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## Planning Enquiries

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**From:** Helen Hamilton <marchesplanning@gmail.com>  
**Sent:** 25 January 2016 16:38  
**To:** Thomas, Edward; Planning Enquiries  
**Subject:** Objection to Planning Application No. P151983/F  
**Attachments:** Objection to Planning Application P151983F.pdf

Please find attached objection to planning application No. P151983/F on behalf of Mr and Mrs Pritchatt of Micklegarth, Knapton.

regards

Helen Hamilton

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# MARCHES PLANNING & PROPERTY CONSULTANCY

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## Objection to Planning Application P151983/F Proposed erection of two poultry buildings, new access and conversion of building to house biomass boiler.

On behalf of Mr and Mrs Pritchatt of Micklegarth, Knapton

This objection is made on the following main grounds:

- 1) Impact on Residential Amenity
- 2) Pollution Risk
- 3) Drainage
- 4) Visual Impact

1) The reports submitted in support of this application contain much inaccurate information and are lacking in important data. They demonstrate that no real attempt has been made to assess the environmental impacts of the proposals, rather to mislead readers to believe what simply is not credible: that two broiler units and two biomass boilers 50m from the nearest residential property would cause no harm to amenity.

2) One of the most fundamental omissions is the fact that the odour, noise, flood and ecology reports fail to consider the impact of digging the units into the slope of the hill. No mention is made of this in any of these documents and this was not proposed when the applicant received his Environmental Permit (EP) from the Environment Agency.

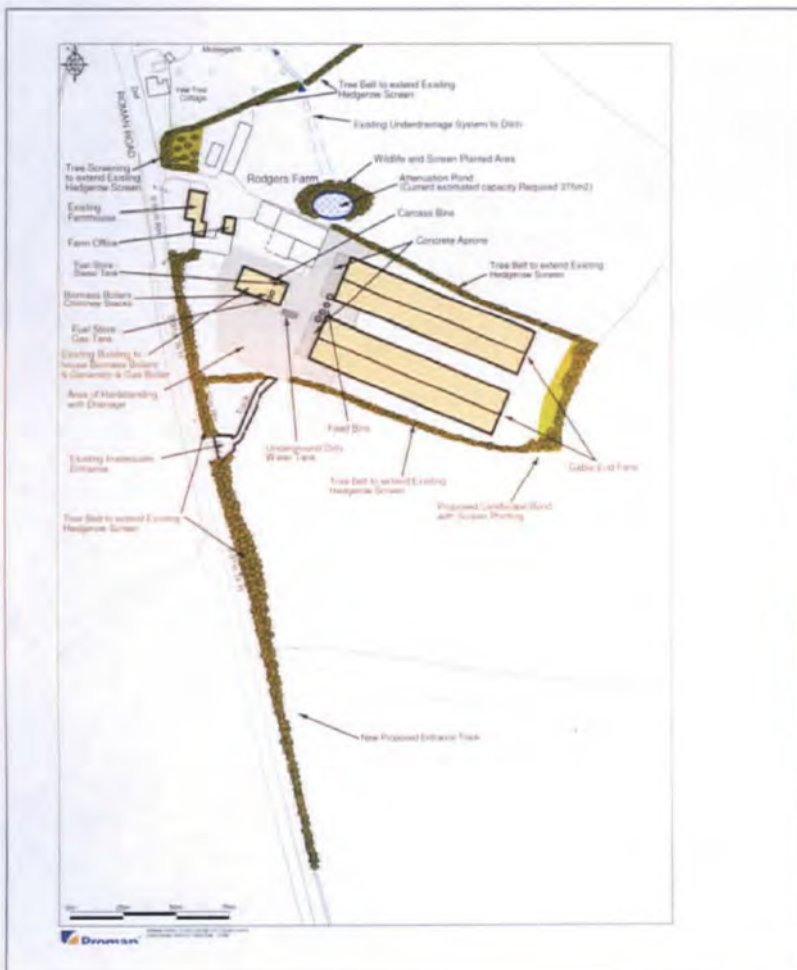


Fig. 1) Environmental Permit plan

*Distance from edge of  
Environmental Permit site to  
curtilage of nearest property  
50m.*



## 1) RESIDENTIAL AMENITY

3) The proposed broiler units will be sited approximately 50m from the nearest residential curtilage (Micklegarth) outside of the applicant's control. All of the applicant's reports measure the distance to the nearest houses (overstating the distances) when the relevant distance is to the curtilage. Residents are expected to be able to enjoy their gardens.

4) Common experience is that broiler units emit strong smells and noise from farm machinery, traffic, boilers and ventilations systems. Because the raising of broilers is an industrial process, with regular cropping cycles and huge numbers of birds, the noise and smell is much more intense than that from regular farm activity. Broiler units are classed as "industrial installations" by the Environment Agency.

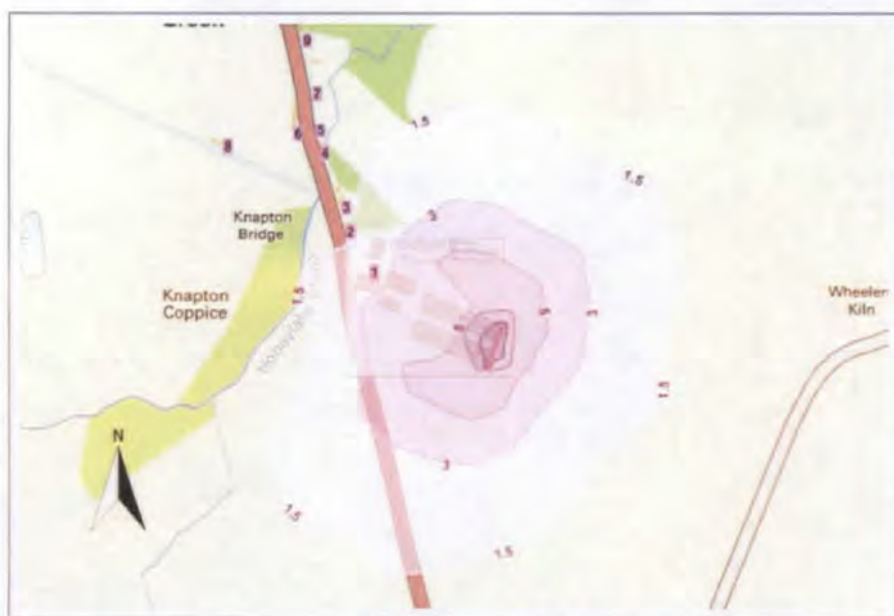
5) The reports submitted in support of this application have either understated or simply omitted significant sources of noise, odour and dust to produce their conclusions that there will be no harmful amenity impact.

6) The doors accessing the proposed broiler units face the nearby residences, so neighbours would be subjected to the most intense odour, noise and dust.

7) The application documents state that the buildings will be dug into a hillside to a depth of some 6m to the rear. This could cause noise, dust and odour to rebound in the direction of the neighbours, but these effects have not been considered in any of the assessments.

## ODOUR

8) The odour assessment includes modelling claiming to demonstrate that odour impacts on the nearby houses will remain below the threshold deemed acceptable by the Environment Agency. This result has been achieved by using flawed parameters and simply missing out major sources of odour



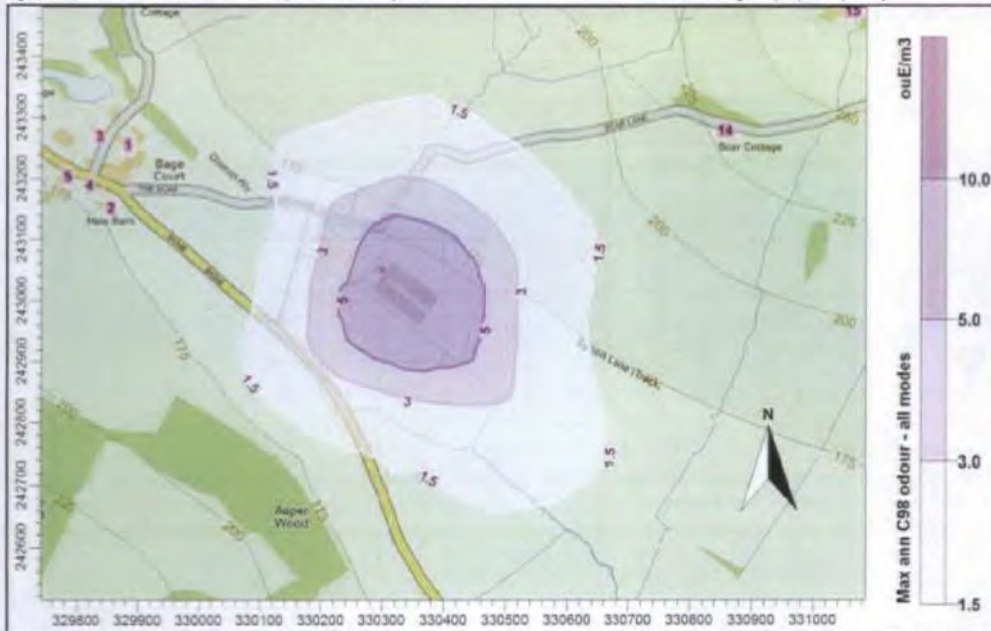


10) Although the report does not explain the reason for this, the model suggests that the highest concentration of odour will be generated by the gable end fans, although the report itself and the EP say that the gable end fans would be used only during hot weather.

11) Another possible conclusion is that the consultant has misread the drawings and understands the doors to be at the eastern end of the units.

12) The odour dispersion model produced by the same consultant for an identical proposal for two broiler units at Bage Court showed that odours would be distributed in concentric circles around the development (Fig 3). That development would have had the same ventilation system of uncapped high speed ridge fans and gable end fans.

Figure 6. Predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentration in the area surrounding the proposed poultry unit



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Fig 3) Odour dispersion model Bage Court (AS Modelling & Data Ltd October 2014)

13) The wind rose data shows that meteorological effects would not be the cause of such a substantial difference in the dispersal of odour (Figs 4 and 5):

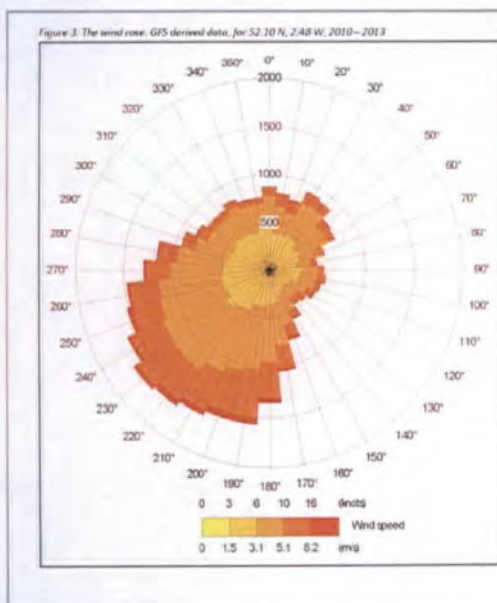


Fig. 4) Rogers Farm wind rose

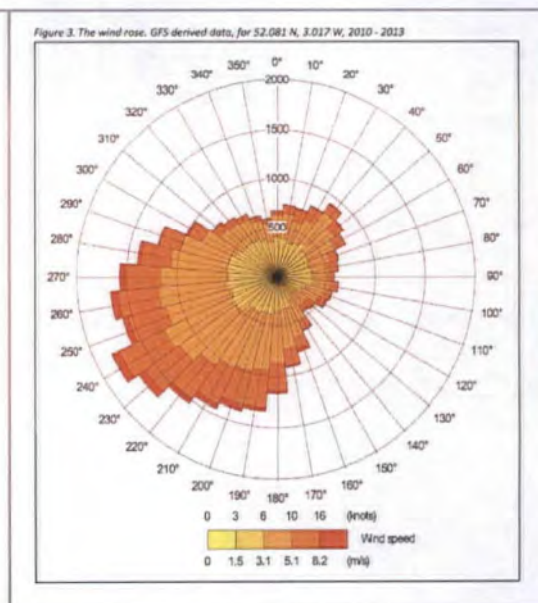


Fig. 5) Bage Court wind rose



14) Marches Planning has reviewed numerous odour assessments for broiler unit planning applications by the consultant who produced the Rogers Farm assessment (Steve Smith of AS Modelling & Data Ltd). All except this one have shown odour would be dispersed in comparatively even concentric circles around the buildings.

15) The odour report for this application makes no reference to the plans to re-profile the land and so this is not given as the reason for the distorted dispersion. The roof top ventilation fans would be above the height of the bank and the gable end fans discharging towards the bank, meaning the likely effect is that odours are blown towards the houses.

16) The same consultant produced modelling for a planning application for four broiler units at Penrhos near Kington, where the proposal was also to excavate the ground, a steeper hillside in that case, to make a level platform for the units. This was not shown to have any significant impact on the odour dispersion model (Fig.6).

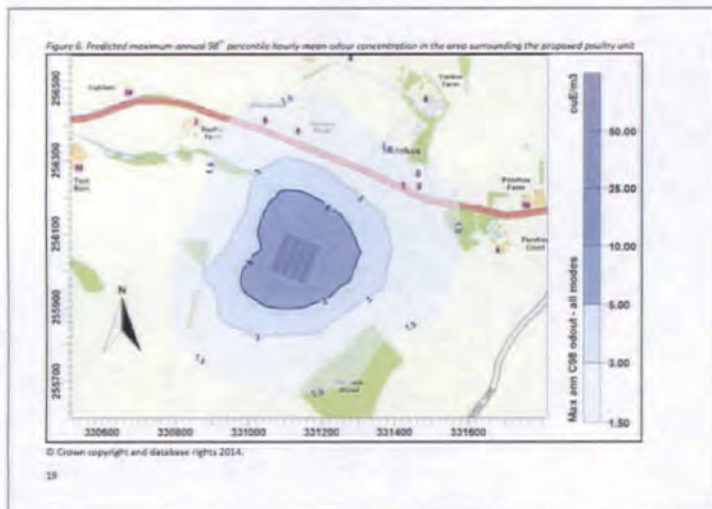


Fig 6. Penrhos odour dispersion model (AS Modelling & Data Ltd May 2014).

17) Another anomaly in the odour report is that it indicates that each bird will emit much less odour than in other broiler units. For example, the average odour unit per metre cubed of air per bird (ouE/m3) would be 0.231 in summer, compared with 0.315 at Bage Court.

Table 1. Summary of odour emission rates (average/maximum of all 3 cycles)

Emission rate (ou <sub>E</sub> /s per bird as stocked, during crop)				
Season	Average	Night-time Average	Day-time Average	Maximum
Winter	0.178	0.160	0.214	0.889
Spring	0.201	0.162	0.239	1.368
Summer	0.231	0.165	0.271	1.682
Autumn	0.192	0.163	0.221	1.028

Fig. 7) Odour emission rates per bird Rogers Farm

Table 1. Summary of odour emission rates (average/maximum of all 3 cycles)

Emission rate (ou <sub>E</sub> /s per bird as stocked, during crop)				
Season	Average	Night-time Average	Day-time Average	Maximum
Winter	0.267	0.240	0.320	1.007
Spring	0.290	0.241	0.339	2.150
Summer	0.315	0.241	0.359	2.249
Autumn	0.284	0.243	0.324	0.941

Fig. 8) Odour emission rates per bird Bage Court



18) The applicant has submitted two odour reports by the same consultant, the second intended to demonstrate that there would be no cumulative impact with the egg-laying facility on the other side of the road.

19) Both odour reports describe the same cropping cycle for the proposed development - a crop length of 37 days, with 15 percent of birds thinned at day 33 and an empty period of 8 days, although the Environmental Permit specifies a crop length of 33-35 days.

20) The internal temperature of the units would be significantly higher according to the second report - commencing at 32 Celsius and falling to 21 Celsius by day 32 - to that specified in the original report, which said internal temperatures would begin at 29 degrees Celsius and fall to 19.5.

21) This may explain - although the report does not say so - why the odour emission rates per bird are significantly higher in the second report than the first (Figs 7 and 9). However, the EP says the units will be preheated to 34 degrees Celsius, while industry guidance is that 35 degrees is the optimum temperature for units receiving day old chicks. If higher temperatures are the reason for the increased odour rates, the odour units per bird should be increased to reflect the actual temperatures. The result will be that odour disperses over a wider area than the report suggests.

**Table 1a. Summary of odour emission rates (average/maximum of all 3 cycles) – broiler chickens**

Emission rate (ou/s per bird as stocked, during crop)				
Season	Average	Night-time Average	Day-time Average	Maximum
Winter	0.239	0.215	0.287	0.930
Spring	0.259	0.215	0.302	1.916
Summer	0.291	0.215	0.337	2.175
Autumn	0.253	0.216	0.291	1.998

**Fig. 9) Rogers Farm odour emission rates odour report 2.**

22) The second odour report also shows a different pattern of odour dispersal from the proposed development (Fig. 10) although it does not explain what has changed between the two assessments to cause this.

**Figure 9a. Predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentration – Rogers Farm broiler houses only**



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**Fig. 10) Dispersal model odour report 2**

23) Both odour reports state that the odour emission rates are taken from "a review of available literature and are based primarily on Robertson et al. (2002)"



24) Robertson et al reported odour emissions of 20,000 to 33,000 ouE/s (approximately 0.6 to 0.97 ouE/s per bird) for 4 commercial facilities with about 34,000 birds each in the UK. This is three or four times the rates shown in the odour reports for Rogers Farm.

25) The reports also reference Lacey, Mukhtar et al\*, who reviewed the research into odours, ammonia and dust from broiler units and also cited the work of Robertson as above.

26) Lacey et al concluded that *"odour from broiler operations is an ongoing and significant concern for the industry: however, efforts to date to quantify the odour problem leave a number of questions unanswered and are open to challenge if applied in a regulatory process."*

27) Thus, even if the findings of the two odour assessments submitted by the applicant were accurate, they could not guarantee that there would not be significant harm to the amenity of neighbours. Although Lacey et al reported in 2004 and Robertson in 2002, their work remains the definitive source of evidence into the odour impacts of broiler units.

28) There are measures that can be taken to reduce odour concentration, but as Lacey et al concluded:

*"There is a nonlinear relationship between odour concentration and odour intensity, which compounds the difficulty in drawing conclusions about the effect of odour on the public."*

29) This means that even if the concentration of the odour is reduced, as long as the odour is present it is likely to have adverse impacts on neighbours.

30) There is ample testimony from people who live close to broiler units - evinced by letters to the Hereford Times and complaints to the Environment Agency and the council's environmental health department - that the smells emitted by broiler units are highly offensive and intrusive at ranges of hundreds of metres.

31) The odour reports for this application acknowledge that the most intense and offensive smells occur when the units are cleaned out at the end of each cycle, but argue that this would not be significant because it would only take one hour to clean out each unit. The cleaning process would in fact take about two days, as detailed below.

## **NOISE**

32) The noise assessment is erroneous on several points, the most significant of which is its suggestion that the only night time noise would be generated by the ventilation fans.

33) One of the most disruptive impacts of broiler units is the fact that the birds are caught and transported overnight. The birds are easier to catch while roosting and the timing is designed to fit in with the processor's production cycle.

34) The noise assessment has not considered the night-time noise from forklift trucks loading crates onto HGVs. It has seriously understated the noise impacts of litter being cleared and units cleaned at the end of each cycle and the noise of feed hoppers being filled. It has not considered the noise from chick delivery as crates are unloaded into the units and then back onto the lorries or the deliveries of bedding or fuel for the three boilers.

35) The noise assessment cites *"empirical noise data obtained from similar sites"* as the source of the noise levels given for the intermittent noise from the development. This



"empirical data" is not provided and nor does Table 15 say how long most of the intermittent noises will continue for.

36) The ES confirms that pressure washing the units will take 12 hours each cycle. The process of clearing the units of litter and cleaning the equipment would take about another 12 hours. Such work usually commences very early in the morning.

37) The sound of mechanical shovels loading tractors is not "steady" as Table 15 suggests. Rather it is highly intermittent, as the machinery manoeuvres in and out of the units, scraping the litter from the floor and then piling it onto trailers. The sound of the tractors and trailers arriving and departing is not included in the assessment. The cleaning process is considered in more detail below.

38) All of the documents have understated the amount of litter that will be generated by the development (see pollution section below) and consequently the number of associated tractor/trailer movements. There will be at least 24-two way tractor and trailer movements per cycle to remove litter in addition to 12 two-way movements to collect dirty water.

39) The only sound assessed from the catching of the birds is that of a single HGV arriving and departing each hour. No consideration is given to the sound of crates being taken in and out of the buildings and stacked and loaded onto forklift trucks, of the movements of the forklift trucks, the loading of crates onto lorries, the voices of the catchers or their arrival and departure by minibus.

40) HGVs would actually arrive and depart about every half an hour during catching. (So four HGV movements per hour, not including manoeuvring in front of the units.)

41) The noise report does not assess the noise of the two biomass boilers/the gas boiler or the fuel hoppers, the pumps for the heating systems or the deliveries of fuel.

42) The noise assessment's assertion that "*the key source of noise associated with poultry houses relates to the operation of the ventilation fans*" is false and misleading, although the sound of the ventilation fans is indeed intrusive because it is almost continuous. It is especially disturbing in summer when neighbours would want their windows open at times when the ventilation systems are working at full capacity.

43) Even with windows closed, neighbours would suffer from the noise and vibration of the ventilation system, which can travel hundreds of meters. These impacts are aggravated as the ventilation equipment ages or develops faults.

#### **CLEANING PROCEDURE**

44) None of the reports include any consideration of the impacts of the cleaning process, although the ES advises that it would take six hours to pressure wash each unit. The odour assessment claims, in the absence of any evidence, that it will take just one hour to clear the litter from the units.

45) Bio-security is extremely important in broiler units and they require scrupulous cleaning between flocks.

46) The litter is first removed from the units using mechanical shovels and transferred to tractor trailers for removal from site, then the floors are mechanically scrubbed. All of the feed and drinking equipment and pipework is cleaned and disinfected and dust blown from surfaces using compressed air lines or portable blowers.



47) The inside of the units are then pressure-washed and finally sprayed with disinfectant. The dirty water is vacuum pumped from the tanks into tractor-drawn tankers. The tanks will have to be emptied several times during the clean-out. Guidance from the Northern Ireland government is that the washing of broiler units requires 6.8 litres of water per sq m\*\*, so around 22,750 litres per cleanout for this development. The 6000 litre storage tank will therefore require emptying about four times during each cleanout, generating 12 two-way tractor/tanker movements, assuming a 4,000 litre tanker.

48) All of these processes are extremely noisy involving a range of machinery and work usually commences very early in the morning and continues well into the evening. The units and concrete apron would also require lighting during the periods of shorter daylight.

49) In addition to the noise and smell generated by the cleaning process, large volumes of dust and ammonia are released into the air.

50) Health and Safety Executive guidance \*\*\* requires that the doors of the units are open during cleaning and the ventilation system kept on to protect staff from the harmful dust and bio-aerosols. Consequently, dust, noise and odours will be released through the doors. The doors are not shown as emission sources in the noise or odour reports.

51) Once the units are cleaned out the units are reheated, the boilers and heating systems working at full capacity, generating noise and vibration.

52) There are likely to be up to nine crop cycles per year, rather than the seven or eight suggested by the ES as the standard cleanout/empty period is seven days rather than the ten stated in the ES or the eight according to the odour assessment. Cropping cycles can vary but are now rarely longer than 38 days.

53) Consequently, clean-out could be on 18 days a year, equivalent to 1.5 days per month. Combined with the noise, dust and odours generated during destocking - up to 27 nights a year (thinning often takes place over two consecutive nights) - and the most intense releases of dust and odour during the last two weeks of each crop, the most offensive impacts from the units could cover nearly half of each year.

#### DUST AND BIOAEROSOLS

54) Although poultry dust is defined as a substance hazardous to health under the **Control of Substances Hazardous to Health Regulations 2002 (COSHH) (as amended)**, the applicant has not made any assessment of potential for dispersal of dust and bio-aerosols from the proposed development.

55) The ES acknowledges that *"potential impacts of dust will be respiratory tract/eye irritation or perception of health effects within 400m of the site"*. It then merely lists a number of possible mitigation measures before concluding that: *"there are few receptors close enough to be significantly affected by dust as of course dust will tend not to travel in significant volumes further than 100m from the source."*

56) The ES offers no evidence in support of this flippant conclusion. There are two receptors well within 100m of the application site: the gardens of Yew Tree Cottage and the orchard at Micklegarth, used as amenity land, are within 50m, while Yew Tree Cottage itself would be less than 100m from the units.

57) Research has shown that bio-aerosols from broiler units, which may include the Avian Flu virus and Streptococcus bacteria, can spread up to 600m from the source. See, for example, Hartung & Shulz research on behalf of the Food and Agriculture Organization of the United Nations.\*\*



## **TRAFFIC IMPACTS**

58) The EIA states there will be 46 vehicle movements per annum to remove the litter and dirty water from the site, basing this figure on the under-assessment of the amount of litter that would be generated by the development.

59) The statutory data shows the removal of manure from the units will require at least 200 two-way vehicle movements per annum. The removal of dirty water will generate about 100, while the biomass boilers will consume around 1500 tonnes of fuel per year, generating a further 200 two-way tractor and trailer movements.

60) This is more than 450 vehicle movements not accounted for in the assessments. These movements will be concentrated into days between the collection of birds and the delivery of chicks, resulting in a week of noise and disruption up to nine times a year.

61) The claim that traffic noise from the development will make no difference to the neighbours because of the existing volume of traffic on the A4110 disregards the fact that the additional traffic movements will take place to the rear of their properties. Residents who were able to ameliorate existing traffic noise by using rooms at the back of their houses for sleeping or relaxation would suffer disturbance from both aspects, with a large proportion of the heavy vehicle movements at night.

## **ENVIRONMENTAL PERMIT**

62) The Environment Agency has granted an Environmental Permit for this site, which requires the applicant to produce and comply with odour and noise management plans. If there are complaints of noise or odour from the development, the EA will investigate and may recommend further mitigation. However, the EP will not be revoked if the applicant complies with mitigation measures, even if these do not prove effective.

63) Marches Planning has asked the Environment Agency to investigate how an EP was granted for this site so close to residential properties, but has not yet had a detailed response. It would appear that the EA accepted the same deeply flawed assessments that have been submitted with this planning application.

64) It is beyond doubt that the proposed development would have unacceptable impacts on the neighbours and it is thus contrary to **Policy RA6** of Herefordshire Council's Core Strategy:

### **Policy RA6 - Rural economy**

Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- ensure that the development is of a scale which would be commensurate with its location and setting ;
- do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;

## **RISK OF POLLUTION TO WATERCOURSES**

65) The EIA includes a "Manure Management Plan", which is actually no more than a risk assessment map of the fields and a recounting of parts DEFRA's guidance on complying with the Nitrate Vulnerable Zone (NVZ) Regulations.



66) It does not address how the litter, dirty water or other waste from the development will be disposed of because both this plan and the ES say that all the manure and dirty water from the development will be exported from the farm. This is contradicted, in respect of dirty water, by the drainage report and by the Environmental Permit, which says both manure and dirty water will be spread on the applicant's land.

67) Consequently, there will be no control over the huge volumes of manure and dirty water produced by the development. Both the ES and the "manure management plan" have grossly underestimated the amount of manure that will be produced by the development, offering no evidence to support the claim of manure production of 468.4 tonnes per annum.

68) The amount of litter produced by broiler units has been subjected to extensive research, which forms the basis of both **Annex 6** to DEFRA's **Guidance on complying with the Rules for Nitrate Vulnerable Zones (NVZ)** and **Schedule One** of the **Nitrate Pollution Prevention Regulations 2015**.

69) This statutory data shows the units containing 82,500 birds will generate between 1,460 and 1,600 tonnes of litter per annum, depending on the length of crop cycles and clean-out/rest periods.

70) The Environmental Permit will not monitor or control the amount of litter spread or regulate what happens to manure exported from the site. Neither the EP nor the manure management plan address the significant risk of phosphate pollution to the River Wye SAC, as required by the **Water Framework Directive (2006/60/EC)** (WFD) and the **The Conservation of Habitats and Species Regulations 2010** (The Habitats Regulations).

71) Herefordshire Council is the competent authority under the Habitats Regulations in considering this application. Before granting any consent it must have ascertained on the basis of objective evidence that the proposed development will neither cause any deterioration in the ecological status of the SAC nor hamper efforts to restore it to good ecological condition. The watercourses that feed the SAC fall under the **River Severn Basin Management Plan** and must therefore be protected under the WFD.

72) In order to determine that this proposed development would not be in breach of the Habitats Regulations, a manure and nutrient management plan should demonstrate (as a minimum) how and where all litter and other waste will be spread or otherwise disposed of and in what amounts, confirming that any land put to this purpose will not permit run-off and does not already have a phosphate (or other nutrient) overload. It should include lifetime monitoring of phosphate levels of any affected land/water. Such a plan should be submitted prior to any planning decision.

73) The plan should also address how the ash from the biomass boilers is disposed of as this is also high in nutrients.

74) The proposed drainage arrangements also have potential to contaminate the watercourses, because no clear proposals for the separation of clean and dirty water have been demonstrated. This includes rainwater falling onto the buildings and hardstanding, which would be contaminated by dust and debris from the development and therefore requires filtering/cleaning before it is discharged to the watercourse.

75) The proposals show that there would be only a 6,000 litre tank for the storage of the dirty washout water, which would require emptying several times during the cleanout process.



76) Consequently, there is no back-up storage available if weather or soil conditions are inappropriate for spreading of dirty water and/or the recipients of the dirty water have reached or exceeded the nutrient requirements of their land.

77) The inadequate dirty water storage capacity also creates a risk that the tank will overflow allowing contaminants to reach the watercourse and Micklegarth's well.

78) The WFD watercourse to which the applicant's land and the proposed development would drain is the Honeylake Brook. This is currently in moderate ecological condition.

### **3) DRAINAGE**

79) The drainage layout plan has not factored in the impact of the development being dug into the slope, although this could significantly alter the drainage arrangements.

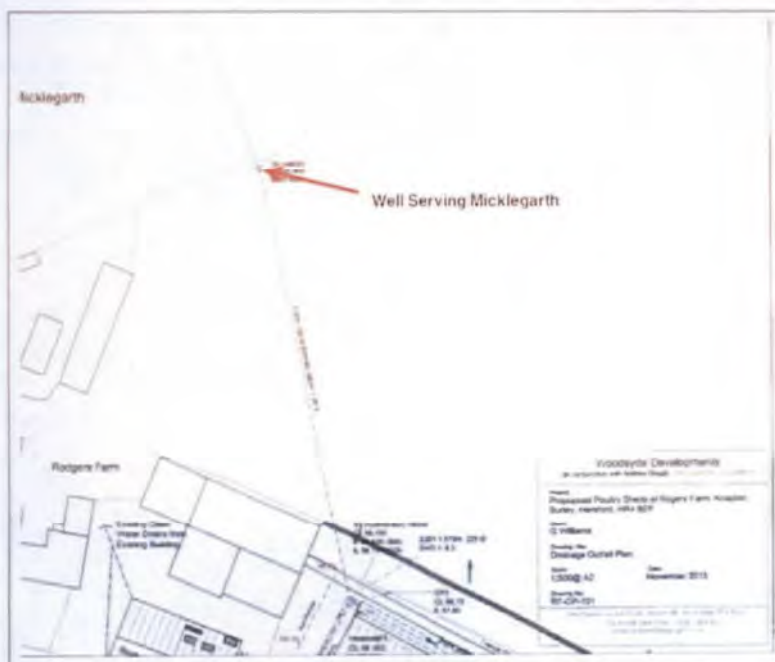
80) The drainage layout plan (RF-DL 100 Rev-A) shows exceedance flows would be directed to the north across the applicant's land. If the development is enclosed by steep embankments, excess water will be directed to the northwest, towards the A4410, Rogers Farm house and the neighbouring properties.

81) This may also result in surcharges of water reaching the road ditches resulting in flooding.

82) The re-profiling of the landscape would also alter how water would flow across the land surrounding the development site. The drainage report shows that this land has historically drained to the ditch alongside the A4110, but water flowing downhill towards the development would instead flow down into the cavity around the buildings. No allowance has been made for attenuation of these additional flows.

83) The proposal is to drain surface water through existing pipework to the Honeylake Brook north of the development. The pipes shown on drainage plans pass through a well, which serves our clients' property Micklegarth with all of its water, including potable water (Fig. 11).

84) There is a clear risk that the proposed development would contaminate the well water. This is especially so, because the drainage arrangements do not demonstrate how the dirty washout water will be channelled into the dirty water tank or how rainwater running off the buildings and hardstandings will be cleansed of dust and debris.



**Fig 11) Drainage plan (extract) showing well serving Micklegarth**



85) The proposals are therefore contrary to the following Core Strategy policies:

### **Policy RA6 - Rural Economy**

Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.

### **Policy SD3 – Sustainable water management and water resources**

Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;

8. development proposals do not lead to deterioration of EU Water Framework Directive water body status;

9. development should not cause an unacceptable risk to the availability or quality of water resources; and

10. in particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.

### **Policy SD4 - Wastewater treatment and river water quality**

Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:

- in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives; and
- where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site



#### 4) LANDSCAPE

86) The "*Landscape and Visual Impact Assessment*" places great reliance on the proposal to construct the the proposed industrial-style units into "*an excavated void up to 6 metres deep*" to mitigate their visual impact.

87) The effect of this proposal is, however, impossible to assess because the applicant has not provided any mapping of ground levels or cross sections showing landform to demonstrate how much screening this would provide or the extent of the ground works it would require.

88) The drainage report advises that the land falls from "*a high of approximately 103.773 from the east and a low of approximately 98.935m to the west*" so, unless the site is excavated to below the lowest ground level, it would not be possible to achieve a void of 6m deep.

89) The report asserts that the "*the soil removed will be spread across the arable fields in likely low spots and across larger areas at a reduced depth*" and says that bunds will not be created as these would be detrimental to the landscape.

90) The Environmental Permit did not include any proposal to excavate the site and the EP plan shows a bund to the rear of units (Fig 1).

91) Depending on the ground levels, the proposals would require the disposal of thousands of tonnes of stone and soil. The landscape report describes siltstone and mudstone as interbedded with underlying sedimentary old red sandstone, indicating that there is likely to be a large amount of stone in addition to soil, which would not be spread on the fields.

92) The landscape report says the site "*is generally concealed (by) the mix of suburban land use...*" although this use constitutes precisely the houses and gardens of people who would be most affected by the development.

93) Our clients' property Micklegarth has a garden/orchard with a summerhouse and seating, which directly overlooks the application site. They and their neighbours would be the main visual receptors, rather than observers on Birley Hill as assumed by the landscape assessment.

94) The proposal to "*rip out the existing boundary hedges*" means that the development will rely heavily on newly planted screening belts for mitigation. These would take many years to grow so that the development would have "*an immediate negative impact on the landscape*" as Inspector Joanna Jones concluded when she upheld the refusal of a planning application for two broiler units at Bage Court, Dorstone - Appeal Ref. APP/W1850/W/15/3129896.

Inspector Jones said:

*"To my mind the development would appear isolated in this landscape and given the timescale it would take for any planting to screen the units, at least for the first few years, would be stark and severe. Set amongst flat, open farmed fields, it would have an immediate negative impact in the landscape, which would only be partially reduced by any existing and proposed landscaping."*

95) Any landscaping scheme using native/broadleaf planting would in any case be susceptible to ammonia and unlikely to thrive. Natural England's guidance on **Nutrient and pollution management - intensive livestock** says the following:



6.23 *Habitats such as woodlands, wetlands and semi-natural grasslands adjacent to areas of nutrient production can be affected by atmospheric deposition, surface flow or leaching.*

The proposals are thus contrary to the following Core Strategy policies:

#### **Policy RA6 - Rural economy**

Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- ensure that the development is of a scale which would be commensurate with its location and setting

#### **Policy LD1 – Landscape and townscape**

(Development proposals should)

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;
- incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings;

#### **5) BEST AND MOST VERSATILE AGRICULTURAL LAND**

96) The proposed development would cover three acres of Grade 2 agricultural land, putting the proposals in conflict with the Core Strategy **Policy SS7** requirement to "protect the best agricultural land" and **NPPF 112**:

*The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*

The government's Planning Practice Guidance says the following:

*"The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. ..Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*

The best and most versatile land is defined as Grades 1, 2 and 3a

#### **6) LACK OF SUSTAINABILITY**

97) The proposed development would be built entirely from non-renewable materials, none of which could be sourced locally. The production of broilers is also highly unsustainable, generating large numbers of traffic movements, requiring the import of thousands of



tonnes of soy from South America and utilising scarce resources, including power and water.

98) The ES asserts that *"the applicant is a well-established family farming business, which is looking to diversify..."* This claim is contradicted by the LVIA, which says the farm is *"sub-let to a farmer growing crops of wheat, corn and oilseed rape."*

99) The ES argues that the economic benefits of the proposals would outweigh their social and environmental impacts. This is a matter of debate, requiring an assessment of the impact of the broiler industry on the environment, on tourism and on the desirability of Herefordshire as a place to live and work. No assessment of these impacts has been carried out and it is not, therefore, possible to claim that there would be any economic benefit at all. It may well be that the broiler industry is detrimental to the economy of the county. If any economic benefits could be claimed for this proposed development they could equally be achieved on a more appropriate site.

100) The ES does not state how water or electricity will be supplied to the site, nor how much water or power (or other resources) would be used, although this is a requirement of the **Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (Schedule 4)**.

101) No consideration has been given to local distinctiveness in the design of the buildings as required by **policy SD1**.

102) The application documents do not contain any water conservation measures described as required by Core Strategy **Policies SD3, SD4 and SS7**

#### **Policy SS7- Addressing climate change**

Development proposals will be required to include measures which will mitigate their impact on climate change. At a strategic level, this will include:

- focussing development to the most sustainable locations;
- designing developments to reduce carbon emissions and use resources more efficiently and
- developments must demonstrate water efficiency measures to reduce demand on water resources

#### **Policy SD1 Sustainable design and energy efficiency**

(developments should):

- utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure;

#### **Policy SD4 - Wastewater treatment and river water quality**

development requirements:

- (incorporating) measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3;



## 7) ECOLOGY

103) The ecology assessment has missed the presence of two ponds at Micklegarth, one of which at least contains smooth newts and provides a potential habitat for great crested newts (GCN). These are approximately 100m from the application site. Micklegarth's orchard is managed for wildlife and contains other potential GCN habitats, including log piles, grassland and hedgerows.

104) The ecology report pre-dated the plans to re-profile the landscape and has not, therefore, addressed the likely impacts of these proposals. Nor has it considered the impact of dust and ammonia on bat habitats or the effect of the noise and disruption from the development on wildlife in general.

## 8) BUILDING REGULATIONS

105) The development will be subject to Building Regulations and it is likely that the proposals as submitted would be altered significantly during the building regulations approval process. It is not therefore possible to fully assess visual or amenity impacts of the proposals at this stage.

106) Buildings used for agriculture are exempted under **The Building Regulations 2010** provided they comply with the following:

- (a) no part of the building is used as a dwelling;
- (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and
- (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.

The application drawings do not show any fire exits.

### **NOTE**

The data garnered through this EIA process should be treated as a snapshot only of current practices in the broiler industry and the production cycle proposed at this time for the proposed development. The industry is changing rapidly, due to factors such as the time taken for birds to reach maturity reducing year by year and some processors and retailers banning the practice of thinning to reduce the risk of campylobacter. Therefore the data should be treated as indicative only of the impact of a development with an expected life cycle of 60 years and allowance made for the impacts of future changes where these might be foreseen. One example is a likely increase in the number of annual crop cycles.

### REFERENCES:

\* R. E. Lacey, S. Mukhtar, J. B. Carey and J. L. Ullman, 2004. A Review of Literature Concerning Odors, Ammonia, and Dust from Broiler Production Facilities

\*\* <https://www.doeni.gov.uk/sites/default/files/publications/doe/pollution-guidance-operators-preparing-an-agricultural-water-audit-IPPC-farming-installations-2011.pdf>

\*\*\* Controlling exposure to poultry dust Guidance for employers - Health and Safety Executive