 24th February 2016

Designated sites - no objection

Internationally and nationally designated sites

The proposed development is within 4km of the Culm Grasslands Special Area of Conservation (SAC) - a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations') and Hare's Down, Knowstone and Rackenford Moors Site of Special Scientific Interest (SSSI) - notified at a national level and a component site of the Culm Grasslands SAC.

These sites are special because of their grassland and heathland habitats and their butterflies. Further information can be found at [www.magic.gov.uk](http://www.magic.gov.uk) Natural England's Impact Risk Zones identified these sites as being sensitive to impacts from aerial pollutants, such as ammonia, due to the scale, nature and location of the development proposal.

The Culm Grasslands SAC

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice: the proposal is not necessary for the management of the European site that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

The Environment Agency pre application screening May 2015

The Conservation Objectives for the Culm Grasslands SAC

<http://publications.naturalengland.org.uk/publication/5051046850199552?category=5374002071601152> which explain how the site should be restored and/or maintained

Hare's Down, Knowstone and Rackenford Moors SSSI

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hare's Down, Knowstone and Rackenford Moors SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Local Sites

We recommend that the Environment Agency is consulted for permitting advice in parallel with the planning application to ensure that there are no permitting concerns that are relevant to the design of the proposal or the determination of the planning decision.

Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

ENVIRONMENT AGENCY - 25th November 2015



No objection to the proposal subject to the following comments.

The poultry units having an appropriate IPPC Environmental Permit. The wash water from the cleaning of the poultry units will be classified as contaminated waste water and will need to be disposed of at a South West Water Treatment plant or via a site with an appropriately Environmental Permit.

Waste wash water cannot legally be disposed of via at an On Farm Anaerobic Digester (AD) plant as set out within the application documents. On farm AD plants have specific waste acceptance criteria and waste wash water would be considered a non permitted waste.

The biomass boiler would need to be fed with virgin / non waste materials. The use of any waste materials would require the biomass boiler to be appropriately regulated by either the Environment Agency or Local Authority depending upon the biomass boilers overall net thermal output.

The proposed attenuation pond would need to be appropriately sized to manage the expected volume of surface water from the site buildings and the free range chicken areas so as to minimise any environmental impact from the proposed development. Appropriate determinate levels will need to be agreed and complied with regards the discharge from the pond.

The application mentions the poultry litter being processed by an onsite AD plant. This planning application does not reference any AD plant as part of its stated proposals. Any AD plant at this site would need to be appropriately permitted by the Environment Agency.

The application mentions digestate being dried as a fertilizer in fibre or pelleted form but doesn't mention how or where this digestate will be sourced. In addition this proposed activity is currently not legally permissible. Should the regulatory regime change the activity would require an appropriate Environmental Permit.

Can the applicant please provide details with regards the disposal of the chicken litter stating where this material will be disposed at together with confirmation the proposed receiving site has sufficient capacity to accept the material and stay within the conditions of its Environmental Permit.

DEVON & CORNWALL POLICE AUTHORITY - 6th November 2015

I cannot think of any crime and disorder issues with this application, however I have forwarded it to the Road Safety Accident Reduction Officer in case he has any issues.

NORTH DEVON DISTRICT COUNCIL - 2nd March 2016

Having reviewed the additional information and consultee responses North Devon Council has no additional comments to make but would wish for appropriate noise, odour and traffic management conditions to be included in any approval to minimise the impact on the surrounding locality and neighbours.

RACKENFORD & CREACOMBE PARISH COUNCIL - 10th March 2016 –

I write to update the previous letter of objection on behalf of this Parish Council to the above application, which is for a site, which is within a few metres of the boundary of this parish and a little over 3 km from Rackenford village.

Cumulative impact. Since we responded in January and since the responses by the Environmental Agency a new very large poultry farm (36,000 birds in 4 sheds) has been completed at Higher Thorne, which is less than 1 km to the west of Rackenford village. The application in its Environmental Impact statement did not of course take account of this, nor of the two existing large poultry enterprises at Beech Farm, 1km to the south of Gibbet Moor, nor Little Rackenford 3km to the north west at Bulworthy Knap. If this development is allowed there would thus be four large enterprises circling the village and all within some 5 sq km. This council did not object to Higher Thorne, but a

fourth development is expected to result in unacceptable cumulative impact in terms of the environment and transport.

Transport. Local concerns are primarily to do with transport, as has been the case for various previous applications for development at Gibbet Moor. The Highways consultation reply still concentrates on the impact on the A361 and the B3137; it does not take into account the nature of the network of very narrow lanes running between the C784 and the B3137, which is wholly unsuitable for HGVs and large tractors with trailers. The applicants propose a route via the C 308/S2302 on which they would provide one passing place at Nomansland; this hardly begins to address the problem. The suggestion that a maximum effect of 20HGV a day on the busiest days would have a minor effect on this route is clearly wholly inaccurate. However in the event that permission is granted we would want to see an enforceable condition of this traffic plan as at least the lesser evil to the alternative via Templeton Bridge.

TEMPLETON PARISH COUNCIL - 1st December 2015

As this application is from the same Consultants Pegasus it appears to have been cut and pasted from other previous documents.

This application is inextricably linked to Edgeworthy Farm, Nomansland / Menchine Farm / Tollgate Farm, Nomansland all of which service 2Sisters and Greener For Life Anaerobic Digester operations and should be considered as part of an accumulative development. Recommended refusal (Local Plan DM5, DM7, DM23 Core Strategy 2, 5 and 18).

This erroneous document does nothing to alleviate the concerns raised by individual objectors and agencies alike so we submit a selection of glaring errors and missing information as raised at our Parish Council meeting on 18/11/15 and as below:-

Refers to the milk transfer operations already at the site (Not present)

- a) Refers to AD present on site (Not present)
- b) Refers to existing poultry sheds (None present)
- c) Refers to alterations made to the junction accessing/existing the A361 (NDLR) at Stoneland Cross. (Never been done).
- d) There is no recognition of the accumulative disease risk to the wildlife from so many intensively farmed chicken in the immediate vicinity Witheridge Moor, part of the Culm Grass corridor linking with the SSSI sites identified. Witheridge Moor has skylarks, snipe, cuckoo and curlew to name a few.
- e) Two different access points described for the chicken house site neither of them complete and one proposed off the unnamed extremely narrow single track road leading to Templeton Bridge at Temple Bottom (posted as Unsuitable for HGV).
- f) No application for the alteration to present field gate entrance for this preferred proposed access. Nor mention of the ancient bank and road hedgerow that will have to be removed either side of the small field gates (present access) nor the decimation of the dividing boundary ancient bank and hedgerow dividing the proposed site.
- g) No mention of the high water and the four river tributaries (to include the source of the River Dart) rising on and in close proximity of Gibbet Moor land. Quite a few of the surrounding and lower properties have only well or borehole water supplies.
- h) No mention of the two free range chicken farms already in situation within just over 1 kilometer and no reference to the four other chicken farms in the contiguous parish of Rackenford.
- i) No application for suitable changes to the entrance junction of the unnamed road for safe HGV access and exit.
- j) The preferred access (via the unnamed road) is on a blind bend on the B3227 which runs parallel to the A361 (NDLR) and has no speed restriction other than the standard 60 mph. All the servicing heavy traffic for the site is stated as utilising th3 A361 (NDLR) exiting Stoneland Cross which will entail crossing the flow of oncoming traffic on the blind bend on the B3227 to access the site.
- k) There are no enforcement measures available to MDDC to ensure any stated routes between associated sites.
- i) Chicken manure to be disposed of two different ways after the cyclic cleaning out according to this application.

- a) By tractor and trailer twice a week to Menchine Farm AD (5.7 km distance from site). Where will it be stored awaiting export from site and where it will be stored upon import to Menchine AD? The shorter journey length infers this will be via anyone of three sub-standard inter-linking single track rural lanes via Templeton Bridge - Horestone Cross and Horestone Lane or via Bulworthy Cross and Five Crosses ALL ENTERING NOMANSLAND HAMLET TO ACCESS THE MENCHINE AD and all assessing dangerous junctions onto the B3137 as previously stated.
- b) Sealed container (environmental statement Non Technical 3.6 and Design & Access 2.17). The principal route stated in Table 7 via the A361 and B3137 we presume?
- c) No mention of the woodchip for the Biomass plant. This may be prepared locally but our area is already experiencing huge timber lorries coming in via A361 (NDLR) and utilising the sub-standard single track roads leading to the B3137 and Menchine AD.

As none of the above have been satisfactorily mitigated in the associated documents submitted, indeed many have not even been acknowledged and there is no clarity of intent or due diligence in respect of the accumulated affects as set out; we feel this Application should be refused. In view of the potential financial burden of increased Enforcement on various agencies and road maintenance on Highways representing an unacceptable burden on taxpayers; we feel this Application is incomplete/unsafe and comprises a serious threat to the local and wider Environment/water quality/ tourism/local jobs and small businesses/other farmers livelihood, an increased danger and intimidation to other road users which will be a considerable threat to the well-being of the affected residents in numerous parishes, as well as the many visitors to this much loved glorious part of Devon.

STOODLEIGH PARISH COUNCIL - 1st December 2015

I am writing to advise you that this application was considered at a meeting of the Stoodleigh Parish Council held earlier this evening. Although the application site is situated within the parish of Templeton, Gibbet Moor Farm itself is, of course, within the parish of Stoodleigh.

The Parish Council wish formally to object to this application, firstly, on the grounds of the impact of the additional traffic that this application, if approved, would have on the surrounding road network.

Secondly, on the grounds that the junction with the A361 is unsuitable and dangerous for HGV's turning from either direction particularly as previously required revisions to that junction have not been carried out.

Thirdly, that the documentation submitted with this application appears to be defective in many respects.

CRUWYS MORCHARD PARISH COUNCIL - 16th November 2015

At the parish council meeting on 12th November 2015 it was recommended to refuse approval for the above planning application for the following reasons:

1. The cumulative impact of this together with other current and proposed development in neighbouring farms.
2. The impact on the B3137 and surrounding road network especially as there is a lack of information regarding transport movements.
3. This application does not support Mid Devon COR policies 5 and 18 or development policies DM7 and DM22.

## REPRESENTATIONS

33 Objections were received on the 14/03/2016, they are summarised below:

- 1 The road network is unsuitable for the volume of traffic, including the size of the lorries the application will rely on.
2. Due to the narrow nature of the country lanes the increase in traffic may create dangers to road users.
3. The lane adjoining the site is signed "not suitable for HGV's", showing it to be an unsuitable road.

4. Two vehicles cannot pass down the lane and therefore it is unsuitable for lorries
5. Nomansland has existing transport problems that will be exacerbated by this proposal.
6. The cumulative impact of the traffic produced by this application, including the existing/proposed applications relating to waste at Menchine Farm, will result in unacceptable impacts on the community of Nomansland
7. The local authority will not be able to enforce any route plan to the site
8. The applicant has not included traffic requirements for the chicken bedding or the biomass boiler.
9. The number of vehicular movements have been underestimated
10. The country lanes are already damaged due to large vehicles using them. This will exacerbate the problem.
11. No reference is made to the vehicle tonnage within the ES.
12. Transport for farm workers is not accounted for in the ES.
13. It is unclear from the ES what the proposed transport route will be.
14. The chicken breeding cycle is uncertain within the submitted information
15. The data within the application is conflicting and misleading, meaning the environmental and highways impacts cannot be fully assessed.
16. The ES ignores cumulative impacts of the application, and existing (and proposed) chicken sheds.
17. The information given in the ES, PS and various email strands create an application which is unreliable
18. The planning statement excludes relevant planning history
19. The application notes there are existing poultry sheds and an existing AD plant at the site. This is inaccurate.
20. Smell of the chicken houses will be detrimental to the neighbouring properties quality of life.
21. The site has been identified as environmentally sensitive due to its potential impacts on various protected sites (i.e SSSI's).
22. The noise produced by the operation of the chicken houses will harm the neighbours amenity
23. The chicken sheds will cause dust and pollution to the surrounding area.
24. The water runoff from the site may pollute the surrounding river tributaries
25. The application results in a loss of hedgerow causing a loss to local habitats and wildlife.
26. The loss of hedgerow would leave a scar on the country lane.
27. How would the local planning authority prevent the keeping of unhappy chickens?
28. The size of the unit means the welfare of the birds will be poor
29. There is no information regarding the disposal of dead birds
30. The application does not state where manure will be taken that cannot not be processed by the Menchine AD plant. This should also be accompanied by a manure management/spreading plan.
31. The proposal will cause harm to the culm grassland and Rackenford SSSI.
32. The application does not state where the waste water be transported.
33. This application will result in a loss of tourism to the area
34. This is the industrialisation of farming and will damage smaller farmers.
35. The proposal will create unacceptable visual impacts on the surrounding area.
36. No information is given as to the biomass boiler, and how it will be fuelled.
37. No quantities are given on the chicken waste produced at the site
38. The development is distanced from its source of chickens and the processing plant.
39. As the proposal is from a large investor there will be no local benefits from the proposal.
40. No pre-app consultation was undertaken with Rackenford
41. The site is of ecological importance due to the species composition.
42. The spreading out of the chicken cycles will create impacts over a longer period of time, rather than having all the transport movements confined to one day.
43. Greener for life do not build what they gain approval for.
44. The submission does not demonstrate how bio-security hazards will be managed
45. Due to the size of the development it is considered to be commercial and not agricultural.
46. Vermin will be attracted to the site
47. The ammonia assessment does not allow a full consultation of the impacts and risks associated with development
48. The process of pollutants being filtered within the sustainable drainage system does not remove the risk that pollutants may reach the county wildlife site
49. The applicants has not done an adequate heritage statement
50. Underground tanks do not appear on the site location plan
51. Winston Reed & GFL are likely to building a different scheme and not keep with conditions, resulting in problems for the council's enforcement team

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Relevant Policies**
- 2. Policy in context**
- 3. Design**
- 4. Impact on amenity of local residents (traffic, noise, odour)**
- 5. Highways**
- 6. Landscape and Visual Impact**
- 7. Environmental Impact**
- 8. Waste water and Surface Water Drainage**
- 9. Impacts on heritage assets**
- 10. The Planning Balance**

### **1. Relevant Policies**

The key policy used to determine the application is policy DM22 (Agricultural development) of the Local Plan Part 3 (Development Management Policies). This states that agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is 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; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

Relevant assessment of the policy is given throughout this report.

Policy DM20 (Rural employment development) is also relevant. This states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

The assessment of this policy is made under Sections 2, 3, 4, 5 and 6 of the report.

Policy DM27 (Development affecting heritage assets) states that heritage assets are irreplaceable resources, and aims to protect and mitigate against harm which development may cause. DM27 states that the council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.
- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of requirements of paragraph 133 of the National Planning Policy Framework are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be

- weighed against any public benefit, including securing optimum viable use.
- e) Require developers to make a proportionate but systematic assessment of the impact on setting as set down in the guidance from English Heritage: "The Setting of Heritage Assets".

The assessment of this policy is made under Section 9 of this report.

Policy DM30 (Other protected sites) considers the impact the development proposal is likely to have on important sites including Sites of Special Scientific Interest (SSSI) Ancient Woodland and Special Areas of Conservation. These impacts may be individual impacts or cumulative impacts. There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation, however the proposed development is within 7km of the Culm Grasslands Special Area of Conservation (SAC) and Hare's Down, Knowstone and Rackenford Moors SSSI. There are two County Wildlife Sites (CWS) within 250metres of the site. Policy DM30 states that planning permission will only be granted where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact of the protected site and the ecosystem it provides;
- b) The development could not be located in an alternative, less harmful location
- c) Appropriate mitigation measures have been put in place.

The relevant assessment is set out under Section 7 of this report.

Policy COR2 of the Core Strategy 2007 requires development proposals to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality design and preservation of the distinctive qualities of the natural landscape. Design is also measured under policy DM2 of the Local Plan Part 3 (Development Management Policies).

Policy COR4 (Meeting Employment Needs) seeks measures to diversify the agricultural and rural economy in ways which protect countryside character. The policy recognises that employment development should be distributed across towns, villages and the countryside to support a strong and sustainable rural economy.

Policy COR5 (Climate Change) seeks measures to minimise the impact of development on climate change in order to contribute towards national and regional targets for the reduction of greenhouse gas emissions. Such measures should include the development of renewable energy capacity where there is an acceptable local impact including visual, and on nearby residents and wildlife.

Policy COR9 (Access) of the Core Strategy 2007 seeks to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans.

Policy COR18 (Countryside) of the Core Strategy 2007 seeks to control development outside of settlement limits in order to protect the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy but is permissive of agricultural buildings in principle.

## **2. Policy in context**

The National Planning Policy Framework (NPPF) affirms three dimensions to the principle of sustainable development: economic, social and environmental. Part 3 of the Framework seeks to support a prosperous rural economy through the expansion and diversification of all types of rural business. The NPPF applies a presumption in favour of rural development subject to compliance with local planning policies.

The proposed development is said to be reasonably necessary to address a growing demand for free range chicken in a fast growing UK market. It is argued that the development proposal satisfies this need by seeking to develop a sustainable food chain and forms part of a wider strategic partnership between GFL and 2 Sisters in Willand. The application draws on research by the British Poultry Council, which states on average, each job in the poultry meat industry contributes £41,000 in gross value added to the UK GDP.

An economic gain is secured through income diversification to the farming enterprise and the development is argued to safeguard the existing employment at the farm and generate one additional full time employment position. In addition the development will generate additional contractual employment during cleanout times. It will also support further employment within the associated industries within the poultry industry including the processing plant, hatchery, suppliers, contractors and skilled labourers.

Environmental gains will be secured through carbon reduction and local biodiversity enhancements including extensive planting around the buildings in order to secure a suitable range for the poultry. The proposed boiler unit providing the heating for the poultry sheds would also be heated by biomass, providing carbon displacements in comparison to traditional poultry sheds boilers. The poultry litter will be processed off-site at the existing Menchine AD plant and this satisfies a principle for close proximity with regards to the management of waste. The dried digestate would be usable as a fertilizer in fibre or pelleted forms subject to a license being granted.

On this basis the proposed development is considered to comply with part a) of DM22 and the generation of employment on the site would receive policy support under DM20 of the Local Plan Part 3 (Development Management Policies) and COR4 of the Core Strategy (2007).

The Authority has received a letter of objection questioning why the sheds need to be located at Gibbett Moor Farm and why they could not be situated closer to the processing plant in Willand. The LPA considers that it would be unreasonable to require the applicant to justify the siting of these sheds on land away from the main holding, particularly where it is demonstrated that transport, visual and environmental impacts are found to be acceptable. The supporting and environmental statement argues that the field is ideally suited because it is close to the main Gibbett Moor Site, has limited environmental impact, and is well screened from wider views. On this basis the application scheme is considered to comply with part c) of policy DM20.

### **3. Design**

The development spans across two agricultural fields, resulting in the removal of two sections of hedgerow internally within the field layout to facilitate the proposed buildings and structures. Further sections of hedge removal are required to facilitate an improved access into the unit, and a passing bay on country road down from the A361. The design of the structures is considered characteristic of poultry buildings, and is appropriate for the intended use of poultry rearing. The ridge heights of the proposed buildings are modest, and as a result minimises the visual impact of them. A condition is recommended to control the removal of the hedgerow to soften the impact of the new structure of buildings and assist their integration within their immediate setting.

The development also includes a sustainable drainage scheme which has been subject to consultation with Devon County Council. This applies further support under policy DM2. The provision of an onsite biomass heating system in a small housing unit within the site does not result in harm to the rural character of the area and would comply with policies COR2 and COR5 of the Core Strategy 2007, and DM2 and DM5 of the Local Plan Part 3 (Development Management Policies).

Overall, the design of the proposal is considered to be appropriate for the proposed use, without having a detrimental impact on the local environment at Gibbet Moor. The development of the site is considered to comply with COR2 and COR18 of the Core Strategy 2007, DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

### **4. Impact on amenity of local residents (traffic, noise, odour)**

The main issues for consideration are the noise associated with vehicle movements and the construction/operation of the site, and potential nuisance from odour associated with the poultry units and water storage tanks, and the potential impacts arising from traffic movements between Gibbett Moor and Menchine farm, in particular for residents of Nomansland. As set out earlier in this report it is recognised that traffic, noise and odour are major areas of concern for local residents, and the comments provided by the Local Authority Environmental Health (EH) Team have guided the conclusions reached on this part of the scheme assessment.

The closest residential property is 300 metres away, which is considered to be a sufficient separation distance not to cause noise concerns in terms of site operations. In addition considering the distance of the site from the other Broiler Units recently considered by Mid Devon District Council (namely Tollgate, Menchine and Edgeworthy), it is not considered that there would be any cumulative impacts relating to the onsite operation in terms of noise and odour for the immediate neighbouring dwellings.

The applicant has submitted details regarding the cumulative impacts of the development in terms of the transfer of waste away from the site, as set out in the technical note submitted in addition to the applicant's environmental statement. The statement below is a summary of the conclusions reached by the applicant.

"The cumulative residual impact of the proposals on the local highway network is considered to be of negligible to minor significance as measures will be in place to reduce the impact of the proposals. This includes ensuring that none of the sheds operate on the same cycle and the transferral of chickens to the processing plant during an overnight period to reduce the impact on the local highway network. As all the sheds supply the same processing plant the cycle times are unlikely to change."

The Environmental Health officer has confirmed that in considering the impact of the development in terms of road traffic emissions and the odour impacts associated with transporting chicken waste no significant concerns are raised as effectively these transport movements will be replacing existing transport movements already on the highway.

Given the concerns expressed by the local residents of Nomansland relating to large vehicles travelling through the village, the applicant was asked to produce an assessment of the likely effects to pedestrian amenity, including fear and intimidation. An assessment into perceived fear and intimidation was included within the transport technical note, which clarifies that whilst as result of associated transport movements there may an impact on pedestrian amenity (perceived fear and intimidation) as a result of the development, but the magnitude in terms of numbers of trips is still considered to be relatively low (see section 5 below).

As set out above reflecting on the scope and operation of the development it is considered that the proposal would result in a low magnitude of harm to the amenity of local residents, in particular residents away from the site. The actual site operations would be subject to monitoring as part of the environmental permit for possible issues arising from noise and odour. On this basis, and subject to the highway mitigation as discussed below, it is considered that the proposal has sought to redress issues regarding the impacts on the general amenities of the area, as required by policies DM2, DM6, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).

## **5.Highways**

It is clear that the proposed development will generate additional trips on the highway network. As set out earlier in this report, the level and impact of these additional vehicle movements is a major concern of a number of local residents who have submitted representations. In particular, the concerns relate to the increase in movements of movements travelling between the application site and Menchine Farm in terms of transporting the chicken litter.

Advice in paragraph 32 of the National Planning Policy Framework states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;  
Safe and suitable access to the site can be achieved for all people; and  
Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development;  
Development should only be prevented or refused on transport grounds where;  
The residual cumulative impacts of development are severe.

The Local Planning Authority have consulted Devon County Council Highways team (HA). The



response from the HA is set out within their representation (shown above), and the following measures to mitigate the proposal are proposed:

1. Improved access into the site in terms of increased visibility at the junction with the highway,
2. An additional passing bay between the site, and the junction at Bulworthy Knap,
3. Improvements to the junction of Bulworthy Knap, in terms of increases visibility and radii, protection of the ditch, and culvert.
4. A passing bay on the C308 within Nomansland, including the culverting of a ditch and inclusion of headwalls.
5. A traffic management plan, including the proposed route of all construction traffic exceeding 7.5tonnes. This will be conditioned to ensure an appropriate routing of vehicles is maintained to and from the site at Menchine Farm.

A financial contribution was initially requested by the HA towards improvements to the local highways network, however, this request was subsequently withdrawn on the basis that it is unnecessary, unreasonable and does not meet the legal tests for an s106 agreement, as set out in regulation 122 and 123 of the Community and Infrastructure Levy Regulations 2010.

As stated above the Technical Note on transport issues considers how the application scheme will affect the amenity of pedestrians and residents of Nomansland and the cumulative traffic impacts of the development. The report concludes that the cumulative traffic impact will be negligible in terms of total traffic and minor in terms of HGV traffic and that the impact on Pedestrian Amenity (including Fear and Intimidation) will be negligible. The ES supports this by noting the limited transport movements will replace existing vehicular movements through Nomansland. In summary it is recognised that the development of three separate sites close to Nomansland gives rise to local concern over transport impacts, however it is considered that it has been demonstrated, with the mitigation included, that the highway impacts arising as a result of the construction and operation of the application scheme would be acceptable and the impact would be less than severe in the context of Paragraph 32 of the NPPF.

The hard surfacing indicated for the parking and turning of vehicles, including HGVs using the site, is considered to comply with policy DM8 of the Local Plan Part 3 (Development Management Policies).

Subject to the approval and provision of two passing places, junction improvements, and the submission and conditioning of a traffic management plan, The proposal is considered to be in accordance with policies COR9 of the Core Strategy 2007, policies DM8 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (notably Paragraph 32).

## **6. Landscape and Visual Impact**

The development site comprises of two agricultural fields used for grazing. The development site lies outside of any statutory or non-statutory/local landscape designations and comprises grade 3 common grazing land. It is considered to be of generally low value agricultural land. The site is within the farmed lowland and moorland of the Culm grassland character type.

The Environmental Statement (ES) describes the field as gently sloping from north-east to south-west. The eastern boundary is formed by native hedgerow approximately 3.5 - 4metres tall, alongside an unclassified road. The southern boundary is formed by a further native hedgerow of a similar size, which includes ash, beech, and oak trees up to 13 metres in height. The north-west and western boundary is formed by a belt of native woodland up to 16.5metres in height, including oak, beech hazel, ash and blackthorn. The northern boundary is formed of low quality native hedgerow, including oak and beech hedgerow trees. The two fields are separated by a hedgerow comprising of beech, hazel and willow, including hedgerow trees up to 10 metres in height, including oak, willow, beech and ash. This hedgerow is described as poor quality.

The ES considers the impact on the landscape character from the construction phase as well as in operation. The report identifies that the landscape is of a medium sensitivity to development. The surrounding area is predominantly managed agricultural landscaped, with isolated farmsteads and residential dwellings, including Gibbet Moor Farm 250metres to the north, Higher North Coombe

300metres to the north east, and existing agricultural buildings 35metres to the south east. Rackenford and Templeton are approximately 3.5kms to the west and south of the site respectively. There is not considered to be a cumulative impact on the landscape character resulting from existing developments surrounding the location. The ES states that the construction stage will have a high impact on the application sites landscape character, with a low impact to the landscape character of the area surrounding the application site due the existing and retained hedgerow screening. Once established and during the operational phase, the impact on the application site will lessen which is supported by proposed tree planting surrounding the sheds (refer to condition 13). The report recommends mitigation to prevent damage to the existing trees and hedgerows, including the planting of extensive tree and shrub planting around the site to minimise impacts. Overall, it is considered that once the proposal is established within the site with the new planting as proposed, it is unlikely to cause an unacceptable impact on the local landscape character/landscape features, which is supported by the existing boundary vegetation, woodland blocks, and tree belts surrounding the site.

The public rights of way surrounding the site include, Stoodleigh bridleway 9 which passes through Rifton Gate approximately 1KM to the north east of the site. Tiverton footpath 1 is approximately 1.5km to the south east of the site and Rackenford footpath 1 approximately 1.25km north-west of the application site. Tiverton footpath 2 and Rackenford footpath 2 are both situated south east. Overall, views from these locations are restricted.

The case officer has visited the site and identified that views to the north, east and north-west are restricted due to sufficient hedgerow screening and the surrounding topography. The surrounding area gently slopes south west, giving some opportunity for long to medium range views of the application site from the south-west and south. It may be possible to see parts of the field from sections of the B3137 to the south, however, these are significantly distanced and are considered to be unnoticeable. The ES notes the application site has limited inter-visibility between the application site and the surrounding site, due to strong field boundary vegetation and frequent woodland blocks and tree belts.

Following a review of the submitted evidence and on-site assessment, it is considered the poultry sheds and other development are unlikely to be prominent from the wider landscape, which is supported by their modest height and the reasonable screening provided. The development is not considered to cause significant visual harm, both individually and cumulatively with other development, and would not result in unacceptable harm to the character and appearance of the rural setting. This view is supported by appeal decision APP/Y1138/A/09/2108494, Land at Gibbet Moor (120metres to the north east of the site) for the erection of a timber treatment/storage plant, where the inspector noted 'despite its elevated position and the long distance views which are characteristic of nearby land, the appeal site is relatively well hidden'. In summary the application scheme is considered to be in accordance with policies COR2 of the Core Strategy 2007, DM2, and DM22 of the Local Plan Part 3 (Development Management Policies) in this respect.

## **7. Environmental Impact**

A screening request was submitted to the Local Planning Authority on 3rd June 2015, and a screening opinion was issued on 23rd June 2015. This determined the development would fall under Schedule 2 of the Environmental Impact Assessment Regulations 2015, because the proposed development would amount to an installation intensively rearing 60,000 broilers. The main environmental impacts likely to arise from the proposed development were identified to be from airborne emissions and from the production of waste in the form of poultry manure and dirty water.

The proposed development is within 4km of the Culm Grasslands Special Area of Conservation (SAC) and Hare's Down, Knowstone and Rackenford Moors SSSI. The proposal adjoins a County Wildlife Site (CWS) to the south (Horestone N), and is within 250metres of a second CWS (Landfoot Copse) also situated to the south. A small stream runs to the west of the application site, flowing through both CWS's. Horestone (N) contains species rich culm grassland, including *Molinia* mire with sedge-rich flushes. Landfoot Copse also contains species rich culm grassland, including rush pasture, semi improved acidic grassland & broadleaved woodland. An area of wildlife interest (named Gibbet Moor Farm) adjoins the site to the north. This contains species-poor culm grassland, including *Molinia* mire with willow scrub.

The applicant has submitted an ecology survey, produced by Clarkson & Woods (dated October 2015), which supports the applicants environmental statement. These documents note that the construction stage of the development may produce indirect impacts on the surrounding sites and habitats, however recommend a Construction Environmental Management Plan should be prepared prior to site works commencing which will adequately protect the surrounding habitats. During the operational stage, the site has the potential to create run off. If this reaches the watercourse to the west of the site, it has potential to impact on both CWS's, especially as culm grasslands are particularly sensitive to increased nitrogen. The ecology survey notes the proposed attenuation pond will be capable of removing pollutants from waste water before it is discharged through the protected habitats, which is supported by information submitted by the applicants consulting engineer, Mr Onions. The documents also note the operation of the site will be carefully processed under an Environment Agency Work Permit, which will control any impacts on the CWS's, including from air pollution, however, the local authority consider this should be considered within this application.

When assessing impacts upon the natural environment and habitats, Natural England guidance states that where the effects of development cannot be excluded, an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out. A request was made on the 07/12/2016, requiring the applicant to submit further details regarding the air quality and ammonia impacts of the development on designated sites. In response to this, the applicant forwarded an environment agency pre-application report detailing the ammonia and nitrogen depositions, however, this summarises "detailed modelling" is required of the proposal as the site is within 250metres of a nature conservation site. Detailed ammonia modelling was submitted by the applicant in February 2016, produced by Waterman Infrastructure & Environment Ltd. In summary, the modelling results suggest that there would be no significant adverse effects from the proposed Development at either the Gibbert Moor Farm LWS or the Horestone (N) LWS.

Mid Devon District Council is the competent authority under the Habitats Regulations 2010, to determine the potential impacts arising from development proposals on the environment including protected sites. The Authority must determine whether the development would be likely to have significant effects.

Natural England has raised no objection to the proposal. The Local Planning Authority considers that sufficient information has been provided to demonstrate the proposal will not significantly harm the surrounding CWS's and sites of wildlife interest. The site is a sufficient distance from any designated site, and subject to condition the development and operation of the site is unlikely to significantly impact on local wildlife and fauna. On this basis it is considered the proposal is in accordance with policy DM30 and criterion (c) of policy DM22 of the Local Plan Part 3 (Development Management Policies).

## **8. Waste Water and Surface Water Drainage**

A number of objectors have questioned the arrangements for managing surface run off and potential impact on polluting nearby streams and wet ditches. The Environment Agency and Devon County Council Lead Flood Authority have both been consulted prior to the determination of the application.

It is confirmed that the waste water generated from the cleaning of the sheds will be stored in underground tanks and will therefore not present an issue with dirty water polluting watercourses. Surface water is proposed to be managed through the attenuation pond at the southern end of the site. Objection has been received regarding the underground tank details not being included on the plans. As the tanks are to be sited underground they are unlikely to significantly alter the character and appearance of the surrounding area or the site. A condition is recommended requesting details of the underground tanks to be submitted prior to their installation.

Rainwater harvesting is not proposed due to issues of biosecurity. Instead the run off from the roofs of each shed will be piped to discharge into the attenuation pond which is outside of the chicken roaming area. From the pond the water is conveyed by a swale to the watercourse. The Devon County Council Lead Flood Authority Officer has confirmed that drainage details are acceptable, but has requested that a planning condition should be imposed which requires a final detailed drainage scheme to be submitted to the Local Planning Authority before any work is undertaken.

The provision of surface water drainage system and the waste water catchment tanks is considered to amount to good design under policy COR2 and DM2, and will mitigate risk of pollution into the watercourse, in accordance with DM7 of the Local Plan Part 3 (Development Management Policies).

## **9. Development affecting heritage assets**

Devon County Council's Historic Environment Service and Historic England had previously commented on the application, and raised objections as the application failed to provide adequate detail and assessment to the setting of a nearby Three Bowl Barrow (scheduled ancient monument) and archaeology. The applicant subsequently agreed to an extension of time to allow for archaeological investigations and discussions with Historic England. Following additional works to support the application, the Historic Environment Service and Historic England lifted their objections. It should be noted Historic England requested the development was sited as low in the site as possible to avoid views of the shed from the Three Bowl Barrows. The sheds are considered to be a reasonable distance down the site to avoid any significant views of the sheds.

An additional consultation period allowing contributors to comment on these revisions was made. Additional objections received in this consultation period note that the submitted details are still not adequate to consider the heritage impact, in particular the consideration on the setting of nearby listed buildings and the scheduled monument. After reviewing the information submitted in this case, it is considered an adequate assessment of the developments impacts on heritage assets can be made.

During the planning officers site visit it was determined that the proposal is reasonably well screened and an adequate distance from any heritage asset to cause direct impacts, or any impacts to setting. Considering objections have been lifted from the Historic Environment Service and Historic England, it is considered the proposal is in accordance with policies COR2 of the Core Strategy 2007 or DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

## **10. Planning Balance and Conclusions**

The key issue in terms of the assessment of this application is the impact of the development in terms of the proposed transportation arrangement, in particular transferring the waste of the site, and impacts on the general amenities of the area.

As stated above each cycle of growing chicken will generate nine deliveries of poultry litter from Gibbett Moor Farm to the Menchine Farm AD, equating to 54 deliveries annually (108 movements on the highway). The issue is whether these trips cause significant harm to amenity of local residents, in particular within Nomansland. The Highway Authority have been consulted and consider that appropriate mitigation for the scheme is proposed in the form of passing bays and junction improvements. It is considered that the proposed vehicle movements created by the scheme are not severe enough to warrant a refusal of the application.

In addition to transport impacts, local residents also raised concerns regarding the character and appearance of the surrounding area and the amenity of neighbours in terms of smell and noise nuisance. The concerns of local residents have been taken into account, and it is considered that although the development will have some limited impact to the character and appearance of the area and the immediate neighbouring amenity, the scope of harm that would arise is not significant enough to justify a refusal of the application.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved

development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained.

4. The site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the a drawing which should be submitted to , and agreed in writing by the Local Planning Authority prior to commencement on site. The development shall be completed and retained in accordance with the approved details.
5. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.
6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
7. No development shall take place until details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:
  - o Details of the proposed passing bay on the C308
  - o Details of the junction improvement of the S1614 with Bulworthy Knap
  - o Details of the new access's and passing bay, along the S1614

The development hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

8. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Traffic Management Plan (TMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
  - (o) details of operational routes

The development shall be carried out in accordance with the approved Traffic Management Plan at all times during the construction phases of the development. Once the operational phase of the development begins, the approved details and operational routes shall be permanently adhered to, unless road closures, serious road traffic accidents, or severe weather

conditions make the operational routes unpassable.

9. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS approved shall thereafter be managed in accordance with the agreed details.
10. No development shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan at all times during the construction phase of the development.
11. The development shall be carried out in accordance with the recommendations set out within the submitted ecology survey, Produced by Clarkson & Woods, dated October 2015.
12. Prior to their installation, details of the underground water storage tanks shall be submitted to and approved in writing by the Local Planning Authority. Once installed the tanks shall be so retained.
13. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which includes details of all existing hedgerows, hedgerow removal, new planting, seeding, turfing or earth reprofiling. The details approved in the landscaping scheme shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure appropriate measures are taken to manage surface water in accordance with policies DM2, DM7 and DM22 of the Local Plan Part 3.
4. To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.
5. To prevent mud and other debris being carried onto the public highway.
6. In the interest of public safety and to prevent damage to the highway.
7. To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before operation, in accordance with policies COR9 of the Core Strategy 2007, DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
8. To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before operation, in accordance with policies COR9 of the Core Strategy 2007, DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

9. To ensure appropriate management of surface water in accordance with policies DM2, DM7 and DM22 of the Local Plan Part 3.
10. To ensure the development will not result in unacceptable harm to the amenities of the area, trees hedges, watercourses or wildlife in accordance with DM4, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).
11. To ensure any nature conservation interests are preserved in accordance with policy DM11 of the Local Plan Part 3 (Development Management Policies).
12. To ensure appropriate management of waste water in accordance with policies DM2, DM7 and DM22 of the Local Plan Part 3.
13. To ensure that the existing hedgerow screening is retained, and any proposed screening limits the impacts of the scheme on the character and amenity of the area in accordance with policies DM2 and DM22 of Local Plan Part 3: (Development Management Policies).

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposals are for the erection of a chicken shed unit to accommodate 60,000 free range broilers on a site at Gibbet Moor Farm. Given the nature of the proposed use the application scheme is considered supportable in policy terms as a matter of principal. The application provides sufficient information to determine the environmental impact upon the local setting and the locality within the Culm Special Area of Conservation, and nearby designated areas. It is concluded that whilst the development will result in some minor visual impact, the scope of impact is not considered to be to the detriment of the wider landscape character, because there are only short and medium range views across this part of the countryside without the disturbance of prominent views from public vantage points, bridleways and the public highway. Subject to delivering improvements to the highway network locally to the site, and within Nomansland in order to assist manage the transfer of waste from the application site to Menchine Farm, it is not considered that the proposed development would generate significant levels of traffic on the highway or result in significant detrimental impacts to the character and appearance of the area and the immediate neighbouring amenity to justify a refusal of the application.

On balance it is therefore considered that the application scheme sufficiently complies with Policies COR2, COR2, COR5, COR9, COR18 of and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, and DM22 of the Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

