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Your Ref: APP/W1850/W/17/3187088

Our Ref: 21134/A3/JA

26<sup>th</sup> March 2018

Dear Nadia

**PLANNING APPEAL: APP/W1850/W/17/3187088 REDEVELOPMENT OF EXISTING POULTRY UNIT INVOLVING THE DECOMMISSIONING OF 4 NO. EXISTING POULTRY BUILDINGS AND THE ERECTION OF 8 NO. REPLACEMENT POULTRY UNITS TOGETHER WITH ASSOCIATED INFRASTRUCTURE OF FEED BINS, SITE OFFICE, HARD STANDINGS AND DRAINAGE ATTENUATION POND AT STONEY COURT POULTRY LTD, MADLEY**

## **Introduction**

This written statement of objection is prepared by Barton Willmore LLP in respect of the above mentioned appeal on behalf of Brightwells.

It is noted from the Council's Statement of Case (dated 16<sup>th</sup> January 2018) that the Council's position is that there objection to the proposal would be removed subject to application 173672 for a revised vehicular access being allowed, and a 'grampian condition' securing the implementation of this revised vehicular access prior to commencement of development.

Notwithstanding this, given that those determining an appeal '*may deal with the application as it has been made to them in the first instance*<sup>1</sup>', this objection is set out with reference to all relevant considerations. Accordingly, this objection relates to air quality and the offensive odour that would directly Brightwell's site, their employees and customers as a result of the proposals.

## **Brightwells at Madley**

The Brightwells Auction site at Madley sells a wide range of plant, machinery and vehicles on their site. The business is vitally important to the rural economy and wide economy of Herefordshire and further afield. Brightwells currently employ circa 30 people on the site in a range of roles from auctioneers, equipment handlers, administration, sales staff and security.

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<sup>1</sup> Section 79 (1), Town and Country Planning Act 1990

A range of staff are permanently based on the site and within the office buildings located on the site.

In addition the site supports a further circa 20 people within Brightwells through other back office functions. The site has an annual turnover of circa [REDACTED] and has a considerable economic benefit to the wider economy of Herefordshire in terms of the businesses that it supports directly, (haulage companies) and its clients, the wide range of farming, agricultural, land based, construction and other businesses that buy and sell equipment at the site.

The auction site has been established for circa seven years and is a highly successful business with a wide range of clients and customers attending the auction site from Herefordshire and further afield. Whilst over 20% of the business is now undertaken online, a large proportion is based on the visual inspection and sales day purchases of visiting members of the public and trade.

### **Air Quality**

A technical review has been completed of the submitted Odour Report which is appended to this representation (The Air Shed, January 2018). The Review has been undertaken by Mr S Fraser BSc MPhil CEnv MCIWM MIOA, who is a suitably qualified person in respect of assessment of air quality and odour.

Importantly, the review (citing relevant technical standards) confirms that Brightwells should be identified as a medium sensitivity receptor.

The note also importantly sets out against the relevant technical guidance the likely environmental effects that would arise on Brightwell's staff and customers from an odour and air quality perspective.

### Likely Environmental Effects

Poultry unit operations are inherently odorous creating an ammonia form of malodour. The close proximity of this proposed facility to sensitive receptors, i.e. the staff of Brightwells, and their customers is a very significant issue. This is because odour dispersal relies on physical separation of the source from sensitive receptors and this will not be the case at this location.

Chicken shed operations are likely and typically treated in odour assessments as one of most offensive form of operations that could generate odour and under the Environmental Permitting (England and Wales) Regulations 2010 and subsequent amendments.

The review by the Airshed confirms that the odour would be offensive, and exceeds the recognised odour criterion for intensive poultry units across most of the Brightwells site and the offices. This is based on the applicant's own data, which due to the issues identified by the Airshed is likely to underestimate potential adverse odour effects.

Additionally their customers will also be exposed to the malodours and nuisance emissions from the chicken sheds when they visit the business over extended periods of time.

Brightwell's staff and members of the public will be within 50m of the proposed chicken sheds and there are accordingly significant concerns for their health and wellbeing. It should be noted that an application is currently under consideration within the Brightwells site (Application Ref: 174702) relating to the use of demountable buildings and a caravan as accommodation for a member of staff who administers a security and management role. The

staff member resides at the caravan throughout the day and night, and the proposals accordingly represent a significant potential to impact on their amenity and health and wellbeing.

### Business Impact on Brightwells

The likely odour from the units would firstly be unacceptable for the employees of Brightwell's and they would likely see their valued and skilled employees seek employment elsewhere.

In terms of the Brightwell's business, the offensive odour would be disastrous as their customers would simply not tolerate such a noxious and offensive smell and would not visit the business.

My client has advised that this would inevitably result in a collapse in the sales at the site through lack of customers and therefore result in the closure of the site

Relocating would not be viable given the level of investment that has been made at this site by Brightwells. Furthermore with regards to the option of relocating should this appeal be allowed, prior to establishing at Madley, Brightwells were operating at Shobdon Airfield for over a decade and had to relocate to Madley when the Shobdon site they were leasing was to be redeveloped. Finding a new permanent home within Herefordshire proved extremely challenging, due to the need for a large external area of over 3ha, and with the required hard standing/surfaces for the plant and equipment. The Madley site was only identified after an exhaustive search of the County which revealed no other suitable alternative sites.

### Interim Summary

The Technical Review undertaken accordingly concludes that the resultant impact on the business would be unacceptable with the odour predicted to exceed 10 OUE/M3 hour 98%ile within the auction site. This is sufficient grounds to dismiss the appeal in accordance with Policies SS6 - Environmental Quality and Local Distinctiveness, RA6 – Rural Economy and SD1 – Sustainable Design and Energy Efficiency.

### **Conclusion**

These third party objections are submitted on behalf of Brightwells, who operate regionally significant business that provides a considerable economic benefit to the wider economy of Herefordshire.

Technical Review undertaken by the Airshed concludes that the air quality and odour impacts as a result of the proposals would unduly impact on Brightwells, which should be identified as a medium sensitivity receptor given the nature of the business and operations. The resultant impact would be unacceptable with the odour predicted to exceed 10 OUE/M3 hour 98%ile within the auction site. This is sufficient grounds to dismiss the appeal in accordance with Policies SS6 - Environmental Quality and Local Distinctiveness, RA6 – Rural Economy and SD1 – Sustainable Design and Energy Efficiency.



We, therefore, respectfully urge the Inspector to give sufficient weight to the above matters and to dismiss the Appeal accordingly.

Yours faithfully,



**MARK ROBERTS**

Director

Enc.

Letter from The Airshed dated 16<sup>th</sup> January 2018;

Joe Ayoubkhani  
Planning Associate  
Barton Willmore  
Greyfriars House Greyfriars  
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Cardiff CF10 3AL  
By email

**Dear Joe**

## **Odour from Proposed Extension to Poultry Unit at Madley Airfield**

I refer to your email of 16<sup>th</sup> January 2018 and our previous telephone conversation concerning the proposed extension of the intensive livestock units (ILU) for poultry on land to the north of your client's (Brightwells) site. This letter review relates to the Appeal Reference APP/W1850/W/17/3187088 for refusal of planning permission 163370. As requested I have reviewed the information provided by the applicant.

### **Summary of Findings**

The ILU is used for broiler chickens. The odour impact assessment conducted by the applicant predicts that odour from the proposed installation will exceed the recognised criterion for poultry odour of 3 OU<sub>E</sub>/m<sup>3</sup> 1 hour 98<sup>th</sup>ile across most of your client's site, including Brightwells' office accommodation.

The odour assessment ignores the potential impact on your client's site. DEFRA's Odour Guidance for Local Authorities defines sensitive receptors as '*Locations such as residential properties, hospitals, schools, offices etc. where people may be exposed to odour released from a given source, or have the potential to be so exposed.*'<sup>1</sup> Any reasonable interpretation of this Guidance indicates that Brightwells' staff may regularly experience loss of amenity. Regular customers may be deterred from future visits to the auction ground due to offensive odour.

As requested I have conducted a technical review of the odour impact assessment. This identifies a number of important weaknesses in the assessment that undermine the confidence that may be placed in the report's conclusions. This includes criticisms of some of the methods used, which don't comply with best practice Guidelines, concerns about the meteorological data used in the assessment and the lack of a baseline study. These are discussed below.

### **Background**

Brightwells operate a large vehicle equipment auction site at Madley Airfield<sup>2</sup> with 12 auction sales a year employing ~30 people and on auction days more than 700 people may attend. Your client is concerned that the intensification of the ILU

<sup>1</sup> DEFRA March 2010. Odour Guidance for Local Authorities Page 88 of 110. <sup>2</sup> <http://www.brightwells.com/PlantMachineryHGV/Default.aspx>

and the increased proximity is likely to increase odour and adversely affect the amenity of the auction site.

I have reviewed the design and access statement for the proposal.<sup>1</sup> There are six existing ILUs on the site housing 308,000 birds and four of the older units are to be demolished. The two existing units to the north of Stoney Street are to be retained which will each house 60,000 birds. The proposed scheme will erect 8 new ILUs on land immediately to the east of your client's site, each housing 40,000 birds. The new installation will therefore have a total capacity of 440,000 birds. The poultry installation (existing and proposed) is well above the PPC threshold and the proposal has a permit from the EA.

The proposal will increase the number of birds to be held on site and increase the potential for adverse odour impact. Odour from the proposed extension has the potential to significantly increase the adverse impacts on your client's auction ground, both from normal operations and during mucking out.

Current best practice for odour assessment requires that odour from this type of operation should be assessed. The applicant for the ILU has appointed an odour consultant to conduct an odour impact assessment.<sup>2</sup> I have reviewed this assessment taking account of relevant Guidance: Odour Guidance for Local Authorities<sup>3</sup>; the Institute of Air Quality Management *Guidance on the assessment of odour for planning*<sup>4</sup>; and the Environment Agency's Odour Guidance<sup>5</sup>.

I understand that an application is currently under consideration within the Brightwells site (Application Ref: 174702) relating to the use of demountable buildings and a caravan as accommodation for a member of staff who administers a security and management role. The staff member resides at the caravan throughout the day and night, and their amenity of the employee should be considered in light of the intensification of the ILU and the potential increased proximity to the caravan.

### **Baseline Odour Study**

The odour impact assessment does not consider the impacts from the existing operations (baseline), nor does the assessment include the results of sniff tests in accordance with current IAQM Guidance. The current odour assessment is therefore contrary to good practice Guidelines. Odour dispersion modelling is an entirely desk-based exercise. Where there are existing operations it is therefore good practice to conduct field odour surveys, to help verify the results from any

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<sup>1</sup> Ian Pick Associates March 2016. Redevelopment of Stoney Court Poultry Unit Stone Street Madley Herefordshire.

<sup>2</sup> AS Modelling and Data Ltd. 7<sup>th</sup> May 2015. A dispersion modelling study of the impact of Odour from the existing and proposed poultry houses at Stoney Street Farm, Madley Aifield, Madley in Herefordshire.

<sup>3</sup> DEFRA March 2010. Odour Guidance for Local Authorities

<sup>4</sup> IAQM May 2014. Guidance on the assessment of odour for planning

<sup>5</sup> Environment Agency March 2011. H4 Odour Management. Additional guidance for how to comply

with your environmental permit [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296737/geho0411btqm-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geho0411btqm-e-e.pdf)

<sup>8</sup> VDI 3940:1993. Determination of Odorants in Ambient Air by Field Inspection



dispersion model. Sniff tests would have helped confirm the extent of odour from the existing operation, would allow comparison with the results from baseline model predictions and thus increase confidence in the overall robustness of the odour predictions for the proposed scheme. There is a recognised technique for sniff tests which set out objective, repeatable methods.<sup>8</sup> There is no justification given in the odour assessment as to why no baseline study has been conducted.

## Meteorological Data

Dispersion modelling relies on the use of historical meteorological data from a representative site. The selection of meteorological data is therefore of crucial importance. H4, the Environment Agency's Odour Guidance recommends *"that at least three, preferably five years (of meteorological data) should be used."* The IAQM Guidance<sup>6</sup> *"recommends that individual years be modelled and five years of data should be used. It may be useful to report each result to demonstrate the variation in predicted concentrations, but the assessment conclusions should be based on the worse case results selected from each of the model runs."* This approach is necessary to take account of meteorological variability.

The 98%ile odour predictions in the report are apparently based on the worst case of four years of meteorological data for the years 2011 – 2014 inclusive. Extending the assessment to include 5 years of meteorological data would increase confidence in the predictions.

One of the principal factors affecting the robustness of the results from dispersion modelling is the suitability of the meteorological data used. H4 advises that meteorological *"data can be sourced from the following sources:*

- *A representative meteorological station;*
- *If such a station is not available or the site has specific local features that are likely to influence dispersion significantly, consideration should be given to the use of site specific predictive meteorological datasets (e.g. NWP) ....;*
- *Your own weather station if you have one on the site. You should demonstrate that the siting of this will give a true representation of the conditions of the site."*

The predictions in the odour report are based on Numerical Weather Prediction (NWP) modelled data, rather than using data from a ground station. The use of NWP<sup>7</sup> data (i.e. modelled predictions) rather than ground station meteorological observations could underestimate odour at some of the nearest receptors.

The nearest meteorological ground station with suitable meteorological data is at Credenhill, approximately 7km to the north of the ILUs, at approximately the same altitude. The use of NWP data in preference to the Credenhill meteorological ground station data is contrary to the advice in H4.

NWP data are based on model predictions, introducing further uncertainty into the odour predictions. In my opinion the assessment would be more robust if the predictions were based on five years of hourly sequential meteorological data from the Me. Office station at Credenhill.

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<sup>6</sup> IAQM May 2014. Guidance on the assessment of odour for planning. <http://www.iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>

<sup>7</sup> <http://www.metoffice.gov.uk/services/industry/data/wholesale/model>

I have attached wind roses for five years of hourly sequential meteorological data for Credenhill in Appendix 1. These may be compared with Figures 3a and 3b in the odour assessment. The wind roses for Credenhill are significantly different from the NWP meteorological data used in the odour assessment. Therefore the use of computer modelled NWP data rather than ground station observations from a representative ground station nearby undermines confidence in the assessment.

### **Other Considerations**

The model predictions include for the effect of local topography. The ADMS user guide states that the terrain algorithm should only be used where slopes are  $>10^\circ$  and  $<30^\circ$ . I have not conducted a site visit, but the terrain data from the OS Map base at 1:25,000 suggests that the local topography around the ILUs does not merit the use of the terrain module within ADMS. The use of terrain significantly increases the uncertainty in model predictions and in my opinion it is not good practice to use the ADMS terrain module without reporting the model predictions for both conditions (i.e. with and without terrain effects being considered).

Dispersion modelling is subject to a range of uncertainties as discussed above. The report does not include a discussion of these factors as recommended in IAQM Guidance.

Kind regards



Steve Fraser *BSc MPhil CEnv MIOA MCIWM*

