

## **Agenda Item No 5**

### **Planning and Development Board**

**7 March 2016**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 11 April 2016 at 6.30pm in the Council Chamber at the Council House.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: [www.northwarks.gov.uk/downloads/file/4037/](http://www.northwarks.gov.uk/downloads/file/4037/).
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk);
  - telephone (01827) 719222; or
  - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

## Planning Applications – Index

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2	PAP/2015/0222	244	<b>Barge And Bridge PH, 79, Coleshill Road, Atherstone,</b> Demolition of existing public house building. Erection of building for 9 flats and associated works.	General
3	PAP/2015/0585	262	<b>Hill Top Farm, Church Lane, Corley,</b> Erection of 26 dwellings with public open space, associated highway, hard and soft landscaping and external works	General
4	PAP/2016/0091	295	<b>Moor Farm Stables, Wall Hill Road, Corley, Coventry,</b> Retain equestrian indoor practice arena	General

## **General Development Applications**

### **(1) Application No: PAP/2015/0348**

**Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF**

**Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for**

## **Crown Waste Management**

### **Introduction**

At its February meeting the Planning and Development Board deferred determination of this application in order that it could better understand the issues surrounding the following matters in relation to the proposal:

- Visual and Landscape impact
- Archaeology
- Surface water flooding and Groundwater flooding
- Odour Impacts
- Public Health

The previous report is attached for convenience at Appendix A.

### **Further Consultation**

**Public Health Warwickshire (PHW)** – At the request of Members, PHW has forwarded a copy of the report that was referred to at the last meeting. It is an analysis of the potential health impacts, both beneficial and adverse, that the proposed 40,001 bird broiler unit in North Warwickshire might have on local residents. This is now attached in full at Appendix B. In this analysis PHW conclude that there will be specific residences and businesses which may be impacted by the proposed installation. The main impact that will need to be minimised will be in relation to an increase in air pollution. They further state that the scheme has the potential to contribute towards exacerbating health conditions and health inequalities for the local community if poorly managed or mitigated or if all relevant public health bodies haven't been consulted.

Public Health Warwickshire recommend that to ensure that potential health impacts are minimised, the proposed installation complies with any conditions set by the Environment Agency. They also recommend that in order to minimise potential health impacts to poultry workers, health assessments are undertaken and regularly reviewed.

### **Observations**

The February report set out a balanced assessment of the planning merits of:

- The principle of the proposed development;
- Impact upon residential amenities, in terms of odours and dust,
- Impact upon the landscape and visual amenities of the area,

- Ecological issues,
- Impact upon highway safety,
- Drainage and surface water run-off,
- Archaeological issues and impact on historic environment and
- Other Considerations.

This report will not repeat these issues again but will instead address the Member requests for additional information as outline above.

## 1) Landscape and Visual Impact

Members asked for additional information to be provided on the potential impact such a large building would have on the landscape in this area.

- a) Members will be undertaking a site visit to Hartshill Hayes so that they can view the site from the Hartshill Ridge. A record of this site visit will be submitted to the Board as an additional background paper.

Officers have observed the site from this elevated location. It is accepted that part of the development would be visible. However, as the building is sited against the elevated railway embankment which is vegetated, these views are restricted. The distances involved from these elevated locations, also lessen the significance this building will have on views from Hartshill Ridge. The proposal also involves the removal of an equestrian building close to Nuneaton Road which will be of benefit to the landscape in this area.

- b) A landscaping scheme has been submitted with the application. The Design and Access Statement goes into detail about these landscaping proposals for the site. This landscaping proposal is further depicted on the proposed site plan attached at Appendix C which shows the proposal to plant an area of mixed species landscaping to the north-east of the proposed development to reduce its visibility from residential property and from Nuneaton Road and to ensure the new unit is well assimilated into the landscape. It is also proposed to plant two rows of mixed species hedgerow either side of the entrance to further reduce the visibility of the site. The proposed landscaping areas would comprise a single block of mixed trees and shrubs measuring approximately 1,290m<sup>2</sup> and two short hedgerows.

The tree species proposed are:

Small Leaf Lime ( <i>Tilia cordata</i> ) –	44 trees
Field Maple ( <i>Acer campestre</i> ) -	66 trees
Pedunculate Oak ( <i>Quercus robur</i> ) -	66 trees
Common alder ( <i>Alnus glutinosa</i> ) -	44 trees

- c) The agent has provided the actual manufacturer specification for the vertical cladding and roof sheeting of the proposed building. The roof sheeting proposed would be Marley Eternit Fibre Cement – Profile 6 in Laurel Green. The vertical cladding would be Kingspan Single skin box profile in Olive Green. The use of green materials will allow the building to blend into this landscape. These materials will form part of a planning condition approving only these materials.

## **2) Archaeology**

Members requested further information on whether a condition was the most appropriate route for developing this site in close proximity to the Romano-British settlement identified to the north east. This is a standard condition as recommended by Warwickshire County Council Museum's Planning Archaeologist who is the statutory consultee for this subject area. She has agreed that a standard condition is the correct approach for the area of land involved and the condition recommended will not allow any development to commence on site until an Archaeological Mitigation Strategy document including a Written Scheme of Investigation for any archaeological fieldwork proposed has been submitted to the local planning authority for their approval in writing. As such it is the Planning Archaeologist's conclusion that the site can be developed without having a significant impact on preserving any archaeological remains. This condition is applied to many applications and is accepted procedure. Even given the significance of Mancetter in heritage terms, the statutory consultee is recommending this approach.

## **3. Flooding/Ground Water**

Concerns were raised at the last meeting that the site was recently the subject of flooding. The site lies outside of the floodplain of the River Anker. This was actually demonstrated by these recent flood events which did affect the fields surrounding the River Anker and parts of Nuneaton Road but which did not affect the access road into the site or the development site itself. Warwickshire County Council as the Lead Flooding Authority for surface water flooding has made its recommendations following the submission of a Flood Risk Assessment. The Lead Flood Authority has recommended that a minimum of 250 cubic metres of floodplain compensation is provided in accordance with the site drainage plan. This is to be provided by way of the construction of a flood compensation pond.

The Lead Flood Authority also recommends that a detailed surface water drainage scheme is implemented on the site. This will ensure that the land is positively drained towards a balancing pond with a capacity of 145m<sup>3</sup>. At present the field is not drained in any way, hence the ponding of water witnessed during the site visit. By positively draining the site, all the run-off from the roof of the new building and from the hardstanding areas will be collected into the balancing lake and discharged into the adjacent watercourse at a rate of no more than 2 litres per second, as controlled by a hydraulic brake. These measures are being recommended by the appropriate Statutory consultee and such an approach has been adopted elsewhere. Moreover Members will be fully aware from other cases, what Government policy is in this situation. The NPPF makes it quite clear that developers should ensure that there is "containment" on their site. This is what is happening here together with some betterment.

## **4. Odour Impacts**

Members requested further information on the potential impact of odour from the operation in particular to the cumulative impact from other operations with Environmental Permits which are in close proximity to this site.

- a) As stated in the February Board report, the other sites being referred to are the Sarval Animal Rendering Plant site at Mancetter Road and the Severn Trent Water Reclamation Works at Woodford Lane. These uses emit odour categorised

as the “most offensive.” Through the use of Best Available Technology these operations have modernised the technology they use in order to reduce the level of odour being emitted from these plants. The Environment Agency has responded to the fears about this cumulative effect from Sarval, some 1km to the south east of the proposed installation, by stating that:

*“If there are odour issues from either site, the wind direction at the time could be used to determine where the odour originates and the source investigated accordingly. Due to the locations of the sites and the wind direction, the likelihood of a cumulative impact is low. Whilst we accept that intensive farming has the potential to cause odour we are satisfied that the odour impacts from well-run facilities can be managed. If this site operates in accordance with the permit, odour will not be an issue.”*

In other words the Agency is saying that each site is the subject of controls using the best available technical knowledge; that there being breaches of the controls at the same time is thus a low risk and that as the sites are spaced apart, dispersal and wind direction would be major factors in reducing an adverse cumulative impact.

- b) Members are carrying out another site visit to an equivalent building just outside the Borough so that they can see and experience the impacts of this type of broiler operation in close proximity to a village. The buildings in question are 18 months old and use the same best available technology as proposed in the Mancetter scheme. The buildings lie in close proximity to a village and have properties within 400 metres. A record of this site visit will be submitted to the Board as an additional background paper.

The site Members will be visiting was the subject of a four day Planning Inquiry. A copy of the Appeal Decision is attached to this report at Appendix D along with a copy of the Costs Decision. As observed from the appeal decision the main issue being considered was the effect of the proposal, in that case for 221,000 birds, on the health and living conditions of local residents, with particular regard to matters of flies, odours, noise and disturbance. The village of Haunton lies 475 metres to the north west and Clifton Campville lies 925 metres to the north east with one property lying within 400 metres of the site. The Inspector found that the proposal would not have a significant harmful effect on the health and living conditions of local residents. A condition was required to ensure adherence to an Odour and Waste Management Plan, including measures for the control of flies, so as to safeguard the health and living conditions of local residents. Such a condition can also be imposed on this proposal at Mancetter.

## **5. Public Health**

Concern was raised at February meeting, that Public Health Warwickshire (PHW) had not been consulted on the planning application. Following the meeting, details of the proposal were sent to PHW for their comments. PHW responded by sending the same letter they sent to the Environment Agency with regards to the Environmental Permit application and subsequently copied to Councillor Bell. A copy of this consultation response is attached at Appendix B.

Public Health Warwickshire has carried out a public health profile of the wards of Atherstone South, Mancetter and Hartshill. The life expectancy in both wards is higher than the averages for both the Borough and the County. The number of emergency hospital admission for chronic obstructive pulmonary disease (COPD) in both wards is

worse than the average for the Borough and the County. The incidence rate of lung cancer within both wards when compared with the Borough and County is higher. The main cause of lung cancer in 85% of cases is from smoking.

Public Health Warwickshire makes reference to the Health Protection Agency's guidance on Intensive Farming (as appended to February's Report at Appendix F). They confirm that the Position Statement of Public Health England is that although installations are likely to be of low public health impact, they have the potential to affect the environment and therefore public health, through air pollution, discharges to water, manure management and nuisance issues. Each of these issues is analysed in the Impact Assessment as follows:

**Air Pollution** – It is stated by Public Health Warwickshire (PHW) that poultry installations release a number of pollutants into the air and those pollutants with the potential to harm human health are particulate matter, ammonia and bio-aerosols. PHW state that there is a clear association between long-term exposure to particulate air pollution and a reduction in life expectancy caused by cardiovascular disease. Residents in both Atherstone South and Mancetter ward and Hartshill ward have worse health outcomes for COPD and lung cancer than the average for the Borough and County (smoking is the main cause of COPD and lung cancer).

It is the view of PHW that if residents with pre-existing respiratory and lung conditions live within close proximity to the installation, the emissions could potentially worsen conditions and exacerbate health inequalities. As such to minimise the amount of particulate matter emitted, PHW acknowledge that the applicant will use Best Available Techniques (BAT) as recommended by Public Health England as a mitigation measure. Public Health Warwickshire further state that through the management of dust and particulates, this will reduce their potential to enter the outdoor air and affect neighbouring communities. They also state that it is unlikely that ammonia emissions from a well-run and regulated farm will be sufficient to cause ill health. With regards to bio-aerosols, PHW state that emissions of bio-aerosols can cause respiratory problems and lung function impairment. Sites which produce considerable quantities of bio-aerosols should not be within a 250 metre distance of local communities.

PHW incorrectly state that Dobbies Garden World is within 100 metres of this proposal. The closest part of Dobbies to this proposal is actually 400 metres away from the site. PHW also relies on measurements for bio-aerosols from data collected in 2006 from large composting sites.

PHW fail to mention that the best available evidence in relation to bio-aerosol emissions from Intensive Poultry Installations is that they return to existing levels at about 100 metres from the source. Attached to this report at Appendix E is the report from DEFRA entitled "Emissions and Abatement of dust from poultry houses." This report concludes at section 6 (3<sup>rd</sup> paragraph) that:

*"Bio-aerosol concentrations in the building represent a risk to poultry workers in terms of respiratory allergy or disease, but the levels emitted are sufficiently diluted over a short distance from the building so as not to pose a risk to those living in the vicinity of poultry operations. PM10 particulate levels were reduced to background levels by 100 metres downwind of even the highest emitting poultry houses, therefore, are unlikely to pose a risk to those living in the vicinity of poultry operations."*

In addition to the above, measures are contained within the Environmental Permit to either prevent emissions or where this is not practicable, minimise them. The Odour Management Plan contains actions to minimise the creation of dust / bio-aerosols and ammonia at the operation.

### **Discharges to Water**

PHW confirm that the potential to impact on water should be low since emissions to ground surface water should fully comply with regulations and limits set out in Groundwater Regulations 1998 and the European Groundwater Directive. They further confirm that the installation site is not within a Source Protection Zone and there will be no emissions to sewers therefore it is unlikely that there will be any significant pollution of ground or surface water, or impact on human health.

### **Manure Management**

PHW explain that as part of the permit a manure management plan should be developed, maintained and reviewed in order to reduce the potential for nuisance or disease transmission. PHW confirm that the applicant has stated that no manure will be left on site and that the manure will be transported off site in covered trucks. As well as this, all feed will be stored in sealed feed bins and carcasses will be stored in secure containers and collected once a week.

### **Nuisance Issues**

PHW state that nuisance issues include odour, noise, vermin and insect infestation. There is the potential for operation at the installation site to adversely affect the amenity of nearby dwellings which are located within 400 metres of the site boundary. As such, PHW state that the Odour Management Plan produced by the applicant will require close monitoring and reviewing to minimise the potential impacts to local residents. The Noise Management Plan in place will also require close monitoring.

### **Conclusions and Recommendations of Public Health Warwickshire**

PHW state that their assessment has highlighted that there will be specific residences and businesses which may be impacted by the proposed installation. They consider that the main impact that will need to be minimised will be in relation to an increase in air pollution. They also conclude that the scheme has the potential to contribute towards exacerbating health conditions and health inequalities for the local community if poorly managed or mitigated, or if all relevant public health bodies haven't been consulted. As such, PHW make the following recommendations:

1. That to ensure potential health impacts are minimised, the proposed installation complies with any conditions set by the Environment Agency; and,
2. That in order to minimise the potential health impacts to poultry workers, health assessments are undertaken and regularly reviewed.

The Environment Agency has concluded in their Permit that the Installation will not cause any significant harm to human health. They have stated that Public Health England is a statutory consultee on all of the applications received for Environmental Permits for Intensive Poultry Installations and that they have offered no objection to this application. The conditions set by the Environment Agency (as referred to by Public

Health Warwickshire) take into account the need to regulate this proposed installation to ensure that potential health impacts are minimised.

## **Overall Conclusions**

Members are again reminded that the Board is dealing with a planning application for the erection of a livestock agricultural building and thus its remit is to assess the planning merits of the proposal. The Planning Legislation (as stated in Paragraph 122 of the National Planning Policy Framework) clearly states that when determining applications, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that the planning system should operate on the basis that the relevant pollution control regimes will be properly applied and enforced. For this proposal the Planning Legislation assumes that the Environmental Permit will control odour, noise, litter and pests as well as handling and storage of residual wastes from the process such as poultry manure, dirty wash water and biomass boiler ash.

In this respect Members are not required to address matters that are more properly dealt with under this other legislation or question how the livestock building will be managed or make any judgement on the personal credentials of the applicant. In order to keep to its remit of only assessing the planning merits of this proposal, the guiding principle for Members is to ask whether the erection of a livestock building in this location accords with the Development Plan.

As previously concluded in the report to February's Board meeting, the principle of an agricultural building in this countryside location is accepted in accordance with Policy NW1 in the Core Strategy 2014. The concerns raised relate to its use as an Intensive Poultry Unit within 400 metres of sensitive receptors.

Indeed, if the proposal was simply for the erection of this Intensive Poultry Unit without any controls over its operation and management then the concerns being raised could be assessed as having significant weight in the determination of this application. This is not the case for this operation. An Environmental Permit is required for the installation to function. This permit contains controls over Odour and Air Emissions Management, Noise Management and Surface Water Drainage. In addition to this, any planning permission granted can require: controls over the times the site can be accessed by HGVs; the need for a floodplain compensation scheme, the need for a programme of archaeological work, the need for a landscaping scheme and the need for highway improvement works.

The receipt of additional information has demonstrated that Public Health Warwickshire has no objections to the proposal provided the conditions attached to the Environmental Permit are complied with. Warwickshire County Council as Lead Flood Authority has no objections to the proposal provided drainage conditions are attached. The Planning Archaeologist has no objections subject to an archaeology condition.

As such, for the reasons given in both reports, it has been found that the proposal would not have a significant harmful effect on the health and living conditions of local residents. The proposal would accord with Policies NW1 and NW10 of the Core Strategy, with Saved Policy ECON7 of the North Warwickshire Local Plan 2006 and with the relevant policies in the Framework. Therefore, having regard to all matters

raised including any interference with an individual's rights under the Human Rights Act, it is recommended that planning permission be approved subject to conditions.

There is reference in this report to conditions and the representative from Mancetter Parish Council referred to conditions when addressing the Board at its last meeting.

Two changes to the initial recommended set of conditions are set out below:

- Replace condition (19) as set out in Appendix A with: "The building shall be constructed from Marley Eternit Fibre Cement Roof Sheeting coloured in Laurel Green and Kingspan Single Skin Box Profile Vertical Cladding coloured in Olive Green. Full details of the external materials proposed in the construction of the feed bins hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented.

#### REASON

To minimise the impact of this building and its associated infrastructure on the surrounding area."

- Add condition 23: "The development hereby permitted shall operate in strict accordance with the approved Odour and Noise Management Plans.

#### REASON

In the interests of the residential amenity of the area.

In conclusion therefore Members are requested to give significant weight to the advice contained in the NPPF and substantial weight to the whole of the actual technical evidence that has resulted from the consultation process. It is significant that the Board has no objections from Public Health Warwickshire; the Environment Agency, the Council's own Environmental Health Officer or from the Local Lead Flood Authority, the Highway Authority or the Warwickshire Museum. As was made very explicit at the last meeting, it is not the role of the Board to pass a judgement on the grant of the Environment Agency's Permit. Officers and objectors have properly queried that decision but the Agency has not withdrawn the Permit in light of those questions. Moreover it is not the role of the Board to query the effectiveness of the Agency in enforcing that Permit. The NPPF advice is very clear on this. The Planning Inspector too in the case referred to in this report, makes it very clear what the "planning" position is on this matter – paragraphs 16 and 17 of the Appeal Decision letter at Appendix D.

#### **Recommendation**

That planning permission is **GRANTED** subject to the conditions set out in Appendix A as proposed to be amended by this report.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0348

Background Paper No	Author	Nature of Background Paper	Date
1	Planning Officer	Report to Planning and Development Board	Feb 2016
2	Public Health Warwickshire	Consultation response	30/10/15
3	Applicant's Agent	E-mail and attachment	19/2/16
4	Planning Inspectorate Appeal Decision and Costs Decision	Letters	15/1/14

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

### General Development Applications

(#) Application No: PAP/2015/0348

Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for

### Crown Waste Management

#### Introduction

This planning application was reported to the Planning and Development Board on 9 November 2015 for information only, to provide an introduction to the proposal, summarising them and the supporting documentation. The information in this Board report will not be repeated here. A copy of that report can be found at Appendix A.

The Board resolved to visit the proposed site at Mancetter along with that of an Intensive poultry installation in Arley, in order to experience very similar site operations, conditions and activities as those that are to be undertaken at Mancetter.

#### The Site Visit

A note of the visit is attached at Appendix B. In summary the visit to Mancetter involved walking to the corner of the site where the building is proposed; observing the position of the railway embankment and the dwelling houses near to the site and observing the highway access onto Nuneaton Road. The visit to Arley Lane Farm involved Members walking around the outside of the building and walking into the building where 48,000 chicks, aged 3 weeks old were being kept.

#### Consultations

Environment Agency – The Agency confirms that it has no objection to the proposal, subject to the imposition of a condition relating to the drainage of the site. It confirms that an Environmental Permit will be required from the Agency for this Intensive Poultry Installation with more than 40000 birds. With regards to the details within the application it did require additional information on whether a permanent generator will be installed; where the condensate/wash water from the heat exchanger will be discharged to, details on the odour from commercial litter additives, and it questioned the use of shredded paper as litter.

The Environment Agency has received additional information as requested and now confirms that an Environmental Permit has been issued, subject to conditions, to Crown Waste Management Limited for this Intensive Poultry Installation under permit number EPR/TP3035EW. A copy of this Permit and its supporting report is attached at Appendix C along with a document produced by the Agency, entitled “Frequently Asked Questions on Permit Applications for Poultry Units.”

Warwickshire Fire and Rescue Officer – It is confirmed that there is no objection subject to the imposition of a planning condition for the provision of fire hydrants.

Environmental Health Officer – He confirms that this proposal will require an Environmental Permit from the Environment Agency. He states that the noise assessment shows that this proposal should not have any adverse impact on nearby properties. However, he remains concerned that the intensive poultry unit is much closer to residential properties than the recommended separation distances of 400 metres as contained in the Town and Country Planning General Permitted Development Order and ADAS advice. He states that the applicant predicts that the impact of this proposal will be negligible and has put monitoring and control measures in place to deal with issues such as odour and flies. However, he does stress that the operation of the site now falls under the regulatory authority of the Environment Agency who are the key consultees regarding issues such as odour, flies and noise.

Council's Consultant Agricultural Adviser – He advises that modern broiler units can be operated without causing nuisance providing they are run with attention to detail to maintenance and operation and providing their siting has been given the correct degree of analysis having regard to effects on local inhabitants, local roads and their traffic, landscape issues and the greater environment.

Severn Trent Water Ltd – It confirms that there is no objection to this proposal.

Warwickshire Museum – It confirms that there is no objection to the principle of development, however some archaeological work is required if consent is forthcoming in view of the development site being located within an area of archaeological potential at Mancetter. This further work can be undertaken as part of a planning condition.

Network Rail – It expresses concern that the block plan appears to show the applicant erecting the broiler unit hard against Network Rail's boundary. The railway line is electrified with 25,000 volt AC overhead units which will have a safety issue for the proposed birds as well as anyone working on the construction of the building or undertaking any future maintenance on the building. The construction of the building could also impact on the lineside fencing and foundations and that works may physically encroach or over-sail the boundary where trains are running at speeds of 125mph. As a minimum Network Rail would be looking for a buffer strip of 3 metres between the railway line and the building.

Warwickshire County Council as Lead Flood Authority – It initially objected to the scheme as the east of the site is susceptible to surface water flooding during rainfall events including the 1 in 30 year rainfall event and the proposed 2.0 metre of level raising within the surface water flood extents (adjacent to the watercourse) would increase the risk of flooding to others. Following the submission of a Flood Risk Assessment, the Lead Flood Authority now has no objection to the scheme provided that the development is carried out in accordance with the approved Flood Risk Assessment and the following mitigation measure detailed in the FRA being:

- To mitigate the potential impact from surface water flooding, a minimum of 250 cubic metres floodplain compensation shall be provided in accordance with the site drainage plan.

Warwickshire Highway Authority – It confirms that it has no objection to the proposal. The proposal could generate up to 282 HGV movements per year which would equate to some 6 HGVs per month. It considers that this number can be accommodated on the existing highway network. The visibility splays can be achieved by cutting back the foliage. As such it confirms that there is no objection to the proposal subject to the imposition of planning conditions covering the improvements to the vehicular access into the site.

Warwickshire Wildlife Trust – The Trust confirms that the site is within close proximity to two potential Local Wildlife Sites: Brooklands Farm Meadow and the River Anker. Both sites appear to be hydrologically linked to the site via the stream which runs along its south eastern boundary and so there is a potential risk from contamination/ run off in to the watercourse during the construction or operational stages of the development. As such, suitable mitigation measures are required to be installed. There is a pond to the north-west of the site which lies within 100 – 200 metres of the development footprint which may be a habitat for Great Crested Newts.

## **Representations**

Mancetter Parish Council – It strongly objects to the proposal for the following reasons:

- The site history of this land includes the deposition of waste without the appropriate planning consents in place and the unauthorised use of one of the building's as a pine furniture sales outlet whereby an Enforcement Notice was subsequently served;
- The site appears dormant and gives a run-down impression and appearance and the buildings on site are unused.
- The site is designated as green field beyond the settlement boundary. There are strong links with this area and Queen Boudicca's battle in the rebellion against the Roman conquest of Britain. There is no provision in the proposal to carry out archaeological investigations prior to development;
- Public footpath AE100 crosses the adjoining land and is well used as well as the Arden Heritage Trail. Uncontrolled and constant emissions of noise, smell and dust will seriously affect the attraction of any number of visitors to the area;
- Alternative sites have not been thoroughly considered. This should include land that is not owned by the applicant;
- The application site does not include two sizeable and significant isolated parts of the field;
- Network Rail has stated in its comments that the proposed position of the building will be too close to the main line. The colour of the building is likely to be white which will make it more prominent in the landscape.
- The stable block is not used and has a run-down appearance. These buildings should be demolished if an alternative scheme is to be approved;
- Employment – this scheme will only employ one full time member of staff and up to six casual workers and so will not have a significant impact on employment in the area;
- Access to the site is within a 50mph speed limit close to a bend and this will cause a highway safety issue for road users;
- The 7 metre high vents will be casting out odour. There is an acute danger from the uncontrolled emissions, which contain particulates. It is understood that 15% of chicken factory workers have bronchial troubles;

- Mancetter Parish has experience of two specific industrial activities where companies have spent millions of pounds to make improvements to their processes to eliminate odours but their processes are still failing and the villagers are subject to foul odours;
- This proposal has the potential to pollute the surrounding watercourses from waste water;
- The proposal has the potential to attract a lot of flies;
- The applicant has not given sufficient attention to dealing with emergencies particularly as power failures in the locality are not uncommon;
- Details of the storage of anti-biotic feeds and chemicals on site have not been included in the application;
- Additional lorries for this development would significantly increase traffic noise particularly if its movement takes place outside regular weekday hours and at weekends and bank holidays. There would also be noise generated from reversing beepers and the constant “hum” of fans; and,
- The proposal will increase traffic generation through the village of Mancetter.

Hartshill Parish Council – It objects to this proposal. The site history of this land is outlined by the Parish Council. It expresses concern about the impact on the residents of Hartshill from odours and traffic; impact on any archaeological remains on the site; impact on the Nuneaton Road from the intensification of the use of this vehicular access; visual intrusion and environmental factors; size of the proposed building; noise from the high velocity fans and pollution to adjacent watercourses.

Atherstone Civic Society – It strongly objects to the proposal. The proposed building is a large industrial shed which takes no account of the character of the countryside as required by paragraph 17 of the NPPF. The proposed building would be highly visible from vantage points on the Hartshill Ridge, particularly from the bridleway/North Arden Heritage Trail on high land to the south. The proposed planting would not screen the building from these vantage points. There is no evidence to suggest that the building has been designed to reflect its setting. The site is close to the site regarded by many experts to be the place where Queen Boudicca fought her last battle against the Romans. Visitors come to look at the sites of Mancetter’s Roman history and these plans for a large scale building would hinder the promotion of this area for tourists. Mancetter has already taken more than its fair share of un-neighbourly uses with the long-established animal processing site at De Mulders and the Nuneaton Sewage Works.

Witherley Parish Council – It objects to the proposal as this Intensive Poultry use has the potential to pollute watercourses which feed directly into the River Anker which flows through Witherley Parish. It also expresses concern about the potential for odour nuisance and the spread of aerial pollutants over a wide area. It also considers that the estimated number of vehicle movements is too low; that employing one member of staff will not have any significant employment benefit and that insufficient evidence has been supplied to satisfactorily demonstrate that the proposed development would not have any harmful impacts in this countryside location.

502 objections letters/emails have been received from residents in Mancetter, Atherstone, Hartshill, Witherley and other areas in the country and from the owners of Dobbies Garden Centre relating to concerns about:

- The increased heavy traffic along Nuneaton Road. The road is inadequate to accommodate further heavy lorries. The Listed Buildings at Gramer Cottages are already suffering from cracking due to the heavy goods vehicles using this road.
- The vehicular access into the site from Nuneaton Road is wholly inadequate for this use. There is a solid white line along this part of the carriageway that discourages vehicles from passing.
- Smells and flies – this area is already badly affected by the odours that are produced from the animal rendering plant (Demulders) on Mancetter Road. The smells from this broiler unit will not only affect those properties next to the site but also Mancetter, Hartshill and Witherley. There is a potential for this proposal to generate a large amount of flies in the area.
- Noise – the fans used on the building will produce noise disturbance to surrounding residents
- Surface water pollution – there is the potential for the waste water to pollute the adjoining brook which feeds the River Anker.
- Issues with airborne pollutants contaminating the atmosphere;
- Animal welfare concerns regarding this intensive farming operation.
- This proposal introduces an industrial process activity into this area as it is not related to agriculture.
- The building proposed is large and obtrusive and will be clearly visible from views outside of the site.
- The proposed scheme will only employ one full-time member of staff and so will not generate a lot of employment opportunities in the area.
- Such a use will have a negative impact on the tourism industry in the area including visitors to Dobbies and Plantasia.

## **Observations**

### **a) Introductory Remarks**

Since the November Board meeting, the Environment Agency has issued a Permit for this Intensive Poultry Installation under the Environmental Permitting (England and Wales) Regulations 2010. A copy of the Permit and the supporting report is attached to this report at Appendix C. This Environmental Permit has been granted by the Agency as the operator has demonstrated that the proposed facility meets the requirements of UK and European Laws in how it will be designed and run. Public Health England was notified about this Permit application to ensure that there will be no harm to human health as a result of any proposed activity taking place at this site.

Members are reminded that the Board is dealing with a planning application for the erection of a livestock agricultural building and thus its remit is only to assess the planning merits of the proposal. The Planning Legislation (as stated in Paragraph 122 of the National Planning Policy Framework) clearly states that when determining applications, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that the planning system should operate on the basis that the relevant pollution control regimes will be properly applied and enforced. For this proposal the planning legislation assumes that the Environmental Permit will control odour, noise, litter and pests as well as handling and storage of residual wastes from the process such as poultry manure, dirty wash water and biomass boiler ash.

In this respect Members are not required to address matters that are more properly dealt with under this other legislation or question how the livestock building will be managed or make any judgement on the personal credentials of the applicant. In order to keep to its remit of only assessing the planning merits of this proposal, the guiding principle for Members is to ask whether the erection of a livestock building in this location accords with the Development Plan.

As such the determination of this proposal in this location requires a balanced assessment of the planning merits of:

- The principle of the proposed development;
- The impact upon residential amenities, in terms of odours and dust,
- The impact upon the landscape and visual amenities of the area,
- Ecological issues,
- The impact upon highway safety,
- Drainage and surface water run-off,
- Archaeological issues and the impact on historic environment and
- Other Considerations.

#### **b) The Principle of the Proposed Development**

The site is located in the open countryside and outside the development boundary for Mancetter.

Many objectors have expressed concern that the proposal for intensive poultry rearing constitutes a process more akin to an industrial process than an agricultural enterprise and is therefore inappropriate development in this location. The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes “the keeping and breeding of livestock (including any creature kept for the production of food), where that use is ancillary to the farming of land for other agricultural purposes.” Additionally, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 does include intensive livestock installations under the category of “Agriculture”. There is no case law available to suggest that intensive farming operations are industrial uses. The Council’s Agricultural Advisor also confirms that this operation can only be described as an agricultural use that falls within Section 336(1). As such, it is considered that this building is for the carrying out of an agricultural operation.

Policy NW1 of the Core Strategy states that development outside of a development boundary, and except where other policies of the Plan expressly provide, will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location.

As such the principle of development for agricultural purposes is accepted in this location.

### **c) Impact on residential amenities in general terms**

Modern broiler units can be operated without causing nuisance providing they are run with attention to detail to maintenance and operation, and providing their siting has been given the correct degree of analysis having regard to effects on local inhabitants, local roads and their traffic, landscape issues and the greater environment. Members have had the opportunity to visit an intensive poultry unit with similar bird numbers to the one being proposed. Although this building was an older structure than the modern building being proposed in Mancetter, Members were able to experience the impact on the environment from noise and odour which was limited to inside the building and standing close to the ventilation system which in this case was on the side of the building. From the car park area where Members parked which was some 20 metres away it was certainly not obvious that this building contained some 48,000 birds.

Policy NW10 of the Core Strategy, entitled Development Considerations, states that: "development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to." Paragraph 9 of this policy states that development should, "avoid and address unacceptable impacts upon neighbouring amenities through noise, light, fumes or other pollution". Saved Policy ECON7 (Agricultural and Forestry Buildings and Structures) in the North Warwickshire Local Plan 2006 further states that, "The construction or extension of agricultural or forestry buildings or structures will be permitted provided that in the case of livestock buildings, their siting is not likely to cause disturbance or loss of amenity to occupants of any permanent building off the farm."

The concerns being raised are acknowledged in that farm buildings used for the intensive rearing of animals could create environmental pollution of one kind or another, either air borne or water borne. Reference to a number of recent appeal decisions indicates a wide variety of concerns that may be raised, and of interest is the view expressed in some of the cases by respective Inspectors that a certain level of smell in the countryside is only to be expected. Such statements have of course to be set in the context of the provisions of Part 6 A(2)(1) of Schedule 2 of the General Permitted Development Order which specifically extends planning control over animal buildings and slurry storage within 400 metres of the curtilage of protected buildings. It needs to be made clear that the reference to this distance should not be misrepresented. It does not mean that there is a restriction or "ban" on agricultural buildings within 400 metres of a house. It is merely that within 400 metres, a planning application will be needed for the livestock unit in order that impacts can be thoroughly assessed. In other words the impacts will need to be assessed and that is therefore to be on a site-specific basis. Here the unit is within 400 metres of some 29 dwellings along the Nuneaton Road including Brooklands Cottage which is opposite the site entrance and as such this is the context for assessment. Dwellings that are classed as farmhouses are not included in the definition of protected buildings if the occupants work in the agricultural trade.

Nevertheless, as previously mentioned, the planning policy (as stated in Paragraph 122 of the National Planning Policy Framework) clearly states that when determining applications, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that the planning system should operate on the basis that the relevant pollution control regimes will be properly applied and enforced.

The Environment Agency has commented that they it has no objections to the proposal and that the permit issued includes controls on noise, dust, flies and odour from the installation. In the Permit, the Agency has set conditions which will protect the environment and people's health and ensure that odour and noise pollution from the broiler unit is kept to a minimum. The Agency will carry out periodic audits and inspections to check compliance with the permit. The Agency can additionally review permit conditions and change these conditions at any time. They can also take enforcement action if the permit holder breaks the conditions of the permit without reference to the Local Planning Authority.

#### **d) Odour**

This planning application is accompanied by an Odour Management Plan. An Odour Management Plan is a requirement of the Environmental Permit as this Intensive Poultry Installation is sited within 400 metres of sensitive receptors (in this case residential properties). Odour modelling uses the output of an atmospheric dispersion model to describe the statistically-likely concentration of odour emitted from a point or area on the surrounding environment.

Typically odours are grouped into three categories being:

- 1) the most offensive (such as the operation at the Sarval Animal Rendering Plant);
- 2) moderately offensive (such as the operation being proposed here for intensive livestock rearing); and
- 3) the least offensive (such as breweries, bakeries).

The Environment Agency guidelines published in April 2011 (H4 Odour Management guidance) set the benchmark at 3.0ouE/m<sup>3</sup> for these moderately offensive odours. In very general terms, based on the 'intensity' of the odour then:

- 1 odour unit is the threshold of detection (in the laboratory);
- 3 odour units is the point at which the smell is recognisable, i.e. it could be recognised as poultry odour.
- 5 odour units is noticeable (faint),
- 10 odour units is a distinct smell which can be intrusive.

The amount of time that someone is exposed to the odour; its intensity and the type of odour will all play a part in producing a state of annoyance. In addition, the sensitivity of any particular individual to an odour, their memories of past exposures and the timing of exposure (for example at meal times or perhaps when feeling unwell) are also key factors. The indicative exposure criterion applied to livestock at new installations is:

"3 ouE m<sup>-3</sup> as a 98th percentile of a year of hourly means at location xyz".

This means that an average concentration of 3 odour units (averaged over an hour) is to be met at a specified location for 98% of the time, as indicated by modelling.

The Odour Model submitted with the application shows the odour from a Poultry Installation Unit comprising of 90,000 birds in two units with high velocity stacks at 7 metres (copy attached at Appendix D). The shaded area shows the extent of the area which would be affected by an hourly exposure in excess of the Environment Agency's 98<sup>th</sup> percentile hourly mean of 3.0 µgE/m<sup>3</sup> within which the impact of odours arising from the operation at the site of two units housing 90,000 birds would be likely to be unacceptable. The closest sensitive dwellings at Brooklands Farm, Brooklands and Mancetter Spring Farm all fall outside of this 3.0 µgE/m<sup>3</sup> area.

The Environment Agency has produced a Technical Guidance Note entitled Odour Management at Intensive Livestock Installations (IPPC SRG 6.02). A copy of this report can be found at Appendix E. This Guidance Note states that once odorous emissions leave the source they undergo dilution and dispersion in the atmosphere downwind of the installation. Where odours are released at height, they are likely to be more effectively dispersed than those released at a low level or, inadvertently, from open doors. The design of ventilation systems is a specialist field but in general terms roof (apex) vents produce better dispersion of odorous releases than those positioned along the side of buildings (side wall vents). Members will recall that the Intensive Poultry Unit at Arley Lane Farm had vents along the side of the building whereas the proposed Installation will have vents sited at heights above the building.

The proposal before the Planning and Development Board is for one unit housing 40,001 birds in the south west corner of the site. The Odour Model for this unit will mainly be contained within the site with some odour being experienced on the agricultural land to the east of the site. There would be no sensitive receptors within this 3.0 µgE/m<sup>3</sup> area where the impact of odours arising from the operation would be likely to be unacceptable.

The Odour Management Plan submitted with the planning application identifies each source of odour from the operation and the actions taken to minimise odour and odour risk from the operation. The building has been sited so that it is located at the furthest point away from any sensitive receptor. The entrance door to this building is in the south eastern corner of the site.

Transport and disposal of manure also has the potential to generate odour although this does not constitute development. Control measures are included in the proposal to ensure that no manure will be stored on the site. All manure will be removed from the unit when the birds are removed at the end of the growing period. This manure will then be exported from the installation in covered HGVs for use in an energy recovery facility. Details of a Manure Management Plan have been submitted with the application which seeks to minimise the odours during the short period of time this removal process takes place.

Concerns have been expressed about these conclusions, as it is suggested that the Agency has not sought appropriate details from the applicant. The Agency has been invited to submit a written statement to explain how it assessed the likely impact of odour during its consideration of the Permit application. This will be circulated to Members prior to the meeting. However it is understood that the Agency will say that it has not used the Odour Model submitted with this planning application. Instead it has based its assessment on the applicant proposing a well-insulated fan ventilated unit with a full litter which meets the measures included in the Best Available Techniques (BREF) as published by the European IPPC Bureau and reproduced in the Agency's guidance EPR 6.09 Appendix 3 Section A3.2 for Broilers, together with the Odour Management

Plan being written into the Permit. Both of these provide the confidence behind its issue of the Permit and explains why the Agency did not ask for the raw data that informed the conclusion reached in the Odour Model.

Notwithstanding this, Members will be aware that the Odour Model that accompanies the application was based on a much larger operation at this site – 90000 rather than 40000 birds - and it therefore represents a “worst case scenario”.

Concerns have also been raised about the cumulative impact of odour from other operations with Environmental Permits in close proximity to this site. In other words the “threshold” for potential odour pollution should be lower than that for a stand-alone plant. The other sites are the Sarval Animal Rendering Plant site at Mancetter Road and Severn Trent Water’s Reclamation Works at Woodford Lane. Again, these uses are controlled under the Environment Permitting (England and Wales) Regulations 2010. These uses emit odour categorised as the “most offensive.” Through the use of Best Available Technology these operations have modernised the technology they use in order to reduce the level of odour being emitted from these plants.

The Environment Agency has responded to the fears about this cumulative effect from Sarval some 1km to the south east of the proposed Installation by stating that:

*“If there are odour issues from either site, the wind direction at the time could be used to determine where the odour originates and the source investigated accordingly. Due to the locations of the sites and the wind direction, the likelihood of a cumulative impact is low. Whilst we accept that intensive farming has the potential to cause odour we are satisfied that the odour impacts from well-run facilities can be managed. If this site operates in accordance with the permit, odour will not be an issue.”*

In other words the Agency is saying that each site is the subject of controls using the best available technical knowledge; that there being breaches of the controls at the same time is thus a low risk and that as the sites are spaced apart, dispersal and wind direction would be major factors in reducing an adverse cumulative impact. The Agency does not therefore consider that a reduced threshold should thus apply.

#### **e) Air Emissions**

The Odour Management Plan contains actions to minimise the creation of dust/bio-aerosols and ammonia at the operation. The best available evidence in relation to bio-aerosol emissions is that they return to existing levels at about 100 metres from the source. Measures are contained within the Environmental Permit to either prevent emissions and where this is not practicable, minimise them. The Environment Agency has concluded in the Permit that the Installation will not cause any significant harm to human health.

Defra’s guidance is that dust should only be considered further where the number of birds housed exceeds 400,000 and there are residences within 100 metres. In this case, although there is a residence within 100 metres, the number of birds would be 40,001. As this proposal is some 90% short of this trigger point then exposure to dust is not required to be considered further other than within the Environmental Permit.

A Health Protection Agency Position Statement for Intensive Farming is attached to this report at Appendix F. This Position Statement concludes that these Intensive Farming Installations are likely to be of a low public health impact. Public Health England is a Statutory Consultee for the IPPC Permit process. Public Health England was notified

about Permit application before it was issued to ensure that there will be no harm to human health as a result of any proposed activity taking place at this site.

#### **f) Noise**

The proposed development has the potential to generate noise. The Environment Agency has published a Technical Guidance Note on Noise Management at Intensive Livestock Installations (IPPC SRG 6.02 Farming). A copy of this Technical Guidance is attached at Appendix G.

A Noise and Vibration Assessment has been submitted with the application which studies the potential adverse effect of noise arising from the proposed development on the amenity of sensitive receptors. The sources of noise at the site are limited to the following activities:

- unloading of replacement birds, feed and fuel at the site;
- mechanical ventilation of the buildings,
- removal of birds from the site, clearing and removal of broiler litter, and washing down and,
- on-site vehicle movements including staff, maintenance and waste removal vehicles.

In the Plant Noise and Vibration Assessment, the noise from the heat exchanger is identified as having the highest Sound Pressure level. The final scheme has been informed by the results of the noise assessment, with additional mitigation measures including quieter extraction fans and the use of an acoustic barrier around the heat exchanger. The heat exchanger has also been located at the furthest point away from receptors. With the measures in place the assessment concludes that:

*“Noise intrusion assessments on the proposed plant have shown that noise levels from the unit are predicted to be within the BS 8233 criteria at nearby sensitive receptor locations on the basis of worst case assumptions. Therefore, the proposed development will not have a ‘significant adverse impact’ on health or quality of life.”*

The Environmental Health Officer has confirmed that the noise assessment show that this proposal should not have any adverse impact on nearby properties. To ensure that the installation is operated in this low level of noise, a Noise Management Plan has been prepared and is controlled through the Environmental Permit. With regards to the noise generated by HGVs a condition is recommended limiting the hours that HGVs can access the site to no earlier than 0700 and no later than 1900 each weekday.

#### **g) Conclusions on Residential Amenity**

Although this proposal involves an Intensive Poultry Installation within 400 metres of residential dwellings, this needs to be balanced against the way the building has been designed and how the management of the operation has been limited in the Environmental Permit to mitigate any potential impacts from this operation on these residential dwellings. The applicant has stated that to construct this Intensive Poultry Installation they are committed to invest some £750,000 into the Installation to ensure that these Best Available Techniques as set out in the Environmental Permit are used. As such it is concluded that this modern unit can be operated without causing nuisance

providing the detail on maintenance and operation as outlined in the Environmental Permit is fully complied with.

The Environment Agency and the applicant have agreed to participate in a Liaison Group for this Installation. The membership for this Liaison Group would comprise of representatives from Mancetter Parish Council, Hartshill Parish Council and local Members. This Group would meet on specified dates to discuss any operational issues arising in the locality. In particular the applicant could provide the dates when the unit would be cleaned and waste removed.

Indeed, if there are any breaches to this Permit then these will be enforced by the Environment Agency. As part of the Environmental Permit, the operator must display a notice board at the entrance to the site giving contact numbers which must include the Environment Agency 24 hour pollution incident hotline 0800 80 70 60 as well as a contact number for the Operator.

To ensure that this operation remains a process regulated under the Environmental Permitting (England and Wales) Regulations 2010, it is recommended that a condition is imposed on any consent granted stating that the number of birds occupying the site shall exceed 40,001 at all times but that this number shall not exceed 40,200 in recognition of the limited size of this site and its close proximity to a residential area.

#### **h) Impact upon the landscape and visual amenities of the area**

The site falls within the Anker Valley Landscape Character Area which in this area is defined by a gently sloping broad valley with mainly large, arable fields enclosed by managed hedges, scattered and waterside trees. The building proposed would be a large agricultural building with a footprint of some 2310 square metres. The concerns being raised are that the proposed building takes no account of the character of the countryside as required by paragraph 17 of the NPPF. It is claimed that the building would be highly visible from vantage points on the Hartshill Ridge, particularly from the bridleway/North Arden Heritage Trail on high land to the south and that the proposed planting would not screen the building from these vantage points. As such the objections being raised are that there is no evidence to suggest that the building has been designed to reflect its setting.

The wider setting of this area is a mixture of an agricultural landscape with dispersed farms and an urban setting comprising man-made features such as the railway embankment, the residential settlement of Mancetter and the modern buildings at Dobbies Garden Centre and Sarval Animal Rendering Plant.

The proposed structure does have a large footprint. However, the structure has a height restricted to 3 metres to its eaves, 5.9 metres to its pitch and 7 metres to the top of the ventilation system. The elevation plan is attached to this report at Appendix H. The picture below relates to the image of the proposed building as taken from the manufacturer's literature.



The proposal is to reduce the ground levels at the highest part of the site (the north-western part) by 2 metres which will result in this building being no higher than the railway embankment it adjoins. This railway embankment is vegetated. Siting the building against this railway embankment lessens the impact of this modern agricultural building on the wider setting. From elevated locations, the development would be visible, albeit sitting against the elevated railway embankment. Given the distances involved from these elevated locations, in particular the Hartshill Ridge, the effect on the landscape would be of limited significance. The proposal also involves the removal of an equestrian building close to Nuneaton Road which will be of benefit to the landscape in this area.

The mature hedgerow which bounds the site and includes Nuneaton Road will be retained. The proposed planting scheme will ensure that any gaps in the boundary vegetation will be blocked up in order to screen views of the building from closer viewpoints. By controlling the use of the materials that this building would be constructed from, this will ensure that the building can blend into the existing landscape.

As such it is concluded that the orientation, separation, relative height compared to the railway embankment and the presence of hedges and trees would ensure that any impact on the open countryside in this location will be limited.

#### **i) Ecological Issues**

There are no nationally or locally designated ecological sites within the site with the closest being Woodlands Quarry, Boon's Quarry and Illings Trenches SSSIs which are appropriately 1.2 km to the south.

With regards to the potential impact to protected species on the site, Great Crested Newts have been found in the pond to the north-west of the site. A survey of the Great Crested Newt population has been undertaken and an associated mitigation plan accompanies this planning application. The report concludes that subject to the requirements of the mitigation plan which includes the construction of site fencing and the licensed catching of the Newts, then the proposed development would not adversely impact on the Great Crested Newt species on the site.

No adverse comments have been received from Warwickshire Wildlife Trust or the Environment Agency with regards to the proposals to relocate the Great Crested Newts on the site. It is considered that a planning condition would suffice to ensure that this licensed catching and relocation occurs before development commences on site.

With regards to other likely ecological issues, the proposal does not involve any felling of trees or the removal of hedgerows. To ensure that contractors do not cause damage to roots during construction, it is recommended that a planning condition is imposed to ensure that an appropriate root protection barrier is installed during the construction period.

The proposal includes the excavation of a surface water balancing pond and additional landscape planting to introduce a new wooded area. These additional ecological features will help to mitigate the proposed development.

#### **j) Impact upon highway safety**

Concern is raised regarding the implication of the traffic generated on highway safety on the B4111. Saved Policy TPT1 in the North Warwickshire Local Plan 2006 requires that development will only be permitted where, individually or cumulatively there would be sufficient capacity within the transport network to accommodate traffic generated by the proposal and where there would be no additional hazard to traffic safety or detriment to access visibility.

The figures provided state that the proposed development could generate up to 282 HGV movements per year compared with up to 40 HGV movements for the previous planning approvals at this site for keeping laying pullets. This would equate to approximately 6 HGV's accessing the site each month. The Highway Authority has no objection to the proposal. It states that these HGV movements can be accommodated on the existing highway network, along with all of the other vehicle movements associated with the proposed development. Visibility splays from the vehicular access to the site can be achieved in accordance with guidance, but will require the foliage to be cut back prior to any works commencing and then maintained as such.

From the traffic forecast figures provided, the vast majority of movements to the proposed development relate to daily visits by the farm worker (amounting to two movements per day) and the once a week feed delivery.

The Highway Authority states that the existing and proposed access is not considered suitable for the purpose intended. As such planning conditions are required to be imposed to ensure that the access is rebuilt with kerbed radii and surfaced with a bound material for a minimum distance of 20.0 metres.

For the above reasons, it is concluded that there would be no impact on highway safety from the proposal and that the proposal would comply with Saved Policy TPT1.

### **k) Drainage and surface water run-off**

Concerns are raised in respect of possible flooding. A Flood Risk Assessment has been prepared to accompany this application. The site is located within Flood Zone 1 (considered to be at little or no risk of flooding) on the Environment Agency maps.

Warwickshire County Council as Lead Local Flood Authority for the area state that the east of the site is susceptible to surface water flooding during all rainfall events including the 1 in 30 year rainfall event. It initially expressed concerns that the proposed 2.0 metres of level raising within the surface water flood extents (adjacent the watercourse) would increase the risk of flooding to others.

As a result of the concerns raised, additional information has been submitted showing the relocation of the proposed surface water balancing pond to the west of the site and so outside of the area which is susceptible to surface water flooding. The Lead Flood Authority offers no objection to the proposal providing conditions are imposed to ensure that a minimum of 250 cubic metres of floodplain compensation are provided in accordance with the site drainage plan and provided that a detailed surface water drainage scheme is implemented on the site.

All of the proposed external hardstanding areas have kerbs and have been laid to falls which drain towards gullies which collect surface water and drain to the balancing pond with pollution cut-off valves. The capacity of the balancing pond is 145m<sup>3</sup>. All run-off from the roof of the new building will be collected and discharged into the balancing pond. From the balancing pond, the water will be discharged into the adjacent watercourse at a rate of no more than 2 litres per second, controlled by a hydraulic brake.

During wash-down, water and cleaning chemicals would run out through the main building entrance and be collected by a lateral drain at the building entrance which would run to an underground reception pit. The capacity of this reception pit would be 31.6m<sup>3</sup>. This underground reception pit has been relocated to nearer to the attenuation pond. Water from this pit would be pumped out by a registered contractor using a vacuum tanker and taken off-site at the end of each cycle or more frequently if required.

Based on the above it is accepted that the risk of flood waters affecting the building or the surface water balancing pond is extremely unlikely over the lifetime of the development. With the excavation of the on-site balancing pond and the control mechanisms in place to limit the discharge of surface water into the adjoining watercourse, the proposed development would mitigate the potential for increased flooding downstream from the site and so comply with Policy NW10 in the Core Strategy and Government guidance in the NPPF. Measures have also been designed into the installation to ensure that the development would not give rise to any pollution of surface or ground waters.

### **l) Archaeological issues and impact on historic environment**

The site is close to the site regarded by many experts to be the place where Queen Boudicca fought her last battle against the Romans. Concerns are raised that the erection of a large livestock building in this location would hinder the number of visitors who come to look at the sites of Mancetter's Roman history.

The Council has a statutory duty to have special regard to preserving; enhancing and conserving heritage assets. Additionally Policy NW14 (Historic Environment) in the Core Strategy 2014 states that the quality of the historic environment, including archaeological features, Scheduled Ancient Monuments and archaeological sites will be protected and enhanced, commensurate to the significance of the asset.

The heritage asset here is that proposed development is located in an area of archaeological potential at Mancetter. The significance of the asset is that to the north east of the site archaeological deposits associated with an extensive Romano-British settlement have been identified. However, the application site lies outside of the area of land designated as a Scheduled Ancient Monument. To the north-west the remains of a sequence of fortresses, built by the Roman army have been identified. To the west of the application site an area of deserted medieval settlement has been identified as well as an area of early medieval iron production. Therefore, there is the potential for archaeological deposits associated with the occupation of the wider area from at least the Roman period to survive across this site and thus to be potentially disturbed by the development.

The Planning Archaeologist at Warwickshire County Council has provided comments on this application. She states that whilst she does not object to the principle of development on this site, some archaeological work will be required before development commences comprising a first phase of archaeological evaluation by trial trenching. As such it is her opinion that the site can be developed without having a significant impact on preserving any archaeological remains.

There are views towards the site from the Scheduled Ancient Monument. The views are filtered by vegetation and the proposal to lower the ground level of the site by 2.0 metres will reduce these views.

The specific concerns relate to the effect of noise and odour on this area of Roman Remains and the view that this would hinder the promotion of this area for tourism. This report has already concluded that there would be no unacceptable or significant adverse effects on the character and appearance of the surrounding rural area and that there would be no adverse impact on the surrounding area from noise and odour. An archaeological watching brief would ensure that any finds are recorded.

#### **m) Other considerations**

The competency of the operator to operate this Intensive Poultry Installation has been questioned by a number of objectors. A planning permission granted here would run with the land and not restricted to an individual and so the competency of the operator is not a material planning consideration. Within the Environmental Permit application, the Operator has to demonstrate by way of their management system (condition 1.1 in the permit) that staff training and development requirements are met, along with provision for keeping up-to-date with technical and legislative changes. The operator would have to employ staff who are trained and experienced in poultry rearing to operate this site in accordance with the requirements of the permit. The competence of the operator is considered throughout the life of the permit.

The welfare of the birds has been voiced by objectors. Approximately 70% of chickens raised for meat globally are raised in intensive farming systems. The welfare of all poultry is protected by other legislation notably The Animal Welfare Act 2006 and supplemented by Schedule 1 of Welfare of Farmed Animals (England) Regulations 2007 as amended. The welfare of laying hens and conventionally reared meat chickens are further protected by more detailed requirements in Schedules 5 (laying hens) and 5A (meat chickens) in the Welfare of Farmed Animals (England) Regulations 2007 as amended. The Department for Environment, Food and Rural Affairs has published guidance which deals specifically with welfare considerations for managing poultry livestock to ensure that the poultry is looked after in ways that meet their welfare needs - ensuring they do not experience any unnecessary distress or suffering.

The welfare of the birds if there is an interruption in the electricity supply has been raised as a concern in the objection letters received. A generator will be permanently available on site to provide backup power.

Network Rail has expressed its concerns that the block plan appears to show the applicant erecting the broiler unit hard against Network Rail's boundary. It states that the railway line is electrified with 25,000 volt AC overhead units which will have a safety issue for the proposed 40000 birds as well as anyone working on the construction of the building or undertaking any future maintenance on the building. The agent has confirmed that a buffer strip in excess of 4.8 metres from the boundary will be provided.

A Risk Assessment Method Statement will be provided prior to construction and the fencing along this embankment would remain as existing.

Although the Installation would only employ one full-time member of staff and other part-time members of staff, the proposal would contribute to the local economy through an investment of around £750,000 that would provide work for local contractors and suppliers during the construction phase and in respect of future maintenance. These are considerations which weigh in favour of allowing the proposal.

## **n) Conclusions**

The principle of an agricultural building in this countryside location is accepted in accordance with Policy NW1 in the Core Strategy 2014. The concerns raised relate to its use as an Intensive Poultry Unit within 400 metres of sensitive receptors. This Board report has balanced each of the issues raised and assessed these issues against the Development Plan policies. As stressed, a lot of the issues raised during the consultation process relate to activities that could harm the environment and human health and these are activities controlled by other legislation in this case through the Environmental Permit. Indeed, the National Planning Policy Framework states that the planning system should operate on the basis that the relevant pollution control regimes will be properly applied and enforced. For this proposal the planning legislation assumes that the Environmental Permit will control odour, noise, litter and pests as well as handling and storage of residual wastes from the process such as poultry manure, dirty wash water and biomass boiler ash. Members should also take into consideration that a certain level of smell is likely to be expected in the countryside as a consequence of agricultural activity. Of relevance here is how any impacts can be managed and that is the purpose behind the permitting system.

As can be seen from above there has been concern expressed by the local community that the Environment Agency has not undertaken due care and diligence in the issue of the Permit. In particular this is to do with the data upon which the assessment was made and the low weight given to looking at cumulative impacts. The Agency strongly rebuts such a suggestion. The Agency in this case has undertaken two extensive public consultations and attended a public meeting. It took the unusual step of issuing a draft Permit for further consultation and extended the period for responses. The matters raised in that period have been considered and addressed by the Agency and reasons set out why those concerns did not lead to a re-consideration of the issue of the Permit. These reasons are set out in its supporting statement – Appendix C and in section (d) above together with the additional information that is to be submitted by the Agency. Officers are therefore satisfied that these matters have been properly investigated and considered by the Agency. Indeed this has been verified by the Agency's National Permitting Service. The Council's remit here has thus been met. If objectors maintain their position then that should be followed up directly with the Agency and its complaints procedures.

The building and its associated infrastructure has been sited against an elevated railway embankment in the furthest most corner of the site. The proposal involves additional landscaping and controls over the use of materials to construct the building. As such its impact on the landscape is minimal. Through the use of planning conditions this use can be restricted so that it remains a process regulated under the IPPC regulations and its operation is restricted so that this land use will have a minimal impact on the amenity of the area.

Permitted development rights are to be removed so that any alterations or extensions to the building are strictly controlled through the planning system in view of the balanced arguments in favour of this size of building, in this location and for this number of birds. Permitted development rights are also removed for the installation of solar panels which have the potential to cause glare when viewed from these distant views.

It is recommended that as part of any consent granted for this use a Liaison Group should be established comprising of representatives of the Environment Agency, the applicant, Mancetter Parish Council, Hartshill Parish Council and Local Members to ensure that any issues are highlighted at an early stage and mitigated against. It is recommended that this Liaison Group meets on a six-monthly basis.

## **Recommendation**

A) That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: RAC/6004/2 Rev C; RAC/6004/3 Rev B and Site Drainage Plan Rev B received by the local planning authority on 5 November 2015 and the Location Plan and Broiler Unit Elevation Plan received by the local planning authority on 4 June 2015.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 as amended or in any statutory instrument revoking and re-enacting those Orders with or without modification, the development hereby approved shall only be used as a broiler unit.

REASON

In view of the need to control any future proposals in this semi-rural location.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the unit including the fixing of solar panels shall be erected or made at any time.

REASON

In the interests of the residential amenity of the area and in view of the setting of this countryside location.

5. The number of birds occupying the poultry unit hereby approved shall exceed 40 001 at all times but shall not exceed 40 200 at any time.

REASON

To ensure that this Intensive Poultry Installation is continually operated under the Environmental Permitting (England and Wales) Regulations 2010 whilst acknowledging the limits of the site.

6. Before the building is brought into use the existing stable block as shown on the Drawing entitled "Site Drainage Plan Rev B" received by the local planning authority on 5 November 2015 shall be removed from the site along with the associated hardstanding and the land shall be made good to the satisfaction in writing by the Local Planning Authority.

REASON

To prevent the over-intensification of this plot of land and in the interests of highway safety.

7. No development at all of any part of the building hereby approved shall be sited within 4 metres of the boundary of the site with the railway embankment.

REASON

In the interests of ensuring that the development does not interfere with the safe operation of the railway line.

8. Prior to the construction of any building approved by this consent, a minimum of 250 cubic metres of floodplain compensation shall be provided on site in accordance with the site drainage plan drawing ref: RAC/6004/7 Rev B received by the local planning authority on 5 November 2015. The mitigation measures shall then be fully implemented prior to occupation of the buildings.

REASON

To mitigate the potential impact from surface water flooding on the site.

9. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual,' CIRIA Report C753 as well as CIRIA C697, C687 and the National SuDS Standards.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus an appropriate allowance for climate change critical rain storm to the equivalent Greenfield runoff rates for the site;
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments.'
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; and,

- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

10. Only clean roof water and clean yard areas shall be allowed to drain to the attenuation pond and drain to the watercourse. Contaminated concrete yard areas must not be allowed to drain to the attenuation pond or be released to the watercourse. Yard areas contaminated with manure during shed cleaning/manure removal must be cleaned down to an underground tank of adequate size and removed off site for appropriate disposal.

REASON

To protect the water environment.

11. Heavy Goods Vehicles (HGVs) shall only access or egress the site between the hours of 0700 and 1900 Mondays to Fridays and between the hours of 0700 and 1200 on Saturdays. There shall be no HGV movements outside of these hours and no movements on Sundays and Bank Holidays.

REASON

In the interests of the residential amenity of the neighbouring dwelling houses.

12. Before development commences the area of the site identified as containing Great Crested Newts in the Great Crested Newt Survey Report June 2015 shall be fenced off and the great crested newts shall be captured and relocated to a habitat created, enhanced and set aside for their long term protection and management in accordance with the 2001 Natural England Great Crested Newt Mitigation Guidelines.

REASON

To ensure that this European protected species is not damaged.

13. A root protection barrier of the type recommended in the BS5837:2012 Trees in relation to design, demolition and construction – Recommendations shall be installed around all hedgerows and trees likely to be effected by the construction phase of this development.

REASON

In the interests of preserving the ecology of the site.

14. Before development commences on site the following details shall be submitted for approval:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the local planning authority in consultation with the Warwickshire County Council Archaeological Information and Advice Team.
  - b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.

#### REASON

In view of the site's location within an area of archaeological potential associated with the extensive Romano-British settlement identified to the north east.

15. Before development commences on site (with the exception of any groundworks associated with the archaeological evaluation detailed above), an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in condition (10) above.

The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy is to be undertaken.

#### REASON

In view of the site's location within an area of archaeological potential associated with the extensive Romano-British settlement identified to the north east.

16. Access to the site for vehicles shall only be from the position shown on the approved drawing ref: RAC/6004/8 providing a bellmouth with radii of 6.0 metres, an access of not less than 6.0 metres in width for a distance of 20.0 metres, as measured from the near edge of the public highway carriageway, and gates hung within the vehicular access not to open within 20.0 metres of the near edge of the public highway carriageway. The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

#### REASON

In the interests of highway safety.

17. Notwithstanding the plans submitted, the access to the site for vehicles shall not be used unless it has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority, and surfaced with a bound material for a distance of 20 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

18. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles.

REASON

In the interests of highway safety.

19. No development shall be commenced before full details of the colour and reflectivity of the external materials proposed in the construction of the buildings and feed bins hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented.

REASON

To minimise the impact of this building and its associated infrastructure on the surrounding area.

20. No floodlights or tannoys shall be placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

21. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

22. The scheme referred to in Condition No 21 shall be implemented within six calendar months of the date of occupation of the premises for business purposes, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

#### REASON

In the interests of the amenities of the area.

#### Informatives

1. Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc. rather than just the use of infiltration techniques. Support for the SuDS approach is set out in the NPPF.

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve issues arising. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
  3. Great Crested Newts have been found on the site. The applicant will be required to apply for a licence from Natural England to relocate these Great Crested Newts prior to any works commencing on site.
- B)** That the Head of Development writes to the Environment Agency on behalf of the Board to request that a Liaison Group is established comprising representatives of the Environment Agency, the applicant, Mancetter Parish Council, Hartshill Parish Council and Local Members to ensure that any issues are highlighted at an early stage and mitigated against. It is recommended that this Liaison Group meets on a specified dates to discuss any operational issues arising and in particular early notification of the clean-out days.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0348

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement	9/6/15
2	Mancetter Parish Council	Objection	23/7/15
3	Atherstone Civic Society	Objection	16/7/15
4	Planning Archaeologist, WCC	Consultation response	10/7/15
5	Witherley Parish Council	Objection	13/7/15
6	GVA Grimley	Objection	9/7/15
7	Lead Local Flood Authority, WCC	Objection	19/6/15
8	Environmental Health Officer	Consultation Response	8/7/15
9	Environment Agency	Consultation Response	30/6/15
10	WCC Highways Authority	Consultation Response	15/6/15
11	Agent	Email	6/7/15
12	502 residents	Objections	June – July 2015
13	Network Rail	Consultation Response	16/6/15
14	S. Wilkinson	Screening Opinion	16/6/15
15	Environment Agency	Email	5/10/15
16	S. Wilkinson	Email	5/10/15
17	Environment Agency	Draft Environmental Permit	6/10/15
18	S. Wilkinson	Email	6/10/15
19	S. Wilkinson	Letter	8/12/15
20	Lead Local Flood Authority, WCC	Consultation Response	6/11/15
21	Agent	Amended plans	5/11/15
22	Environment Agency	Environmental Permit	21/12/15

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

**(7) Application No: PAP/2015/0348**

**Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF**

**Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for**

**Crown Waste Management**

**Introduction**

This application is reported to the Board at the discretion of the Head of Development Control in view of the significant local interest registered against this proposal during the consultation exercise and due to the determination of this application resting on a finely balanced assessment of the planning merits. In this circumstance it is suggested that the Board visit an Intensive Poultry Installation in the Borough.

**The Site**

This is a rectangular area of part of a much larger grassland field on the south side of Nuneaton Road (B4111). It measures some 0.92 hectares. There are two residential properties to the north of the site with one of these properties opposite the vehicular access to the site. The West Coast railway line bounds the site to the south west with one further residential property located beyond this railway line to the south west of the site. The settlement of Mancetter lies to the north-west of this site.

The development site is situated at approximately 80 metres AOD on a gentle south-easterly slope. There is a stable block and storage building in the eastern corner of the field, with the land in a long-term grass ley.

The site location is illustrated at Appendix A.

**The Proposal**

The proposal is for the erection of a broiler shed, control room and associated infrastructure. The building measures some 110 metres by 21 metres to a height of 3 metres to its eaves and 5.9 metres to its pitch. The building will be ridge ventilated with 18 high speed roof fans with emission points 7 metres above ground level and an efflux speed greater than 7 metres per second. In addition to the fans, windows on the sides of the building allow for natural ventilation. Other associated infrastructure includes two feed silos, a heat exchanger and an underground collection pit within a concrete yard.

The building will be constructed on a concrete base with surface water draining to an attenuation pond. The building would run parallel with the boundary of the railway.

The installation comprises a single broiler unit providing capacity for 40,001 broiler places. Day old chicks are brought into the unit and are fed and watered until they reach about 37 days of age, at which point they are removed from the site and taken to a meat processing facility. There is a 7 day cleaning period and with stocking and destocking time the average cycle is 48 days.

Manure is removed from the unit when the growing cycle is complete and the birds are removed. All manure is to be exported from the installation for use in an energy recovery facility. Water from the wash out of the poultry house, and condensate from the heat exchanger will be channelled to a covered reception pit close to the broiler unit to await collection and export off site. Roof water and yard rain water will be directed into drains and into a rainwater attenuation pond before a controlled release to the adjacent watercourse.

A number of supporting documents have been submitted.

- A Supporting Statement;
- A Great Crested Newt Survey;
- An Odour Management Plan;
- A Site Drainage Plan;
- A Vehicular Access Plan; and,
- Rejected Alternative Site Details;

### **Background**

Historically there have been planning applications at this site associated with the agricultural and equestrian use of this site, namely through the erection of a stable block, an agricultural building and a vehicular access.

### **Development Plan**

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation).

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 10 (Agriculture and the Rural Economy); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON7 (Agricultural and Forestry), and TPT1 (Transport Considerations).

### **Other Relevant Material Planning Considerations**

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Under the Environmental Permitting (England and Wales) Regulations 2010, an Environmental Permit will be required from the Environment Agency for this Intensive Poultry Installation. The Environment Agency is currently considering an application made to them by Crown Stables for the Installation of a single broiler unit providing capacity for 40,001 broiler places.

### **Observations**

The site is located in the open countryside and outside the development boundary for Mancetter.

Concerns have been expressed that the proposal for intensive poultry rearing constitutes a process more akin to an industrial process than an agricultural enterprise and is therefore inappropriate development in this location. The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes "the keeping and breeding of livestock (including any creature kept for the production of food), where that use is ancillary to the farming of land for other agricultural purposes". The Design and Access Statement indicates that the applicant owns very little land in the vicinity. Nevertheless, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 does include intensive livestock installations under the category of Agriculture. There is no case law available to suggest that intensive farming operations are industrial uses. The Council's Agricultural Advisor also confirms that this operation can only be described as an agricultural use that falls within Section 336(1). As such, it is considered that this building is for the carrying out of an agricultural operation.

Policy NW1 states that development outside of a development boundary and except where other policies of the Plan expressly provide, will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. As such the principle of development for agricultural purposes is accepted.

However, the erection of an Intensive Poultry Installation in this location raises the following issues:

- Impact upon residential amenities, in terms of odours and dust;
- Impact upon the landscape and visual amenities of the area;
- Ecological issues;
- Impact upon highway safety;
- Drainage and surface water run-off; and,
- Archaeological issues and impact on historic environment.

In this case the balance between the principle of agricultural development in this location and the likely impacts that such a use has the potential to cause will be at the forefront of the discussion when the Board determines the application. As such, it is recommended that an Intensive Poultry Installation is visited by Members in order that they can better understand the operation of such an Installation.

The owners of Arley Lane Farm, Station Road, Arley have agreed that Members may visit their Poultry Unit at an organised site visit on a date to be arranged. The Unit is not a Broiler Unit but it is a 70,000 bird Intensive Poultry Rearing Unit where birds are kept from day old chicks up to 16 week old pullets ready for sale as laying pullets. The building at Arley Lane Farm is a two-storey building.

It is also recommended that Members take the opportunity to familiarise themselves with the site involved with this planning application and its surroundings from Nuneaton Road.

**Recommendation**

That a site visit to Arley Lane Farm, Station Road, Arley is organised prior to the determination of this application at Crown Stables, Nuneaton Road, Mancetter.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0348

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement(s)	8/6/15

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



4/100

5/43

**Site Visit 21 November 2015**

**PAP/2015/0348: Crown Stables, Nuneaton Road, Mancetter**

**Intensive Poultry Unit, Arley Lane Farm, Station Road, Arley**

Present: Cllrs Bell, Davies, L. Dirveiks, N. Dirveiks, Henney, Jarvis, Jenns, Jones, Lea, Lewis, Moss, Phillips, Simpson, Sweet, A. Wright

S. Wilkinson (Case Officer), Mr K. Aslam (applicant), employee of Potters Poultry

10.35am – Site Visit commenced at Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Members walked to the location of the proposed building. The design and dimensions of the building were explained along with its location alongside the railway embankment and watercourse. The height of the railway embankment was discussed compared to the height of the building.

The location of the surface water balancing pond was shown along with the location of the sealed foul water container, the feed silos, the heat exchanger and the extent of the hardstanding area.

Questions were raised about the changes in ground level. It was explained that the building would be dug into the ground so the ground level would be at the lowest part of the field which is some 5 metres lower.

Members walked back to the vehicular access onto Nuneaton Road.

11.15am – Potters Poultry, Arley Lane Farm, Station Road, Arley, CV7 8GD

Members walked around the outside of the Intensive Poultry building. Members then looked inside the building. There were 48,000 chicks aged 3 weeks old. These chicks are being raised as laying pullets.

It was explained that this building is some 20 years old and has two floors each containing chickens. On the ground floor the chicks are kept in deep litter. On the first floor the manure is transported out of the building on a conveyor building. This is different to the building proposed at Mancetter which is a single storey unit where the chickens will be kept in deep litter and all manure will be contained within the building.

Members walked into the first floor level of the building and observed the chicks through an open door.

The site visit finished at 11.55am.

SMW 21/11/15



## Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2010

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Crown Waste Management Limited

Crown Stables  
Nuneaton Road  
Mancetter  
North Warwickshire  
CV9 1RF

**Permit number**

EPR/TP3035EW

Permit number  
EPR/TP3035EW

1

# Crown Stables

## Permit number EPR/TP3035EW

### Introductory note

The main features of the permit are as follows.

Crown Stables Poultry Unit is situated to the south of Mancetter, North Warwickshire. The installation is approximately centred on National Grid Reference SP 32381 96053.

The installation is operated by Crown Waste Management Limited and comprises a single broiler unit providing capacity for 40,001 broiler places.

Day old chicks are brought into the unit and are fed and watered until they reach about 37 days of age, at which point they are removed from the site and taken to a meat processing facility. There is a 7 day cleaning period and with stocking and destocking time the average cycle length is 48 days.

The chicks are bedded on wood shavings to a minimum depth of 2cm, fresh bedding is added throughout the cycle. Non-leaking drinking systems will be used so that the litter does not get too wet, and reducing the likelihood of run off to the underground reception pit.

The broiler unit is ventilated by 18 high speed roof fans with emission point 7 metres above ground level and an efflux speed greater than 7 metres per second. In addition to the fans, windows on the sides of the building allow for natural ventilation.

Other associated infrastructure includes two feed silos, a heat exchanger to regulate the temperature in the building, the underground reception pit located within a concrete yard and an attenuation pond for collection of uncontaminated rainwater from the yard within the installation boundary.

Manure is removed from the unit when the growing cycle is complete and the birds are removed. All manure is exported from the installation for use in an energy recovery facility. Water from the wash out of the poultry house, and condensate from the heat exchanger, is channelled to the covered reception pit to await collection and export off site. Roof water and yard rain water is directed into drains and into a rainwater attenuation pond before a controlled release to the adjacent watercourse.

The broiler feed is stored in sealed feed bins, which are filled via a closed delivery system. Carcasses are collected and stored in a secure container on site for removal. At the end of the cycle the houses are depopulated, washed and disinfected ready for the next cycle.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application EPR/TP3035EW/A001	Duly made 28/04/15	Application for an intensive farming poultry installation permit.
Additional information received	04/06/15	Clarification on heat exchanger, noise management plan and receptors.
Additional information received	27/07/15	Updated OMP, site drainage plan
Additional information received	18/08/15	Clarification on attenuation pond and carcass removal
Additional information received	05/11/15	Hardstanding and drainage review (PO 1)
Permit determined EPR/TP3035EW	14/12/15	Permit issued to Crown Waste Management Limited.

End of introductory note

Permit number  
EPR/TP3035EW

2

## Permit

### The Environmental Permitting (England and Wales) Regulations 2010

**Permit number**

**EPR/TP3035EW**

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010

**Crown Waste Management Limited** ("the operator"),

whose registered office is

**Suite 17  
Building 2/4 Bilton Industrial Estate  
Humber Avenue  
Coventry  
CV3 1JL**

company registration number 05264291

to operate an installation at

**Crown Stables  
Nuneaton Road  
Mancetter  
North Warwickshire  
CV9 1RF**

to the extent authorised by and subject to the conditions of this permit.

<b>Name</b>	<b>Date</b>
<b>Philip Lamb</b>	<b>14 December 2015</b>

Authorised on behalf of the Environment Agency

# Conditions

## 1 Management

### 1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
  - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

### 1.2 Energy efficiency

- 1.2.1 The operator shall:
- (a) take appropriate measures to ensure that energy is used efficiently in the activities;
  - (b) review and record at least every four years whether there are suitable opportunities to improve the energy efficiency of the activities; and
  - (c) take any further appropriate measures identified by a review.

### 1.3 Efficient use of raw materials

- 1.3.1 The operator shall:
- (a) take appropriate measures to ensure that raw materials and water are used efficiently in the activities;
  - (b) maintain records of raw materials and water used in the activities;
  - (c) review and record at least every four years whether there are suitable alternative materials that could reduce environmental impact or opportunities to improve the efficiency of raw material and water use; and
  - (d) take any further appropriate measures identified by a review.

### 1.4 Avoidance, recovery and disposal of wastes produced by the activities

- 1.4.1 The operator shall take appropriate measures to ensure that:
- (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities;
  - (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
  - (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.
- 1.4.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

## **2 Operations**

### **2.1 Permitted activities**

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

### **2.2 The site**

- 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

### **2.3 Operating techniques**

- 2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.
- 2.3.2 If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.
- 2.3.3 The operator shall maintain and implement a system to record the number of animal places and animal movements.
- 2.3.4 Any raw materials or fuels listed in schedule 2 table S2.1 shall conform to the specifications set out in that table.
- 2.3.5 The operator shall take appropriate measures in off-site disposal or recovery of solid manure or slurry to prevent, or where this is not practicable, to minimise pollution.
- 2.3.6 The operator shall ensure that where waste produced by the activities is sent to a relevant waste operation, that operation is provided with the following information, prior to the receipt of the waste:
- (a) the nature of the process producing the waste;
  - (b) the composition of the waste;
  - (c) the handling requirements of the waste;
  - (d) the hazardous property associated with the waste, if applicable; and
  - (e) the waste code of the waste.
- 2.3.7 The operator shall ensure that where waste produced by the activities is sent to a landfill site, it meets the waste acceptance criteria for that landfill.

### **2.4 Pre-operational conditions**

- 2.4.1 The activities shall not be brought into operation until the measures specified in schedule 1 table S1.3 have been completed.

### **3 Emissions and monitoring**

#### **3.1 Emissions to water, air or land**

- 3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2.
- 3.1.2 The limits given in schedule 3 shall not be exceeded.
- 3.1.3 Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

#### **3.2 Emissions of substances not controlled by emission limits**

- 3.2.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.2.2 The operator shall:
  - (a) if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits; and
  - (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
- 3.2.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

#### **3.3 Odour**

- 3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

#### **3.4 Noise and vibration**

- 3.4.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

#### **3.5 Monitoring**

- 3.5.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in schedule 3 to this permit:
  - (a) point source emissions specified in tables S3.1 and S3.2.

### **3.6 Pests**

- 3.6.1 The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.
- 3.6.2 The operator shall:
- (a) if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management plan which identifies and minimises risks of pollution, hazard or annoyance from pests;
  - (b) implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

## **4 Information**

### **4.1 Records**

- 4.1.1 All records required to be made by this permit shall:
- (a) be legible;
  - (b) be made as soon as reasonably practicable;
  - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
  - (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:
    - (i) off-site environmental effects; and
    - (ii) matters which affect the condition of the land and groundwater.
- 4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

### **4.2 Reporting**

- 4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.
- 4.2.2 The operator shall, unless notice under this condition has been served within the preceding four years, submit to the Environment Agency, within six months of receipt of a written notice, a report assessing whether there are other appropriate measures that could be taken to prevent, or where that is not practicable, to minimise pollution.

### **4.3 Notifications**

- 4.3.1 In the event:
- (a) that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately—
    - (i) inform the Environment Agency,

- (ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and
    - (iii) take the measures necessary to prevent further possible incidents or accidents;
  - (b) of a breach of any permit condition the operator must immediately—
    - (i) inform the Environment Agency, and
    - (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;
  - (c) of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator must immediately suspend the operation of the activities or the relevant part of it until compliance with the permit conditions has been restored.
- 4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.
- 4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:
- Where the operator is a registered company:
- (a) any change in the operator's trading name, registered name or registered office address; and
  - (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.
- Where the operator is a corporate body other than a registered company:
- (a) any change in the operator's name or address; and
  - (b) any steps taken with a view to the dissolution of the operator.
- In any other case:
- (a) the death of any of the named operators (where the operator consists of more than one named individual);
  - (b) any change in the operator's name(s) or address(es); and
  - (c) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
- 4.3.5 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:
- (a) the Environment Agency shall be notified at least 14 days before making the change; and
  - (b) the notification shall contain a description of the proposed change in operation.
- 4.3.6 The Environment Agency shall be given at least 14 days notice before implementation of any part of the site closure plan.

#### **4.4 Interpretation**

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "immediately", in which case it may be provided by telephone.

## Schedule 1 – Operations

Table S1.1 activities		
Activity listed in Schedule 1 of the EP Regulations	Description of specified activity	Limits of specified activity
Section 6.9 A(1)(a)(i) Rearing of poultry intensively in an installation with more than 40,000 places	The rearing of poultry in a facility with a capacity for 40,001 broiler places.	From receipt of birds, raw materials and fuels onto the site to removal of birds and associated wastes from site.
Directly Associated Activity	Description of specified activity	Limits of specified activity
-	-	-

Table S1.2 Operating techniques		
Description	Parts	Date Received
Application EPR/TP3035EW/A001	Responses to Part B3.5 of the application form and referenced supporting documentation.	28/04/15
Application EPR/TP3035EW/A001	Odour management plan reference RAC 6004 Appendix 9; Noise management plan reference RAC 6004 Appendix 10.	28/04/15
Application EPR/TP3035EW/A001	Technical Standards RAC 6004 Appendix 5	28/04/15
Response to RFI dated 21/05/15	Response to all points of email and supporting documents detailing the Heat Exchangers, the noise management plan and receptors.	04/06/15
Response to RFI dated 26/06/15	Response to all parts of email and supporting documents: Site plan, Odour Management Plan dated 24/07/15.	27/07/15
Submission for PO 1	RAC/6004 Hardstanding and drainage review.	05/11/15

Table S1.3 Pre-operational measures	
Reference	Pre-operational measures
PO 1	<p>Prior to any construction commencing on site, the Operator shall review the drainage plans and submit an updated plan to the Environment Agency for approval.</p> <p>The updated drainage plan must include specific reference to drainage from the concrete yard areas, ensuring measures are in place to <i>prevent</i> contamination of surface waters, including the attenuation pond, by materials including manures, washwaters and spilt feed.</p> <p>The plan should take into account the appropriate measures for the management of drainage systems and run-off in section 3.2 of EPR6.09 How to Comply – Intensive Farming, Version 2.</p> <p>The plan shall be implemented by the operator from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.</p>

## Schedule 2 – Waste types, raw materials and fuels

Table S2.1 Raw materials and fuels	
Raw materials and fuel description	Specification
-	-

## Schedule 3 – Emissions and monitoring

**Table S3.1 Point source emissions to air – emission limits and monitoring requirements**

Emission point ref. & location	Source	Parameter	Limit (including unit)	Reference Period	Monitoring frequency	Monitoring standard or method
High velocity roof fan outlets on broiler unit (point 2) as shown on the Emission Points plan reference 'Appendix 14' in application EPR/TP3035EW/A001	Broiler unit	---	---	---	---	---
Exhaust from standby generator	Standby Generator	---	---	---	---	---
Outlet from heat exchanger (point 4) as shown on the Emission Points plan reference 'Appendix 14' in application EPR/TP3035EW/A001	heat exchanger	---	---	---	---	---

**Table S3.2 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements**

Emission point ref. & location	Source	Parameter	Limit (incl. unit)	Reference Period	Monitoring frequency	Monitoring standard or method
Outlet to surface water (point 5) as shown on Site Drainage Plan with RAC/6004 Hardstanding and drainage review	Rainwater from roof and hardstanding	---	---	---	---	---

# Schedule 4 – Reporting

There is no reporting under this schedule.

## Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

### Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

<b>(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution</b>	
<b>To be notified within 24 hours of detection</b>	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

<b>(b) Notification requirements for the breach of a limit</b>	
<b>To be notified within 24 hours of detection</b>	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Time periods for notification following detection of a breach of a limit	
Parameter	Notification period

(c) Notification requirements for the detection of any significant adverse environmental effect	
To be notified within 24 hours of detection	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

### Part B – to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the facility in the preceding 24 months.	

Name*	
Post	
Signature	
Date	

\* authorised to sign on behalf of the operator

## Schedule 6 – Interpretation

"accident" means an accident that may result in pollution.

"application" means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

"authorised officer" means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

"building" means a construction that has the objective of providing sheltering cover and minimising emissions of noise, particulate matter, odour and litter.

"emissions to land" includes emissions to groundwater.

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission limit.

"EP Regulations" means The Environmental Permitting (England and Wales) Regulations SI 2010 No.675 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

"groundwater" means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"Industrial Emissions Directive" means DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions.

"Manure and slurry" have the following meaning:

- Manures may be either slurries or solid manures.
- Slurries consist of excreta produced by livestock whilst in a yard or building mixed with rainwater and wash water and, in some cases, waste bedding and feed. Slurries can be pumped or discharged by gravity.
- Slurry includes duck effluent, seepage from manure and wash water.
- Solid manures include farmyard manure (FYM) and comprise material from straw-based housing systems, excreta with lots of straw/sawdust/woodchips in it, or solids from mechanical separators.
- Most poultry systems produce solid manure (litter).
- Solid manure can generally be stacked.

"pests" means Birds, Vermin and Insects.

"SGN How to comply – Intensive Farming" The EPR Sector Guidance Note 6.09 for intensive pig and poultry farmers, Version 2 published January 2010.

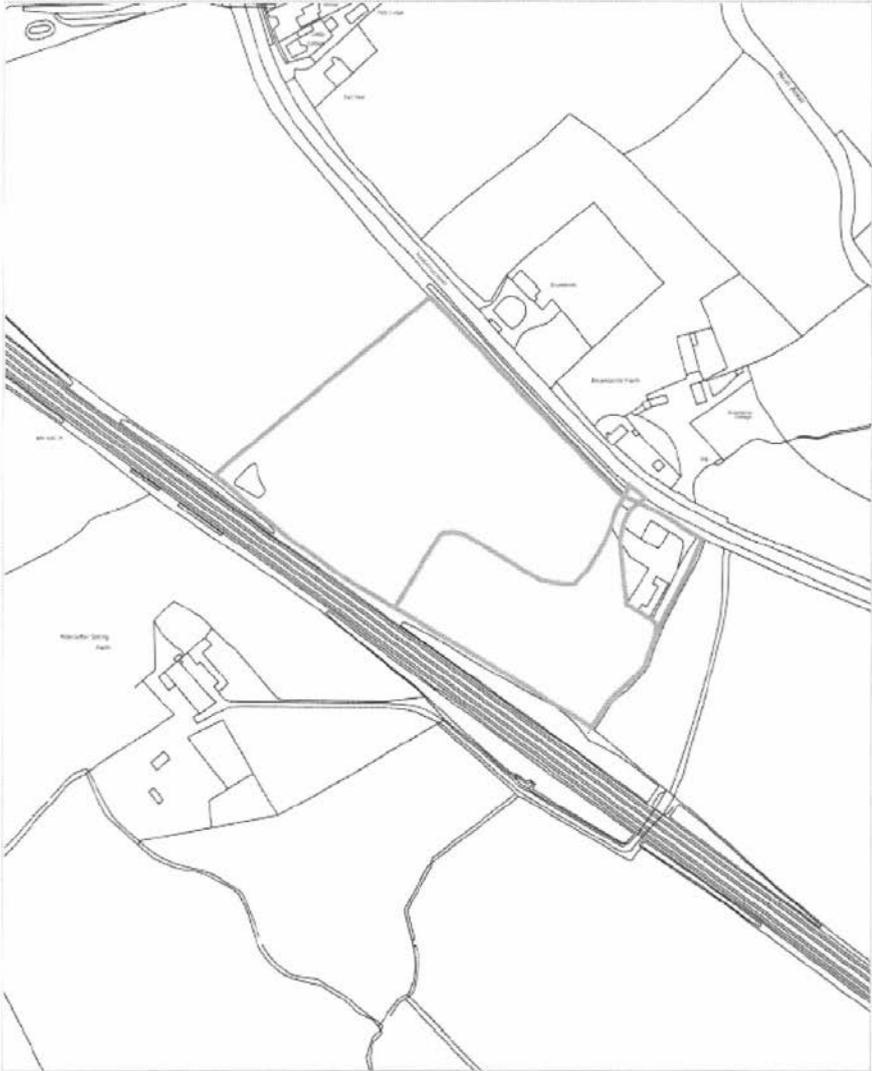
"waste code" means the six digit code referable to a type of waste in accordance with the List of Wastes (England) Regulations 2005, or List of Wastes (Wales) Regulations 2005, as appropriate, and in relation to hazardous waste, includes the asterisk.

"Waste Framework Directive" or "WFD" means Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste.

"year" means calendar year ending 31 December.

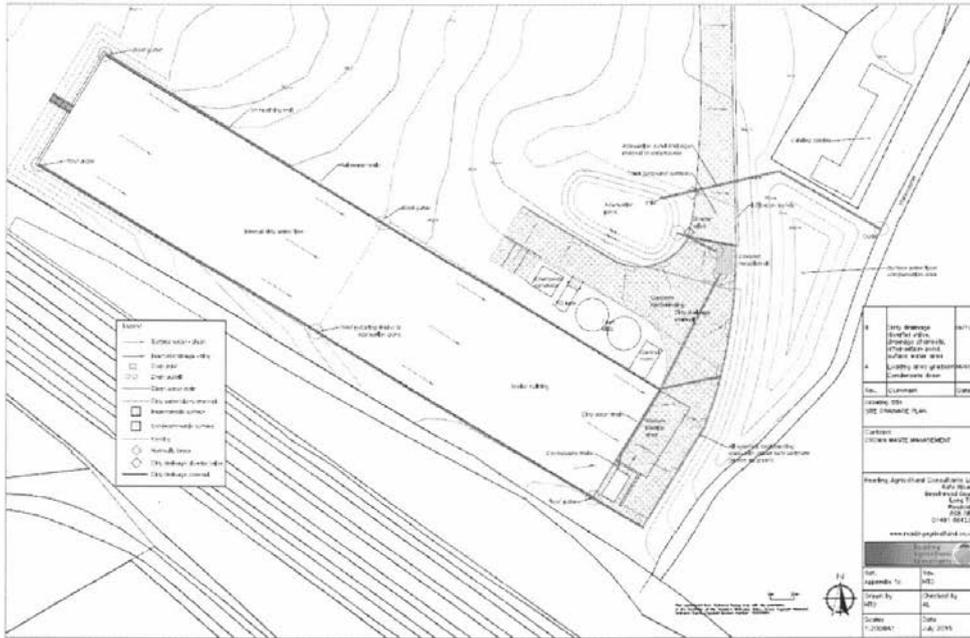
# Schedule 7 – Site plan

Installation boundary plan



Permit number  
EPR/TP3035EW

**Site layout:**



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END OF PERMIT

Permit number  
EPR/TP3035EW