

Agenda Item:	5.1
---------------------	-----

Site:	Coppice Farm Hobb Lane Marchington Woodlands Staffordshire ST14 8RG
Proposal:	Erection of 2 No. additional poultry sheds with associated control room, heat exchangers, feed bins & hardstanding, formation of a 1.5m high soil bund, landscaping and expansion to existing drainage attenuation pond on an established poultry farm

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2020/00635	
Planning Officer:	Alan Harvey	
Type of Application:	Detailed Planning Application	
Applicant:	Mr Alec Mercer	
Ward:	Bagots and Needwood	
Ward Member (s):	Cllrs Ashcroft, Jones and Gould	
Date Registered:	11 August 2020	
Date Expires	Original expiry date 15 October 2020; with the determination date extended to 31 st August 2023 with agreement of the applicants for the submission of additional information (including Shadow Habitats Regulations Assessment) and for reporting the application to this Planning Committee meeting.	
Reason for reporting application to committee	The level of local interest in this scheme.	
Recommendation	Grant permission subject to conditions	

1. Executive Summary

- 1.1 The application site comprises a parcel of agricultural land within the holding of Coppice Farm which is accessed by way of a private farm track off the southern side of Hobb Lane, Marchington Woodlands. The land is currently used for growing arable crops and lies adjacent to two agricultural buildings already used for poultry production (14,000 turkeys in total) along with

associated infrastructure, including feed bins, a reception/general purpose building, water tank, hardstanding areas and a drainage attenuation pond.

- 1.2 The poultry unit at Coppice Farm has been operational since early 2017 further to a grant of planning permission in January 2016. The development included the provision of vehicle passing places on Hobb Lane.
- 1.3 The application site is outside settlement limits as defined in the Local Plan and is within Flood Zone 1. The site lies within the parish of Abbots Bromley but is close to the parish boundaries of Marchington and Uttoxeter Rural.
- 1.4 The site is largely surrounded by agricultural lands with an area of woodland running south from the south-west corner of the site. There are dispersed residential properties in the locality; with the nearest dwelling being some 430 metres from the development site.
- 1.5 The scheme is a full application submission which seeks approval for the proposed erection of two No. additional poultry production sheds along with an associated control room, heat exchangers, feed bins and hardstanding along with the proposed formation of a 1.5m high soil bund, landscaping and the expansion of the existing drainage attenuation pond. Each of the poultry sheds individually have a floor area of some 2,230 square metres, and will house 7,000 birds; meaning that the poultry unit at the site would house 28,000 turkeys in total (across four buildings).
- 1.6 The application has been subject to revision during the application process; with the amendments including the provision of a more robust landscaping scheme and the addition of heat exchangers to the proposed poultry production sheds. These measures were identified as necessary mitigation in the applicant's Shadow Habitats Regulation Assessment (HRA)*; itself subject to amendment in the light of the inputs of Natural England and specialist consultants appointed by the Borough Council. The mitigation addresses the impact of the application on its own and in combination with other relevant sources of ammonia and nitrogen on wider statutory designations within 10km of the application site including: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs) and RAMSAR sites (the latter being wetland sites designated to be of international importance under the Ramsar Convention).
- 1.7 Statutory consultees have raised no objections that cannot be addressed by the imposition of planning conditions. Abbots Bromley Parish Council has raised no objections/comments to the scheme and Uttoxeter Rural Parish Council states that it has no comments to make on the proposals. Marchington Parish Council, however, request the refusal of the scheme in terms of concerns over the scale of the proposed development and the adverse effect it could have on the local infrastructure; in particular in relation to increases in noise to local residents from delivery lorries late at night, traffic safety issues on Hobb Lane and local water supply capacities.
- 1.8 Representations, including petitions, have been received during the application process from local residents/interested parties at total number of 18 properties. There have been four rounds of consultations on this application; reflecting the revisions and additional documentation submissions

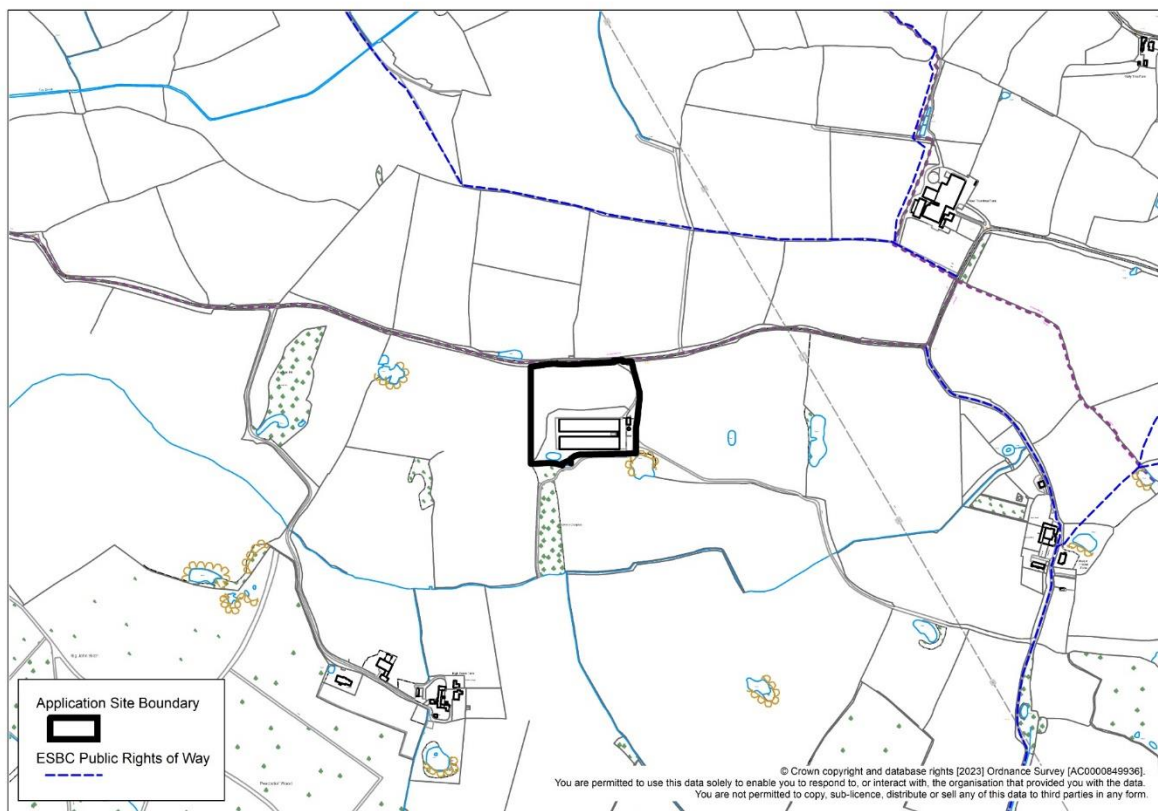
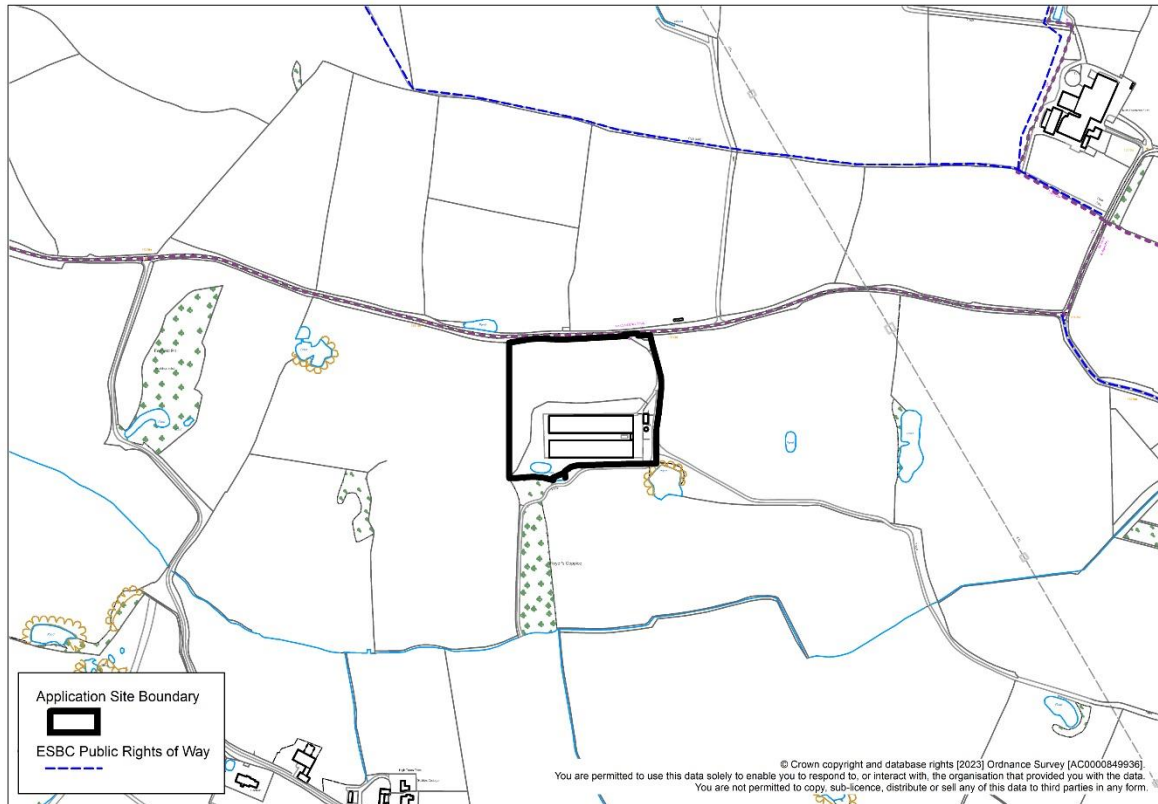
that have been secured during the application process to get to a point of an informed determination at Planning Committee.

- 1.9 The representations from local residents/interested parties all raise objections/concerns to the scheme with these principally relating to noise, smells and disturbance by way of the on-site activities and the associated traffic movements, ammonia pollution, dust, and highway conditions/safety. The representations also contend that the applicant's submissions underestimate the negative impacts on residents and the environment of the existing poultry unit and consequently the likely exacerbated impacts of the proposed expansion.
- 1.10 In relation to the most recent submissions from interested parties - made following the submission of the applicant's Shadow HRA - a further petition from local residents (Appendix A) continues to challenge the veracity of the applicant's submissions, contends that the impact of noise from deliveries of animal feed upon local residents has still not been taken into account and cite a 'dismissed' appeal decision for a poultry farm elsewhere (in another Council area) which it is contended demonstrates that the application scheme should be similarly refused for the impacts of ammonia on persons in the locality. The petition also cites a published journal article (from *Science* attached at Appendix B) which sets out the role of Ammonia in the loss of biodiversity and contribution to the formation of nitrous oxide, a greenhouse gas – which it is contended would also be contrary to Central Government targets of reducing ammonia by 2030.
- 1.11 With regard to the planning merits of the case it is considered that on balance the scheme in principle fits the overall aims of the Development Plan in terms of balancing economic, social and environmental impacts having regard to supporting an existing business in a rural locality in relation to agricultural production subject to other material planning impacts being successfully addressed.
- 1.12 In terms of their physical impacts, it is considered that the proposed buildings are so isolated so as not to give rise to any overbearing, overshadowing or overlooking impacts on existing residential properties.
- 1.13 The proposal will not in principle have an unacceptably adverse impact on the existing road network subject to off-site highway works, including the provision of additional passing bays, being secured on Hobbs Lane (by a 'Grampian' condition) between the site and the junction with the B5013. As per the previous approval for poultry units at the site the scheme will also have a condition so that traffic is routed from and towards the B5013.
- 1.14 It is considered that the scheme would not significantly detract from the visual amenities of the locality given the siting, scale and appearance of the proposed buildings and the screening provided by existing landscape features, along with new planting and new bunding. The scheme would not have any impact on any heritage assets given there is no intervisibility between the proposed development and any statutory or non-statutory heritage designation.

- 1.15 With regard to the activities being undertaken at the site in relation to the operation of the proposed development, including traffic and people movements, it is considered that subject to the provision of necessary and commensurate mitigation measures (all to be secured by planning conditions) that the development would not have a sufficiently adverse impact on the amenities of residents in terms of noise and disturbance and airborne pollution in the locality to warrant a refusal of planning permission.
- 1.16 The scheme - both by itself and 'in combination' (with other such sites) - subject to mitigation would not impact negatively on the biodiversity of the locality or the wider statutory designations including Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs) and RAMSAR sites. Those conclusions have been reached further to the proposed adoption of the applicant's Shadow Habitat Regulations Assessment (HRA) following review by the independent consultants appointed by the Council and in the light of the recommendations of Natural England. The scheme also has due regard to climate change impacts.
- 1.17 In light of the proposed adoption of the Shadow Habitat Regulations Assessment, and having regard to the other material considerations set out in this report, it is concluded therefore that in accordance with Government Policy and as required by Regulation 61 of the Conservation of Habitats and Species Regulations (Amended) (EU Exit) 2019 and EC Habitats Directive (Council Directive 92/43/EC) setting out the role of the Council as the 'competent authority' under the Regulations, that the recommendation is one of a grant of conditional planning permission for this project.
- 1.18 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

*Any development that has the potential to have an impact upon a European protected site (as per those listed in paragraph 1.6 above) is necessarily subject to a Habitats Regulations Assessment (HRA) by the competent authority, being the Borough Council as the local planning authority in this case. Although the legal responsibility is on the competent authority to adopt an HRA, the information collated to inform the process in this case has been submitted by and (initially) assessed by the applicants and such is called a Shadow Habitat Regulations Assessment (in relation to which in turn the Council appointed external consultants to conduct a review to enable the necessary adoption process to be completed as set out in paragraph 1.16 above)

Maps of the application site and its environs



2. The site description

- 2.1 The application site comprises a parcel of agricultural land on Coppice Farm which is accessed by way of an existing farm track off the south side of Hobb Lane, Marchington Woodlands. The land is adjoined immediately to the south by the existing two No. turkey breeding sheds (each with 7,000 birds), a reception/general purpose building, water tank and hardstanding constructed further to a 2016 approval (as per the Planning History in Section 3 below). The application site forms part of a larger agricultural holding which extends to some 102 hectares.
- 2.2 The lands are largely level from Hobb Lane to the application site, before then gradually sloping down southwards to a watercourse and as such the existing poultry buildings are at a lower level (by approximately 1.0m) than the application site. The site is located within a large field currently used as arable land which has a variety of boundary treatments including mature hedgerows and trees, and fencing. There is a mature hedgerow along Hobb Lane and the eastern boundary. There are bunds to the north, west and east of the poultry sheds, which were undertaken subsequent to the 2016 approval for the existing sheds.
- 2.3 The application site is largely immediately bounded by agricultural land on all sides; with a copse of mature trees running southwards from the south-west corner of the site. There is an associated attenuation pond to the south-west of the poultry sheds. A recently approved agricultural building is presently under construction to the south of the application site in the adjoining field area. There is a field pond within a treed area to the south-east.
- 2.4 There are dispersed residential properties in the surrounding locality. The closest dwelling is located approximately 430m to the south-west of the site. There are also dwellings approx. 600m to the north-east and 500 m to the south-west.
- 2.5 The application site lies outside settlement limits as defined in the adopted Local Plan (under Policy SP2) and is within Flood Zone 1. The site is within the parish of Abbots Bromley but is close to the boundaries of the parishes of Marchington and Uttoxeter Rural.

3. Relevant planning history

- 3.1 The existing turkey farm was initially established at the site in early 2017 further to a grant of planning permission in January 2016. The development of the site has progressed as follows:

P/2015/01454 - Erection of 2 agricultural buildings for poultry production with associated infrastructure including feed bins, hardstanding and drainage attenuation pond. - Approved on 21/01/2016.

P/2016/01145 - Discharge of Conditions 3, 5, 6, 7, 8, 9, 10 and 11 of Planning Permission P/2015/01454 relating to the erection of 2 agricultural buildings for poultry production with associated infrastructure including feed bins, hardstanding and drainage attenuation pond Approved on 14/11/2016

P/2016/01771 - Discharge of Condition 4 of planning permission P/2015/01454 relating to erection of agricultural buildings for poultry production with associated infrastructure including feed bins, hardstandings and drainage attenuation pond. Approved on 09/01/2017.

P/2017/00152 - Erection of a reception/general purpose building ('gatehouse') and siting of water tank on approved poultry unit - Approved on 03/04/2017.

P/2017/00186 - Section 73 application made to effectively vary condition 14 of planning permission ref: P/2015/01454 to amend the colour finish of the profile cladding from Juniper Green walls and Slate Blue roof to an all over colour finish of Olive Green. Approved on 10/04/2017

3.2 In May 2016, an outline application - with all matters reserved - was made (under ref: **P/2016/01372**) for the proposed erection of a new agricultural workers dwelling on the site. The application was subsequently withdrawn.

3.3 **P/2022/00288** - Prior Notification consent was given for the erection of an agricultural barn for the storage of straw in the field area to the south of Coppice Farm. The application was approved in March 2022 and the building is in the course of being erected at the site.

4. The Proposal

4.1 The application is a full submission relating to the proposed erection of two No. additional poultry sheds with associated control room, heat exchangers, feed bins and hardstanding along with the proposed formation of a soil bund and the expansion to the existing drainage attenuation pond. The development is immediately to the north of the existing poultry sheds set between the existing sheds and Hobb Lane.

4.2 Each of the sheds will house 7,000 turkeys; meaning that should the development progress the poultry unit will house 28,000 birds in total. The buildings, which replicate the size of those already in situ, are each proposed to be 103.8m in length by 21.47m in width in their dimensions with an eaves height of 2.3m and overall ridge height of 5.2m. The proposed buildings will have a finished floor level one metre higher than the existing buildings at the site (reflecting the topography of the site). The proposed external all over colour finish of Olive Green will match that of the existing poultry sheds.

4.3 The buildings will be linked by a shared control room and will be fitted with high velocity ridge mounted ventilation fans and side inlet vents. The control room includes a specialist computer system which is thermostatically controlled to maintain the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting is also controlled by the computer system.

4.4 The scheme was amended during the application process to include the heat exchangers; as these are proposed as being necessary to mitigate the levels of ammonia produced during the turkey rearing process.

- 4.5 New landscaped bunding, with a maximum height of 1.5 metres, is to be created to the north and west of the proposed buildings which will include tree planting. The landscaped bund on the west side of the poultry unit will be continued south to join with that to the existing sheds (and that is also to be landscaped with trees). Specimen tree planting is proposed to the existing hedge to the east. The existing drainage attenuation pond site to the south east will be expanded by approximately 40% in area.
- 4.6 The proposed buildings will be used for the rearing of turkeys from 40 days old through to finished table weight. The rearing cycle operates on ‘an all in all out’ system, and each cycle takes approximately 114 days. The turkeys are reared for approximately 100 days (14 weeks), following which the buildings are cleaned out and prepared for the next batch. The proposed buildings will each therefore operate with 3 flocks per annum. In terms of the ammonia levels generated by the use, these increase during the turkey rearing process and thus the highest levels would be recorded towards the end of the process. The increase in the ammonia levels also means that there is a proportionate increase in the number of fans that are in operation at one time at the site, as the buildings will typically require greater ventilation rates as the turkeys mature
- 4.7 The applicants advise that there will be a feed delivery every 2 days to the site following the development (whereas the deliveries presently are approximately one every four days at present). The submissions indicate that three times a year (as per the flock cycles) the following traffic will be generated by the proposed development:
- Bird Delivery - 2 HGVs (4 movements over 1 day)
 - Bird Removal - 15 HGVs (30 movements over 4 days).
 - Bedding Delivery - 1 HGV (2 movements)
 - Carcass Collection - 1 7.5tonne HGV (2 movements)
 - Manure removal - 9 HGVs (at end of bird removal)
– 18 movements.
 - Washout Water Removal - 1 tanker (2 movements)
 - Gas Delivery - 1 tanker (2 movements).
- 4.8 In addition to the proposed works on the site, the application submissions propose the provision of additional passing bays and highway improvement works along Hobb Lane between the site entrance and the junction with the B5013 to the west.

List of supporting documentation

- 4.9 The documents below have been provided as part of the application process; with those marked with an asterix* having been amended during the application process (further to their original submission) whereas those with a double asterix are additional documents requested from the applicants by officers in the light of statutory consultees/residential consultation responses.
- Application Forms (including Ownership Certificate).
 - Location Plan*
 - Existing and Proposed Site Layout Plans *

- Proposed Building Elevations and Floor plans*
- Proposed Roof Plans*
- Existing and Proposed Site Sections*
- Highway Improvement Plan (on Hobb Lane)**
- Landscaping Proposals*
- Attenuation Pond Section
- Design, Access and Planning Statement with appendices 1-8
- Odour Report (Appendix 1)
- Plant Noise Assessment (Appendix 2)*
- Ecological Report (Appendix 3)
- Flood Risk and Drainage Report (Appendix 4)
- Ammonia Modelling Report (Appendix 5)*
- In Combination Ammonia Assessment (Appendix 6)*
- Landscape Assessment (Appendix 7)
- Transport Statement (Appendix 8)
- Supplementary Planning Statements**
- Statement of Agricultural Need
- Manure and dirty water management strategy**
- Shadow Habitats Regulations Assessment (revised version)**

4.10 At the point of submission the application was screened under Environmental Impact Assessment (EIA) regulations; with it being concluded by officers that the proposals did not represent EIA development on the basis that the scheme whilst locally significant it was likely to be capable of a fully informed assessment through the planning application process.

4.11 During the application process itself as well as providing the manure and dirty water management strategy, revised landscaping proposals and a proposed highway improvement plan, in the various supplementary planning statements/reports the applicant's agent has sought to address the comments of statutory consultees and interested parties/local residents as the application has progressed and these are considered in the Assessment below (from Section 8 onwards).

4.12 The Shadow Habitat Regulations Assessment (HRA) - after being revised - was provided in conjunction with the final revised plans (which included the Heat Exchangers). The Shadow HRA specifically addresses the need to mitigate impacts on wider statutory designations within 10km of the application site including Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs) and RAMSAR sites (the latter being wetland sites designated to be of international importance under the Ramsar Convention).

4.13 In terms of the background to the supporting documentation the applicants agent makes the main points summarised below:-

- Ammonia emission factors used in the Shadow HRA were calculated using the same base data as the UK National Atmospheric Emissions Inventory (NAEI) and the same methodology as used by the Environment Agency, and this is normal practice.

- In terms of noise the submitted 24 hour survey established extremely low background noise levels in the area. These findings are robust for the assessment, with a longer duration survey not warranted as
 1. Extraction fans on the existing turkey sheds were operating during the survey; the number of fans running and their duration of operation is unknown. Their noise emissions however were inaudible at the two measurement positions, with no indication of their influence on the recorded background noise levels.
 2. The noise emissions from the proposed ventilation system will be extremely low, resulting in a low BS4142 noise impact at the nearest dwellings. Even with more fans running during the evening and night, the BS4142 noise impact will be low.

4.14 In terms of the introduction of any restriction on the hours of lorry deliveries to the site, the applicant’s agents indicate that *“the applicant can offer a restriction on lorry delivery times to social hours for feed deliveries, say 0700 - 2100.”* The applicants agents also points out, however, that *“at the end of each flock (rearing cycle), as with all poultry units, the birds are removed at night-time. Any restriction on delivery times would need to exclude live bird transport as the business would be unable to operate with a restriction on live bird removal.”*

4.15 The assessment findings of all the relevant application documents are dealt with in section 8 onwards below. In terms of the assessment of the applicant’s Shadow HRA, in addition to the necessary series of consultations with Natural England, independent consultants were appointed to work in conjunction with LPA Officers given the specialist technical nature of the review work. Again that matter is dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses on the application, are set out in the tables below. These reflect the final positions of the statutory consultees in the light of the submissions that have been throughout the application process.

5.2 The series of four consultations on the various submissions with the Parish Council’s as the application progressed are recorded as follows:

Parish Council		First Response
5.3	Abbots Bromley Parish Council	State there are <i>“no objections”</i> to the application.
5.4	Marchington Parish Council	Comment that they would like the Local Planning Authority to take the following matters into consideration when determining the application. Noise

		<p><i>The site is currently an issue with the noise of feed deliveries which take place extremely late at night, as more units are added this could increase.</i></p> <p>Traffic Safety Issues</p> <p><i>Hobb Lane is a single-track lane with collapsing sides and an abundance of potholes. The road is not suitable for heavy vehicles. If this were to go ahead improvements to the road would be necessary. There are 2 passing places on the road, however these are often used for parking by walkers making it impossible to pass large vehicles.</i></p> <p>Water Supply</p> <p><i>There is only a 1.5-inch water main in Hobb lane with exceptionally low water pressure in the area serving a dairy farm and housing as well as the poultry farm. A further two poultry houses will exasperate the situation further.</i></p> <p><i>The Parish Council has concerns over the scale of the proposed development and the adverse effect it could have on the local infrastructure. The Parish Council would ask ESBC to refuse this application.</i></p>
5.5	Uttoxeter Rural Parish Council	State that they have “no comment to make on this application.”
Parish Council		Second Response
5.6	Abbots Bromley Parish Council	No representations received within the statutory consultation period.
5.7	Marchington Parish Council	Confirm that they have reviewed the additional information provided in the application, (and advise) the comments made in September 2020 (as detailed above at 5.4) still stand.
5.8	Uttoxeter Rural Parish Council	Uttoxeter Rural Parish Council has no comment to make on this application
Parish Council		Third Response
5.9	Abbots Bromley Parish Council	No representations received within the statutory consultation period.
5.10	Marchington Parish Council	The Parish Council comment that the local residents still have the same worries and concerns that were registered last time and the parish request that these comments are

		taken into consideration when reviewing this application (these comments are set out in paragraph 5.4 above).
5.11	Uttoxeter Rural Parish Council	Uttoxeter Rural Parish Council has no comment to make on this application.
Parish Council		Fourth Response
5.12	Abbots Bromley Parish Council	No representations received within the statutory consultation period.
5.13	Marchington Parish Council	<p>The Parish Council states that there are objections to this extension of the existing poultry farm. (Parish) Councillors and residents are concerned for the safety of users of Hobb Lane. It is already in a poor state of repair, with no edges and poor drainage, and additional heavy vehicle traffic will exacerbate this. The proposed extension development will put at risk the safety of the many walkers, cyclists and runners who use the single-track lane.</p> <p>Smell and noise from the poultry units will be greatly increased by the development and reach a wider area. Added to this is the considerable noise from unloading lorries. It was noted that the smell from the units increases as the turkeys grow with warmer weather making this even worse. The development is not in keeping with the peaceful character and natural beauty of the area.</p>
5.14	Uttoxeter Rural Parish Council	Advise that they have no comment to make on this application

	Statutory and non-statutory consultee	Final Responses Summary
5.15	SCC Highways	Have no objection subject to conditions providing for carriageway repairs on Hobbs Lane and scheme of intervisible passing spaces between the site and its junction with the B5013 (to supplement those provided in connection with the 2016 application approval).
5.16	Natural England	Natural England have during the application process required additional submissions in relation to the impact of ammonia and nitrogen deposition on wider statutory designations within 10km of the application site including Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs) and RAMSAR sites.

		<p>This culminated in the applicant’s submission of a (revised) Shadow Habitats Regulations Assessment (HRA) whereby Natural England comment that they:- <i>“raised no objection – subject to appropriate mitigation being secured as it is considered that without appropriate mitigation the application would:</i></p> <ul style="list-style-type: none"> • <i>have an adverse effect on the integrity of West Midland Mosses Special Area of Conservation / Midland Meres and Mosses Phase 1 RAMSAR</i> • <i>damage or destroy the interest features for which Forest Banks Site of Special Scientific Interest and Chartley Moss SSSI have been notified.”</i> <p>Natural England comment further that :- <i>“In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:</i></p> <ul style="list-style-type: none"> • <i>Tree shelter belt</i> • <i>Heat exchangers</i> <p><i>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</i></p> <p><i>Natural England’s further advice on designated sites/landscapes and advice on other natural environment issues is set out below.</i></p> <ul style="list-style-type: none"> • <i>West Midland Mosses Special Area of Conservation (SAC) / Midland Meres and Mosses Phase 1 RAMSAR and Pasturefields Salt Marsh SAC: Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority (i.e. ESBC), but by the applicant. As the competent authority, it is the responsibility (of ESBC) to produce the HRA and be accountable for its conclusions. Natural England provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.</i> • <i>Natural England notes that Applicant has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.</i> • <i>The appropriate assessment (HRA) concludes that your authority (i.e. ESBC) is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures</i>
--	--	---

		<i>proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.”</i>
5.17	Forestry Commission	Comments that given the organisations status it provides no opinion supporting or objecting to such an application but highlights information on the potential impact that the proposed development would have on the ancient woodland and the need to ensure that Natural England are consulted (which they have been as outlined above).
5.18	Environment Agency	<p>Have no objection further to the provision by the applicants of a proposed manure and dirty water management strategy.</p> <p>On the specific issue of ammonia assessment, the Environment Agency advise that:</p> <p><i>“As the total number of birds is 28,000 and falls under the 40,000 Environmental Permit limit. This means that we would not look at the ammonia screening other than at planning stage and it would fall under the Local Authority to regulate this.</i></p> <p><i>We (however) have reviewed the ammonia assessment which came with the application and the model of it shows to fall within the limits you would expect from the type of industry and would likely to have a minimal impact on the surrounding area however the Local Authority may want to request an odour management plan to assess the impact further.”</i></p>
5.19	Lead Local Flood Authority	Advise that the flood risk from surface water and ordinary watercourses are considered to be low and that given the nature and scale of the proposed development, and the existing site, the proposals should not generate a significant increase in surface water runoff from the site.
5.20	Severn Trent Water	State as the proposal has minimal impact on the public sewerage system no objections are raised to the proposals and a drainage condition is not required to be applied.
5.21	ESBC Environmental Protection	<p>Comment on the relevant material issues as follows:-</p> <p><u>Noise</u></p> <p>Are satisfied in principle that there will be no significant adverse impacts in relation to the plant associated with the proposal. Also advise that a feed lorry delivery time window (of 7am to 9pm as being offered by the applicants) is a useful condition. A 40 minute delivery every 2 days is not considered excessive or out of keeping with a farm setting and is unlikely to be a significantly adverse impact. The site is in quiet location, and you can hear quite a lot of distant sounds, although being audible is not the same as being adverse.</p>

		<p><u>Odour</u> Are satisfied in principle that there will be no unreasonable odour impact from the proposal.</p> <p><u>Dust</u> Are satisfied that there will be no significant adverse dust impact from the development and point out that Defra’s air quality review and assessment process highlights that there no need to consider poultry units for air quality assessment unless they are greater than 100,000 birds or there is relevant exposure within 100m of the source (neither of which apply in this case).</p> <p>On the issue of Ammonia, ESBC Environmental Protection advise that they would defer to appropriate stakeholders for detailed advice; namely the Environment Agency and Natural England (for which see above comments/the Assessment section of this report).</p>
--	--	---

6. Neighbour responses

- 6.1 The residents in the locality were formally notified on the original consultation and a site notice posted/press notice published. Two further re-notification processes were undertaken upon the scheme (as originally described) further to the applicants submission of a supplementary planning statement and revised landscape scheme/highway works proposals and then additional ammonia based information (in terms of cumulative impacts).
- 6.2 The fourth (and final) notification was given upon the amendments of the scheme to include the Heat Exchangers (with the associated Habitat Regulations Assessment); with a further site notice posted/press notice published (both in April 2023).
- 6.3 Over the course of the four consultations representations have been received from local residents/interested parties in a total of 18 No. properties in the proximity of the application site. The representations have all raised objections/concerns in respect of the application scheme and these are summarised in turn below.
- 6.4 In relation to the original consultation by the LPA, 9 No. individual representations were received along with a petition raised against the scheme which was signed by the occupiers of 18 No. properties (including all the parties who submitted individual correspondences).

<p>Summary Table of Objections to the Scheme (in response to initial consultation exercise)</p>	
<p>Principle of the development</p>	<ul style="list-style-type: none"> • As the poultry farm facility is based on one product increasing the size of this factory unit changes the character of this previously entirely rural and agricultural location.

	<ul style="list-style-type: none"> • The adjoining landowner was denied a new farm building despite it being smaller than that being proposed by this current application.
<p>Residential amenities</p>	<ul style="list-style-type: none"> • The negative impacts of the development affect local residents over the 24 hour period of every day. • The scheme will compound existing detrimental noise suffered by local residents as a result of the mechanical fans. This occurs into night-time hours. • There is already a constant humming sound from the ventilation system which will double should the application scheme proceed. • The indicated schedule of reduced fan operation between certain hours is not adhered to and thus there is no regard to local residents. • The provision of a noise barrier is needed to be erected to mitigate impacts to surrounding residential properties. • The odour bands predicted in the applicants submitted 'mapping model' for the additional sheds are already exceeded by the existing site and this can be evidenced and witnessed; whereas surveys are theoretical and misleading. • The development will increase by double the airborne ammonia/odour pollution in the locality to the detriment of the living conditions of local residents. It is pointed the smell can at times be very pungent/acrid and can be exaggerated having regard to wind direction(s). • As the odour concentration levels from the expanded turkey unit at Coppice Farm would exceed the Environment Agency's benchmark for a 0.5 mile length of Hobb Lane this would detrimental to recreational users of that highway. • It is pointed out that odour/smells on Hobb Lane have been at a level to cause choking to persons when running and cycling. • The movement of vehicles, and associated activities, occurs in the evening and at night to the detriment of local residents. It is pointed out that feed deliveries occur in the day and night hours, can last up to an hour, and the noise from lorries can be intense and go on up to 11.30pm in the summer months. • The veracity and accuracy of the noise report is challenged in terms of the information provided and it is contended that additional noise survey work should be undertaken. This additional survey work should involve taking measurements at the dwellings closest to the site across the full cycle of the bird rearing operation. The noise report should also be used to assess impacts of traffic movements in connection with activities in the evening/at night.

	<ul style="list-style-type: none"> Noise survey work would have to be undertaken at every property affected to represent the true impacts on the residents of a particular property. It is contended that with reference to poultry farm schemes in Hoar Cross and Abbots Bromley (of 2016) the applicant's submissions understate the likely 'in combination' pollution impacts on local SSSIs/SAC designations. This would have an impact on any conclusions Natural England may come to on this application.
Visual Amenities	<ul style="list-style-type: none"> The scheme would be out of keeping in terms of its size with the local environment. The building detracts from the visual amenities of the locality
Highways	<ul style="list-style-type: none"> Hobb Lane is single track and narrow road which is not capable of accommodating the additional traffic which this development will generate. The additional HGV and other traffic will be detrimental to drivers of vehicles by increasing road safety concerns. This have an exacerbated impact in hours of darkness. Hobb Lane is well used by ramblers/walkers/runners and cyclists and the additional traffic will increase safety concerns for these users. Lorries serving the turkey business have damaged the road surface and edges. The new development will exacerbate the problem. The passing places put in on Hobb Lane do not have signage identifying their use and often used for parking making it increasingly difficult for vehicles to pass each other. The traffic survey is inadequate in its duration and was undertaken when the roads were quiet(er) during the first National Covid 19 Lockdown. Thus higher levels of traffic – for example in connection with other agricultural activities – and in relation to evening/night-time activities at Coppice Farm are not covered. Some lorry drivers use other private access roads in the locality in error causing the residents concerned noise and disturbance, inconvenience and expense to repair damage road surfaces as well as causing highway safety concerns with lorries having to reverse back up to Hobb Lane.
Other Matters	<ul style="list-style-type: none"> The water main size in Hobb Lane is limited and water pressure is already low. There would be a loss of value to properties in the locality. The application submissions fail to set out means of mitigating the concerns of local residents.

	<ul style="list-style-type: none"> • The application submissions are misleading as the survey work – for example noise and traffic assessments – were undertaken during the first National Covid Lockdown period. It is contended that the submissions do not reflect the day to day experiences of local residents as they under-estimate impacts. • There are concerns that residents submissions are not prompting further dialogue and that the applicants submissions are just being accepted as ‘gospel.’ • the Environment Agency are (separately) being challenged in terms of their action of granting a bespoke intensive farming poultry installation for poultry farm site in Abbots Bromley without - it is contended - having taken into account the site at Coppice Farm in terms of ‘in combination’ pollution impacts on SSSIs.
--	---

6.5 One of the residents concerned provided a recording taken at their property at 9.55pm (21.55 hrs) which is stated to be of fan noise at the existing turkey farm unit.

6.6 A second petition - being an updated version of the first and again signed by the occupiers of the 18 No. properties - was received in response to the supplementary submissions of the applicants (the subject of the LPA’s second consultation process). The organiser of the petition emphasises that the signatories are all the relevant residents of properties - other than that owned by the applicants - in the proximity of Coppice Farm. As with the first petition it is also indicated that the submission should be seen as supplementing the individual submissions of local residents.

6.7 The table below sets out a summary of the contents of the updated petition; which responds to the headings of a supplementary planning statement submitted on behalf of the applicants. The petition comments at the outset that *“residents are appreciative of the positive approach taken to some of the items but are disappointed that other critical issues appear to have been given scant consideration or even dismissed entirely”* and in its conclusion it is stated *inter alia* that the residents concerned *“trust ESBC will take all of the communications into account from all respondents potentially impacted by this proposed extension to Coppice Farm, and, where necessary, re-confer with consultees prior to making its decision.”*

Summary Table of Objections/concerns Set out in Updated petition	
County Highways Authority	<ul style="list-style-type: none"> • The transport submissions under-estimate the levels of traffic using Hobb Lane. • The predicted traffic generation from the site is underestimated and would be nearly three times the level of the 2015 document submissions and not double as suggested by the applicants (as the 2015 submissions indicated that 10,000 turkeys would be housed at the site).

	<ul style="list-style-type: none"> • The intensity of use of the Hobb Lane/B5013 junction is higher than the submissions indicate; including agricultural related traffic from tenanted lands in the applicant's ownership. • Whilst the new passing places are welcomed it is imperative that they have necessary signage; as this is not the case presently.
Ammonia	<ul style="list-style-type: none"> • It is contended that the applicants may have understated pollution impacts on local Sites of Special Scientific Interest/Special Areas of Conservation as a result of failing to take full account for 'in combination' impacts from other poultry units. • The applicants indicate it would take a long-term monitoring trial to accurately determine emissions and it is pointed out that since Coppice Farm has operated since early-2017 there has been ample opportunity for the applicants to prepare such information. • It is contended that in-depth, long-term ammonia deposition studies should be conducted at locations near to the site, and the local Sites of Special Scientific Interest/Special Areas of Conservation. • The Government in its Clean Air Strategy 2019 commits to reducing ammonia emissions by 16% from 2005 levels by 2030 and it is questioned as to how permitting major new sources of ammonia fits in with this policy.
Natural England	<ul style="list-style-type: none"> • Whilst it is recognised based on the application submission that Natural England have no objections in principle, given that it is has been contended the 'in combination' ammonia data has been under estimated (as per above) it is believed that ESBC should request an updated in-combination ammonia assessment from the applicants and in turn Natural England be re-consulted.
Noise	<ul style="list-style-type: none"> • The noise report concentrates on fan noise and fails to take full account of the other noise generating activities such as lorry movements that often taken place late at night. • The applicant's report does not cover a sufficient time period to be representative of the noise generated at the site and therefore is under-representative of the actual activities at the site. • The applicant's agent is dismissive of the late night occurrence of noise cited by local residents – by saying it was unlikely to be the fans at the turkey farm - rather than seeking to investigate the incidents.
Conclusion ('Other Matters')	<ul style="list-style-type: none"> • The applicant's agent has failed to materially address matters such as the Environment Agency deeming odour concentrations to be "<i>moderately offensive</i>" on Hobb Lane, the current light pollution from the site and restricting HGV delivery times.

- | | |
|--|--|
| | <ul style="list-style-type: none"> • The application submissions are misleading as the survey work was undertaken during the first National Covid 19 Lockdown period. |
|--|--|

- 6.8 Five No. further individual letters of representation were also received (all also signatories of the petition) which re-iterated many of the overall objections set out above in the petition and in the previous submissions (also summarised in this report); with outstanding concerns remaining in terms of the accuracy of the content of the applicant's supporting submissions.
- 6.9 One of the residents concerned also provided further additional evidence of what was stated to be noise generated by the fans at the site being audible from their property.
- 6.10 With regard to the third consultation exercise undertaken by the LPA a further petition (from the residents of 14 No. properties) and 5 No. individual property submissions (also signatories of the petition) were received which acknowledged the additional mitigation measures being proposed at that time (being the planting of the trees on the bunding) but in overall terms contended that the concerns previously raised in the first two series of consultations had not been addressed. The residents' submissions therefore again questioned the adequacy of the applicant's submissions to allow a determination of the application and thus it was believed that the impacts on residential amenities and highway safety would be greater than that indicated and that the proposals both on their own – and in combination with other similar farms – would still clearly be contrary to local and national policies in terms of their environmental impacts.
- 6.11 The petition submitted in relation to the third consultation concluded with three recommendations as follows:
- “1. Actual numbers be provided for existing traffic flows to the site and the remainder of the applicant's holding (240 acres of agricultural land) off Hobb Lane.*
- 2. A detailed noise survey be conducted, to show the actual effects of noise at neighbouring properties.*
- 3. Our (i.e. the residents) previous suggestions should be followed: long-term emission monitoring at the existing site and long-term deposition monitoring at the Sites of Special Scientific Interest/Special Areas of Conservation.”*
- 6.12 Further to the submission of the revised scheme including the heat exchanges - along with the applicant's Shadow HRA - a petition signed by the residents of 10 No. properties was received (upon the fourth consultation in April 2023). In the petition (which is attached - in a necessary redacted form - as Appendix A) local residents continue to raise objections and these include continuing to challenge the completeness/veracity of the applicant's submissions, contend that the noise from the process of the delivery of animal feed upon local residents has still not been taken into account by the applicants, believe that all ammonia produced by

agricultural activities on the holding should be taken into account (in addition to that from the poultry unit) and suggest that highway safety concerns have still not been successfully addressed.

- 6.13 The petition also cites a ‘dismissed’ appeal decision for a poultry farm elsewhere (in another LPA’s administrative area) which it is contended demonstrates that the application scheme should be similarly refused in terms of the impacts on ammonia on persons in the locality. The petition also cites a published journal article (from *Science* which is attached at Appendix B) and references that *“the agricultural use of ammonia also negatively affects the environment, resulting in the loss of biodiversity and the pollution of water, air, and soil. Ammonia contributes to the formation of nitrous oxide, a powerful greenhouse gas, worsening the problem in most scenarios but also curbing it somewhat through cooling by aiding the formation of particulate matter and clouds (and) show(s) that the economic cost associated with the loss of human life - owing to ammonia’s contribution to air pollution alone - far outweighs the economic cost to curb ammonia emission.”* It is also contended that the approval of the current scheme – which increases ammonia - would also be fundamentally contrary to Central Government targets of reducing ammonia. Individual representations were also received from two of the signatories of the petition.
- 6.14 In their correspondences, over the course of the application, residents have also stated that they consider that prior to making any decision on the application the relevant parties at the Borough Council should visit the properties and the surrounding area to experience the impacts of noise and smell that are experienced by local residents to understand the detriment the existing poultry unit is causing and the likely impacts of further development proposals which will exacerbate the situation.
- 6.15 The various submissions from the residents over the course of the application have in turn been given due regard as set out in the Assessment section below (including addressing the standard(s) of the application documentation). Members are advised that officers have visited the site and the locality over the course of the application process and that the noise generated at the time of a feed delivery (including the use of the blowers in relation to filling the feed hoppers) has been experienced both on site and in the locality of the relevant three receptor points (being the residential properties in the closest proximity to the site; as also identified in the noise reports that have accompanied the application). Members will of course undertake a site visit prior to the Planning Committee meeting.

7. Policy Framework

National Legislation

- EIA Regulations
- Regulation 61 of the Conservation of Habitats and Species Regulations (Amended) (EU Exit) 2019
- EC Habitats Directive (Council Directive 92/43/EC)

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8: Development Outside Settlement Boundaries
- SP14: Rural Economy
- SP24: High Quality Design
- SP27: Flood Risk and Drainage
- SP29: Biodiversity and Geodiversity
- SP30: Locally Significant Landscape
- SP35: Accessibility and Sustainable Transport
- DP1: Design of New Development
- DP2: Design and Sustainable Construction
- DP7: Pollution and Contamination

Made Abbots Bromley Neighbourhood Plan

- DAH1: Sustainable Design and Character
- DC2: Employment, Tourism and Community Facilities
- NE1: Natural Environment
- NGE2: Drainage and Flooding
- TIN1: Sustainable Transport Provision

Supplementary Planning Documents

- East Staffordshire Design Guide
- East Staffordshire Car Parking Standards Supplementary Planning Document
- Climate Change

8. Assessment

8.1 The main issues in the determination of this application are considered to be as follows:-

- Principle of the development;
- Impacts on visual amenities;
- Impacts on residential amenities;
- Highway safety;
- Flooding and Drainage implications; and
- Impacts on biodiversity and climate change.

9. Principle of the Development

9.1 The policies in the Local Plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 of the Local Plan sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy

include social, environmental and economic considerations to be taken into account in all decision making. Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy in dealing with the principle of development states *inter alia* that outside development boundaries planning permission will not be granted unless it is “essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location”

- 9.3 Policy SP14 of the Local Plan relates to employment in the rural economy and states amongst other things the following in relation to new provision:-

“Within the Tier 1 and 2 settlement boundaries and rural industrial estate boundaries, employment development, including extensions to existing premises, mixed use development which would allow for an element of home working and change of use to employment development will be approved if the development:

- (i) does not unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and*
- (ii) is in accordance with other Development Plan policies.*

Permission will be given for new employment development outside strategic or local service villages and rural industrial estates if it meets the criteria of Strategic Policy 8, or there are exceptional reasons why it cannot be located in these villages or in established urban employment locations.”

- 9.4 Paragraph 83 of the NPPF sets out the need to promote and support the sustainable growth and expansion of all types of business and enterprise in rural areas, including well designed new buildings, the diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character and appearance of the countryside, and also the retention and development of accessible local services and community facilities.
- 9.5 Paragraph 84 of the NPPF sets out that to meet local business and community needs in rural areas, planning policies and decisions should recognise that sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.6 Policies SP1, SP8 and SP14 of the Local Plan and paragraphs 83 and 84 of the NPPF provide overarching support for appropriate rural business/agricultural development and therefore given the nature of the proposed development as being the expansion of an established poultry

farm unit it is considered that in principle the scheme could be acceptable in this location outside settlement limits. It is nevertheless also necessary to take into account the technical and other relevant planning impacts and this detailed evaluation is set out below.

10. Impact on Visual Amenities

- 10.1 The application site comprises part of an existing agricultural field area which can be viewed from the public domain in views from Hobb Lane. The scheme would, however, be seen in the visual context of the existing two poultry sheds which lie immediately to the south; and the new barn beyond those.
- 10.2 In terms of the foreground to any views, whilst the proposed new buildings would have a finished floor level one metre above the existing buildings, a bund of some 1.5 in height (max) with tree planting would mitigate the visual impacts of the scheme. The tree planted bund is proposed to be continued alongside the western elevations of the proposed and existing buildings, whereas new tree planting is proposed to the mature hedging that is already in situ to the eastern field boundary. These mitigation measures, taking together with the existing hedgerows to the road frontage, the relatively low overall height of the buildings for agricultural development (of approximately 5.2 metres to ridge) and the proposed olive green external finishes (to match the existing), mean that it is considered that the development in overall terms would not seem noticeably out of character with other buildings typically found within this agricultural landscape.

11. Impacts on Residential Amenities

- 11.1 The proposed buildings are not considered to have any overbearing and overshadowing impacts given the separation distances in relation to surrounding properties (being more than 400 metres distant). The scheme would also not give rise to any overlooking or loss of privacy having regard to existing residential amenities.
- 11.2 With regard to the impact of the use on local residents, the main issues raised are in relation to odour, dust, and noise and disturbance from the operation of the turkey units and noise and disturbance of lorry movements to and from the site (including the deposition of feed). The local residents contend the development will exacerbate the negative impacts of the existing situation and that the odour concerns particularly arise as a result of ammonia production; which increases in its impact as the 14 week turkey breeding cycle moves towards its conclusion.
- 11.3 In terms of the supporting submissions to accompany the application local residents (over the four rounds of consultations) have raised concerns about the completeness/veracity of the documentation and contend the submissions have been prepared based on a survey conditions favourable to the applicants case. Further, it is contended by interested parties that the submission thus fails to record and reflect both the existing negative impacts that the existing poultry units have on residential amenities; which would only be exacerbated by this scheme to increase the scale of the operations at the site. The Council's Environmental Health Officers, and other statutory consultees, are nevertheless in their

responses content that the documentation as it stands at the end of the application process enables an informed assessment to be made in relation to the impacts of the development.

- 11.4 With regard to ammonia impacts in terms of the locality, the Environment Agency comment that whilst the scheme falls below its Environmental Permit limit (40,000 birds) they have reviewed the ammonia assessment which came with the application and the model of it shows to fall within the limits that would be expected from the type of industry involved and would likely to have a minimal impact on the surrounding area. The Environment Agency, however, suggested that the Local Authority may want to request an odour management plan to assess the impact further and the Council's Environmental Health Officers confirm that such a management plan would be justified in this case and a condition is therefore recommended. With such an odour management plan in place, therefore, it is considered that the scheme would not have a significantly material detrimental impact on residential properties.
- 11.5 With specific regard to the 'dismissed' appeal decision in another Council's administrative area cited by the interested parties (in their most recent petition) it is pointed out that the particular scheme in question failed to secure approval in terms of the fact that the Appeal Inspector was not satisfied that part of a garden area of the nearest neighbouring 'receptor' dwelling (in that case around 200 metres from the proposed development) would not be subject to the Environment Agency's benchmark 3 European Odour Unit contour. In respect of the Coppice Farm scheme the closest neighbouring dwelling is 430m to the south-west and the highest predicted odour exposure in this current application case is 1.75 European Odour Units at New Thorntree Farm to the north-east. This is below the Environment Agency's benchmark of 3 European Odour Units. As noted above (at paragraph 12.5) the Environment Agency have raise no objection in relation to the Coppice Farm application scheme.
- 11.6 With regard to any odour impacts on Hobb Lane this is a length of public highway and as such is not a sensitive receptor; and thus it follows it is not a protected location (in legislative terms). Only locations which are occupied by people at most times are sensitive receptors, such as dwellings and associated gardens or workplaces, and given that experiencing agricultural odours on roads or public rights of way is not an unusual occurrence in the open countryside it is not considered that walkers, cycles etc. using Hobb Lane would be impacted upon in any significant manner given the predicted odour levels at Coppice Farm following the development.
- 11.7 In respect of the other environment impacts (and thus in addition to odour mitigation), Borough Council's Environmental Protection Section state that they are satisfied that there will be no significant adverse dust impact from the development and point out that Defra's air quality review and assessment process highlights that there is no need to consider poultry units for air quality assessment unless they are greater than 100,000 birds or there is relevant exposure within 100m of the source (neither of which apply in this case given the unit would house 28,000 birds and there is no relevant exposure).

- 11.8 In terms of noise impacts from plant and machinery, and having regard to the most recently submitted noise report (which includes reference to the heat exchangers) the Borough Council’s Environmental Health Officers raise no objections in principle subject to appropriate conditions to secure mitigation in respect of requiring a noise management plan as well as seeking to ensure that the High Velocity Exhaust fans and heat exchangers are installed - and retained - as specified in the application documentation. These conditions reflect those attached to the 2016 approval.
- 11.9 In relation to any noise generated by traffic movements or activities associated with their visits to the site, the 2016 approval for the existing poultry unit at the site does not have any conditions restricting the hours of any such operations. In relation to the current operations, the residents raise objections to the noise being generated by feed deliveries in stating that *“a number of residents have repeatedly complained of noise from the existing unit, which can be heard inside their properties. It was assumed this was from the fans but it would appear it is created by Lorries unloading feed into the hoppers on site.”* The residents submissions (as summarised in this report) also indicate that such feed deliveries can take up to an hour and can occur in day and night-time hours.
- 11.10 In response, the applicant’s agent advises that *“the noise to which the Interested Parties refer is feed lorries blowing feed into the hoppers (and that) whilst this is a noisy process, it is currently undertaken for around 40 minutes every 4 days, and will increase to around 40 minutes every 2 days as result of the proposed development.”* The applicants agent also points out that *“feed delivery is a completely normal activity on livestock farms and happens on every livestock farm in the country, be it turkeys, eggs, chickens, pigs, dairy, beef etc.”*
- 11.11 With regard to the feed delivery process as it is presently operated, the current planning permission (of 2016) has no restrictions on the time frame for the delivery of feed and thus that process can occur at any time in the 24 hour period of any day. In respect of this application, the applicants have proposed to accept a condition to place a restriction on feed lorry delivery times to the hours of 07.00 - 21.00 on any day. Such a restriction would clearly be beneficial in mitigating any impacts to residential properties in the hours outside those times; with those of course being during the night-time hours when background noise tends to be at its lowest. Environmental Health consider the addition of the condition to be welcome.
- 11.12 Insofar as activities during the hours of 07.00 -21.00 are concerned, it is recognised that given the expansion of the poultry unit proposed by this application the number of feed deliveries will increase; being from once every 4 days to once every 2 days (with applicants stating those are each of 40 mins duration; albeit local residents indicate they can continue for up to an hour). As also acknowledged by the applicants the feed delivery activity is itself a noisy process as it involves feed lorries blowing feed into the hoppers. Nevertheless, it is also the case that the nearest dwellings are more than 430 metres from those activities and it is recognised – as per comments of Environmental Health - that noise can be associated with agricultural activities on a daily basis. Further, whilst the noise

associated with feed delivery activity may be audible by the human ear from residential properties - as has been experienced by the case officer in locations close to the receptor properties - it is considered that the noise generated is not of a level so as to have a significantly detrimental impact on residential amenities for the periods when the feed deliveries are being undertaken.

- 11.13 It is not proposed to place any restriction on lorry movements in respect of live bird transport to and from Coppice Farm (which occur three times per year); as is presently the case. Given the separation distances from the nearest residential properties it is not considered that this activity in itself would give rise to sufficient levels of noise and disturbance to justify the introduction of a condition to control such movements to specific times of the day.
- 11.14 With regard to any individual specific issues arising as a result of a noise nuisance, members are advised that the Borough Council does have powers under the Environmental Acts to serve noise abatement notices where breaches occur and represent a statutory nuisance. As such therefore noise nuisance can be controlled via separate legislative provisions.
- 11.15 In relation to the construction phase, a management plan will address residential impact issues such as the hours of construction as well as highway safety matters such as the parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development and the provision of appropriate wheel wash facilities.
- 11.16 Accordingly, having regard to residential amenity impacts, it is concluded that subject to the necessary condition mitigations being put in place the scheme would not be likely to give rise to impacts on residents of properties in the vicinity of the site that would be of level sufficient to warrant a refusal of planning permission.

12. Highway Matters

- 12.1 Marchington Parish Council and local residents have raised objections to the scheme on the basis that the local highway network is inadequate to accommodate the additional traffic levels for the proposed development. The objections relate to road safety in the light of increasing traffic and 'inadequate' passing facilities and the impact on the physical conditions of the public highway (for example damage to the highway and verges and roadside trees by heavy lorries). Concerns have also been raised as to the conduct of the drivers of the lorries undertaking the deliveries (for example failing to reverse to let other drivers past or using private driveways). It is also contended that the existing passing points (provided in connection with the 2016 approval) are inadequate to accommodate lorries and are also used for parking.
- 12.2 The County Highway Authority do not raise objections in principle to the scheme. The Highway Authority nevertheless, require amongst other things that repairs be undertaken on Hobbs Lane as well for provision to be made for additional passing places to a necessary standard

commensurate to the vehicles that will be using them. The passing place measures will be necessarily secured by a Grampian condition so that they are completed prior to the development being first brought into use. With regard to the repair works to the public highway these will be required to be completed following the construction process further to detailed survey works. Again these requirements will be secured by condition. The works to the highways themselves, including the provision of signage (e.g. Passing Places) will be secured under the provisions of the Highways Act and will require certification of completion by the County Highway Authority.

- 12.3 In light of the above, and subject to the necessary highway works (all secured by condition), it is considered that there will be no adverse implications for highway safety as a result of the proposal. As per paragraph 11.15 above a construction management plan will address highway safety matters during the construction phase.

13. Flood Risk and Drainage

- 13.1 The application site lies entirely within Flood Zone 1 and having regard to the application surface water management submissions, which involve the use of an expanded SuDs attenuation pond, neither the Environment Agency nor the Lead Local Flood Authority raised objections to the scheme in terms of its impact on the water environment. Severn Trent Water Ltd also raise no objections and indicate that they do not require the provision of a condition in relation to drainage. Nevertheless, officers consider it reasonable and necessary to attach a condition to ensure that the capacity of the attenuation pond is increased - as per the applicant's submissions - prior to the development being first brought into use.

- 13.2 In terms of any impact on the wider water environment, the Environment Agency have no objection further to the implementation of applicants proposed manure and dirty water management strategy and a condition is recommended to secure this.

- 13.3 In light of the above, it is considered that the development can be implemented without any flood risk concerns or negative impact on drainage facilities.

14. Biodiversity and Climate Change

- 14.1 The National Planning Policy Framework (at paragraph 175) indicates that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), be adequately mitigated, or, as a last resort, be compensated for, planning permission should be refused. East Staffordshire Local Plan Policy SP29 seeks amongst other things to ensure that development retains, protects and enhances features of biological or geological interest, and provides for the appropriate management of these features and seeks to ensure that development produces a net gain in biodiversity in line with UK and/or Staffordshire Biodiversity Action Plan species, and biodiversity opportunities. The issues of impact on climate need to have due regard to the Councils Climate Change SPD.

- 14.2 By the nature of the development the poultry unit expansion scheme would - in itself and 'in combination' (with other relevant plans and projects) – give rise to both potential impacts on biodiversity in the immediate locality as well as to areas of interest in the wider area of 10km; with the latter including the Forest Banks Site of Special Scientific Interest and the Chartley Moss Site of Special Scientific Interest (SSSI); also part of West Midlands Mosses Special Area of Conservation (SAC) and Midland Meres and Mosses Phase 1 RAMSAR site.
- 14.3 In terms of the impacts on these statutory designations, the consultation comments of Natural England have been integral to the application review process and resulted in a (final and revised) Shadow Habitat Regulations Assessment (HRA) being produced by the applicants and submitted to the LPA. As part that process Natural England have confirmed that they were satisfied with the approach taken by the Applicant for the in-combination assessment.
- 14.4 This final shadow HRA demonstrates that the proposals (if not mitigated) would result in an 'in combination' impact to Chartley Moss SSSI/SAC of 0.79% for ammonia concentration and 1.13% for nitrogen deposition. Natural England guidance advises that where a process contribution exceeds 1% alone or in combination, mitigation is required to reduce ammonia and nitrogen deposition impacts from the development.
- 14.5 In respect of mitigation measures the application scheme initially solely proposed mitigation for ammonia and nitrogen deposition by way of tree planting (on the proposed bunding), however, this was deemed insufficient by Natural England. Therefore, further mitigation was added to the scheme by the applicants in the form of the proposed installation of Heat Exchangers, which the manufacturer specifications indicate would reduce ammonia within the poultry sheds by 29%.
- 14.6 Natural England responded to the final (revised) Shadow HRA, confirming that they have no objections to the proposals, subject to the mitigation measures i.e. tree planting and the introduction of heat exchangers, and the Shadow HRA being secured by an appropriate planning conditions which the applicant has agreed to. Given the response of Natural England the applicant has also formally requested that the Borough Council - as the appropriate authority under the Habitat Regulations - adopt their submitted Shadow HRA and progress the application to a determination. The Council's appointed independent consultants have confirmed that such an adoption of the Shadow HRA is appropriate in the circumstances that now prevail (including the stance of Natural England).
- 14.7 In relation to the impacts on the site itself, the applicant's submitted ecological survey did not identify any protected species would be likely to be impacted upon by the proposed development. The ecological report nevertheless also sets out recommendations to mitigate impacts in the development phase to ensure wildlife is not negatively affected – for example hedge protection and not undertaking work in the bird nesting season - as well as providing for long term mitigation in the form of hedgehog nest boxes (2 No) and bat and bird boxes (4 No. of each) at Coppice Farm. The proposed tree and shrub planting, will also be beneficial in terms of biodiversity as well as also providing

ammonia/nitrogen mitigation and screening in the landscape (in conjunction with the bunding works also being secure by condition).

14.8 With regard to the most recent petition from local residents this points out the UK Government states ammonia is a key air pollutant that can have significant effects on both human health and the environment and has therefore set targets to reduce ammonia emissions by 8% in 2020 and 16% in 2030, compared to 2005 levels and questions how the Council would *“be able to explain how granting permission for such a major emitter of ammonia might be reconciled against this goal ?”* The petition also challenges the Council for not also taking into account the impacts of all the ammonia produced on the agricultural holding.

14.9 Having regard to the UK Government strategy on ammonia, there is no national policy which prevents the construction of new livestock units and individual livestock unit applications in England continue to be subject to scrutiny by Natural England, as set out above this is the case with this application and Natural England have not raised objections. Further, in terms of the applicant’s use of their other lands these are matters which - as is the case with other agricultural holdings - fall outside the scope of the Planning Acts providing the land is used for agricultural purposes. It is pointed out that this issue is being addressed at a strategic national level by investing on farms through grants in the improvement of existing agricultural businesses and practices to bring them up to best available techniques, and through the implementation of the DEFRA Code of Good Agricultural Practice for Reducing Ammonia Emissions

14.10 Having regard to climate change mitigation, in addition to the provision of the tree planting, the proposed heat exchangers will reduce the energy costs of heating the sheds by up to 50%. The attenuation pond drainage system is also designed with the appropriate climate change allowances factored in and is a sustainable drainage system. The applicants also point out that the existing poultry unit has solar panels fitted to the roofs of the buildings which mean that the site has the maximum sized solar system that the National Grid will allow in terms of the generation for electricity.

14.11 As such it is concluded that the development scheme would not have a materially negative impact on biodiversity and ecology interests and has due regard to impacts on wider climate change.

15. Other Matters

15.1 Concerns have been raised by local residents that the scheme would lead to a loss of property values, however, this matter is not itself a material planning consideration.

15.2 With regard to the question being raised that the applicant’s scheme is larger than one proposed on another site nearby, it is of course the case that each application is considered on its own merits. This report sets out the planning balances of this particular case.

16. Conclusions

16.1 Accordingly, having assessed and weighed in the balance the applicant's and objectors' submissions (including those of the parish councils involved) and having taken into account the schemes overall environmental, social and economic impacts it is considered having regard to the material planning merits/considerations of the case set out in detail in the Assessment section of this report - and as summarised in the Executive Summary (in Section 1) - the application is one that should be recommended for approval subject to conditions.

16.2 PERMIT, subject to the following conditions

Condition 1: Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: Approved Plans

The development hereby permitted (including finished floor and ground levels and ground regrading works) shall be carried out in strict accordance with the following approved plans/documents subject to compliance with other conditions of this permission:

Drawing No. IP/MF/01A - Location Plan dated as being received on 1.12.2023

Drawing No. IP/MF/02B - Site Plan with Heat Exchangers Added dated as being received on 1.12.2023

Drawing No. IP/MF/03A - Elevations and Plan View dated as being received on 1.12.2023

Drawing No. IP/MF/04A - Section Drawing dated as being received on 1.12.2023

Drawing No. IP/MF/05A - Section Locations dated as being received on 1.12.2023

Drawing No. IP/MF/06A - Roof Plan dated as being received on 1.12.2023

Drawing No. IP/MF/07A - Existing Site Levels dated as being received on 1.12.2023

Drawing ref: IP - Attenuation Pond Section dated as being received on 9.7.2020

Landscaping Proposals (Revised) dated as being received 20.1.2022

Highway Improvement REV A dated as being received on 22.12.2020

Statement of Agricultural Need Form dated as being received on 7.7.2020

Odour Report of AS Modelling & Data Ltd dated as being received on 22.6.2020

Matrix Acoustic Design Consultants Plant Noise Assessment dated as being received on 19.1.2023

Preliminary Ecological Appraisal prepared by Craig Emms and Dr Linda Barnett: (Contract No. 2740 - dated April 2020) dated as being received on 22.6.2020

Flood Risk and Drainage Assessment Project prepared by Alan Wood and Partners: (No. JAG/PLS/43915-Pp001 - dated May 2020) dated as being received on 22.6.2020

Ammonia Modelling dated as being received on 20.1.2022

In Combination Ammonia Assessment dated as being received 20.1.2022
David Tucker Associates LVIA Landscape Visual Impact Assessment dated as being received on 22.6.2020

Transport Statement dated as being received on 22.6.2020

Letter of Ian Pick Associates dated 9th September 2020 containing the manure and dirty water management strategy dated as being received on 9.12.2020

Farm Trees to Air Ammonia Recapture Calculator dated as being received on 20.1.2022

Shadow Habitat Regulation Assessment REV B dated as being received on 28.11.2022

Ian Pick Supplementary letter dated 23 March 2023 dated as being received on 23.3.2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the character and appearance of the open countryside, the residential amenities of the occupants of dwellings in the locality, the biodiversity, ecological and water environment interests or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP14, SP24, SP27, SP29, SP30, SP35, DP1, DP2 and DP7, Made Abbots Bromley Neighbourhood Plan Policies DAH1, DC2, NE1, NGE2 and TIN1, the East Staffordshire Design Guide, the East Staffordshire Car Parking Standards Supplementary Planning Document, Climate Change Supplementary Planning Document and the National Planning Policy Framework.

Condition 3: Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall specify the hours of construction, the parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development and appropriate wheel wash facilities and measures to mitigate the deposition of deleterious material on the public highway

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Condition 4: Photographic survey/Carriageway repairs

Before the development hereby approved is first commenced a Transport Statement comprising a full photographic survey of the length of the public highway along Hobb Lane between the application site and the B5013 shall be submitted to the Local Planning Authority. A further photographic survey of the length of the public highway (Hobb Lane) between the site and the B5013 shall be submitted to the Local Planning Authority within the period of 6 to 9 months of the date of the first bringing into use of the development and any damage to

the public highway identified by the Local Planning Authority in conjunction with County Highway Authority to be reasonably associated with the development scheme shall be subject to carriageway repairs in accordance with a scheme of works (including a timetable of implementation) to be agreed with the County Highway Authority under the auspices of the Highways Acts.

Reason: In the interest of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan, Section 57 of the Highways Act 1980 and the National Planning Policy Framework.

Condition 5: Scheme of intervisible passing spaces on Hobb Lane (Grampian Condition)

Notwithstanding the details submitted with the application the development shall not be brought into use until a scheme for the provision of intervisible passing spaces on Hobb Lane between the application site access and its junction with the B5013 has been completed under the provisions of the Highways Acts in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highway Authority.

Reason: In the interests of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Condition 6: Hedge and Tree Protection

No development shall take place on the site until a tree and hedge protection scheme to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree and hedge protection scheme shall be put in place prior to any works commencing on the site and shall be retained in situ at all times during the construction phase unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP29, SP30 and DP8, and the National Planning Policy Framework.

Condition 7 – Ecological measures (Development Phase)

The mitigation measures set out on page 26 of the Preliminary Ecological Appraisal (Contract No. 2740) prepared by Craig Emms and Dr Linda Barnett: dated April 2020 (dated as being received on 22 June 2020) shall be followed and adhered to at all times during the construction phase of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species/other wildlife and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 8 – Ecological measures (Occupation Phase)

No development shall commence until precise details of the following ecological enhancement measures to be installed at Coppice Farm have been submitted to and approved in writing by the Local Planning Authority.

- a) The provision of two No. hedgehog nesting boxes.
- b) The provision of four No. bird nesting boxes of mixed designs.
- c) The provision of four No. bat roosting boxes of mixed designs.

The approved ecological enhancement measures shall be installed prior to the first bringing into use of the development and thereafter the provisions shall be retained at all times for their designated purposes for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species/other wildlife and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 9 - Bunding works completion

The bunding works shall be completed in accordance with the details shown on the approved plans (listed at condition 2 above) prior to the development being first brought into use.

Reason: To ensure that the development does not adversely affect the residential amenities of the occupant of the nearby dwellings and the character or appearance of the area in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP30 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 10 – External finish

The external elevations of the proposed buildings shall have an Olive Green colour finish (to match those of the existing buildings at the site) at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the rural locality in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP14, SP24, SP30 and DP1.

Condition 11 – Lighting scheme

No lighting shall be erected/installed at the site to serve the development hereby permitted unless a Lighting scheme including details of the types of lights to be installed, their proposed locations and operating parameters has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with any approved Lighting scheme and no other lighting shall be installed at the site unless first approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural locality and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP29 and DP7 and the National Planning Policy Framework.

Condition 12 - Exhaust Fan Specifications

The specified extraction equipment detailed as 12 No. x Fancom 3680 High Velocity Exhaust Fans per building (as set out in the Matrix Acoustic Design Consultants Plant Noise Assessment dated as being received on 19.1.2023) shall be fully installed and be fully operational prior to any part of the development being first brought into use. The approved equipment shall be retained, maintained and operated at all times when any building(s) is/are in use for the purposes of the rearing of turkeys/foul for the life of the development and shall not be replaced with any alternative equipment without the approval in writing of the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 13 - Heat Exchangers

The Heat Exchanger equipment (as set out in the Matrix Acoustic Design Consultants Plant Noise Assessment dated as being received on 19.1.2023 listed at condition 2 above) shall be fully installed and be fully operational in accordance with the approved details prior to any part of the development hereby approved first being brought into the use. Once installed the approved Heat Exchangers shall be retained, maintained (in accordance with the manufacturers specifications) and operated at all times to provide for a minimum of 29% ammonia emission reduction when any building(s) is/are in use for the purposes of the rearing of turkeys/foul for the life of the development and shall not be replaced with any alternative equipment without first securing the written approval of the Local Planning Authority.

Reason: In line with the approved Shadow Habitat Regulations Assessment (Rev B) in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 14 - Noise Management Plan

The development hereby permitted shall not be first brought into use until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include additional noise management and mitigation measures related to the use of the development in addition to plant noise. The development shall be implemented in strict accordance with the approved mitigation measures and operated and maintained as such for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 15 - Odour Management Plan

The development hereby permitted shall not be first brought into use until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall provide for site management and measures to control general odour from site activities associated with the use of the development. The development shall be implemented in strict accordance with the approved mitigation measures and operated and maintained as such for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 16 - Surface Water Management

The development, including the expansion works to the attenuation pond, shall only be carried out in accordance with the recommendations and details set out in the Flood Risk and Drainage Assessment Project (No. JAG/PLS/43915-Pp001) prepared by Alan Wood and Partners: dated May 2020, (and dated as being received on 22 June 2020) and as shown on the approved plans listed at condition 2 above unless otherwise agreed in writing with the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the development and the practices set out in the approved documentation maintained for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

Condition 17 - Manure and dirty water management strategy

The development shall be operated at all times in accordance with the manure and dirty water management strategy set out in the letter of Ian Pick Associates dated 9th September 2020 (dated as being received on 9 September 2020) and listed under Condition 2, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of pollution in the water environment in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

Condition 18 – Soil importation screening

Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

Reason: In order to mitigate any pollution of the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 19 - Approved landscaping implementation.

All tree, shrub and other planting, seeding or turfing comprised in the approved details of landscaping as shown on Landscaping Proposals (Revised) dated as being received 20.1.2022 (and listed in the approved plans at condition 2 above) shall be carried out in the first planting and seeding season following the first bringing into use of any building(s) hereby approved.

Upon the completion of the landscaping scheme, the main canopy shall without any cutting back taking place (unless otherwise agreed in writing by the Local Planning Authority) be grown up to and then retained/maintained to a minimum height of 20 metres with a minimum backstop height of 10 metres. An annual monitoring report shall be submitted to the Local Planning Authority in the September or October of any calendar year and any trees or plants which during the lifetime of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species unless the Local Planning Authority first gives written consent to any variation in response to an annual monitoring report.

Reason: In line with the Shadow Habitat Regulations Assessment (Rev B) to ensure that the approved landscaping scheme is implemented in a speedy and diligent way and that any plant losses during the life of the development are overcome in the interests of ammonia and nitrogen mitigation and in the interests of local biodiversity and visual amenities in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 20 – Highways Access to site (operational)

Access to the site by HGV vehicles from Hobb Lane (C0128) shall only be by a right turn manoeuvre and all HGV vehicles shall leave the site only by a left turn manoeuvre.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 21 – Feed delivery transportation controls (operational)

There shall be no feed delivery transportation into the application site outside of the hours of 07.00 - 21.00 on any day.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Informatives

1. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked

proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2. The conditions identified below require details to be approved prior to the commencement of the development.

Condition No(s) 3,4,6, and 8.

The conditions identified below require details to be approved prior to the development being first brought into use:

Condition No(s) 5,14 and 15

This means that a development may not be lawful until the particular requirements of these conditions have been met.

Requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>
4. With regard to condition 4 above the carriageway repair scheme shall be designed in accordance with the highway authority's specification and you are advised that completion under the Highway Acts shall mean the issuing of a completion certificate for the works under the Highways Act
5. With regard to condition 5 above notwithstanding the submitted documents with the application the scheme shall be designed in accordance with the highway authority's specification and shall be designed so that if the passing spaces are designed solely for cars then they will be paired with one on each side of the road or if they are to be provided singly then they shall be large enough to accommodate HGVs. You are advised that

completion under the Highway Acts shall mean the issuing of a completion certificate for the works under the Highways Act.

6. The applicant/developer is advised that this permission relates solely to approval under the Planning Acts and you are reminded that this does not override or replace any requirements under other legislation.
7. The Environment Agency advise that the proposed activities may require an Environmental Permit from the Agency under the Environmental Permitting (England and Wales) Regulations 2016. Any pollution prevention measures in relation to the proposed activity will be enforced via this permit. The applicant should be aware that there is no guarantee that a permit will be granted. The Environment Agency therefore ask the applicant/developer to contact the Agency on 03708 506506 for a pre-application discussion. Further information regarding the need, and applying, for an Environmental Permit can be found on the Environment Agency website: <https://www.gov.uk/topic/environmental-management/environmental-permits>.
8. You are advised that in relation to condition 19 above the backstop refers to a region of dense vegetation planted at the downwind edge (and sides where applicable), which acts as a backstop and forces airborne ammonia up through the main tree canopy.
9. You are advised that in relation to condition 19 that the monitoring report should provide for the confirmation of the width and height of the tree planting and any necessary plans for remedial work to ensure the requirements of Condition 19 are met during the life of the development.

17. Background papers

17.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2020/00635
- Papers on the Prior Notification file reference: P/2022/00288
- Papers on the Planning Application file reference: P/2017/00186
- Papers on the Planning Application file reference: P/2017/00152
- Papers on the Planning Application file reference: P/2016/01771
- Papers on the Planning Application file reference: P/2016/01145
- Papers on the Planning Application file reference: P/2015/01454

18. Human Rights Act 1998

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

19. Crime and Disorder Implications

19.1 It is considered that the proposal does not raise any crime and disorder implications.

20. Equalities Act 2010

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Alan Harvey

Telephone Number: 01283 508618

Email: dcsupport@eaststaffsbc.gov.uk