

Parish: Raskelf
Ward: Raskelf & White Horse

Committee date: 16th March 2023
Officer dealing: Marc Pearson
Target date: 24th February 2022
Extension of time (if agreed:

7

21/02643/FUL

Construction of 6no poultry buildings, associated infrastructure, attenuation pond, new access track and hardstanding

At: Land North of Hag Lane, Raskelf
For: Mr Henry Dent, Dinsdale Farming

The application was deferred at Planning Committee on the 27th October 2022 and also deferred at Planning Committee on the 16th February 2023 to allow the applicant the opportunity to provide information for consideration of the measures to reduce ammonia release as a mitigation proposal.

1.0 Matters of deferral – 16th February 2023

- 1.1 Following the deferral of the application the applicant provided further technical mitigation measures regarding ammonia release. The applicant has suggested the use of heat exchangers and has provided a product detail sheet for the Big Dutchman Earny 2 Heat Exchanger and further technical documents in support of the use of the Heat Exchanger to reduce ammonia release. Furthermore, an updated site plan has been submitted to illustrate the provision of heat exchangers between each building. A review of this additional information is contained in section 7 of this report (previously section 6 in the February 2023 report).

2.0 Matters of deferral - 27th October 2022

- 2.1 At the 27th October 2022 Planning Committee the was deferred in order to request the presence of a Local Highways Authority Officer at a Planning Committee meeting in order to answer questions on specific highways concerns and to obtain further information on the economic and amenity impact of the proposal. The agent has subsequently provided additional information relating economic matters and amenity impact that includes additional information relating to traffic counts. The following paragraphs set out the new information and assesses the additional detail, the remainder of the report is largely as previously published in October 2022 updated section 6 (now section 7) relating to highways, residential amenity and air quality.

Economic Impact

- 2.2 The additional information clarifies the proposed site would provide 3 full-time jobs plus teams of contract labour at peak periods during the flock cycle and provides a financial breakdown of operating costs for another broiler unit owned by the applicant. This demonstrates a total of c.£4.8 million spend per year to provide stock, feed, bedding, power supply, permanent and contractor staff wages, general maintenance of the buildings and veterinary care. On this basis officers consider the site would bring some local economic benefit through the creation of full-time and temporary jobs and may bring about associated benefits to other local business in terms of general building maintenance or veterinary care.

Amenity Impact

- 2.3 The additional information includes clarification on air quality and notes that parameters and emission factors are set by the Environment Agency. The agents set out that air quality modelling undertaken with this application demonstrates that the air quality impacts fall under the category of 'insignificant' and are fully compliant with the regulatory thresholds. The agent claims that the air quality impacts of this development are insignificant, and the issue is controlled through a separate permitting regime, air quality impacts are protected. The additional information also presents a discussion on the need for air scrubbers mitigation which can be required to further mitigate air quality impacts, with the highest level of mitigation being the addition of air scrubbers. It is stated that these are rare within England with only one operational poultry unit in England with air scrubbing.
- 2.4 Local Plan Policy RM4, seeks to protect and improve air quality within the district. It is noted that air quality will reduce as some pollutants will be released to the air. On this basis and contrary to the previous assessment in paragraph 5.24 of the October 2022 report, the loss of air quality unless adequately mitigated is contrary to Local Plan policy RM4. This is discussed in full at section 7 paragraphs 7.16 amenity and 7.26 air quality of this report (previously section 6).
- 2.5 The agent submitted additional commentary and traffic data from an Automated Traffic Count, with the counter located on Alne Road at the west side of Tollerton to determine the level of traffic already using the proposed vehicle route. This identified a 60 HGVs per day average with daily fluctuations of 22 and 86 per day. It is stated that on the busiest days of the flock cycle when catching is taking place the site will generate a maximum of 13 HGVs (26 movements) and the agent states that he considers this to be well within the normal daily fluctuations of traffic along the route. The additional information also notes during the normal operation of the flock, vehicle movements will be limited to 07.00 to 20.00 for deliveries. However, during catching, which is undertaken on day 30, 37 and 38 of each flock cycle, this would normally be commenced during the early hours of the morning 2am to 3pm. At the final catch this will commence at 2am and continue for 37 hours ending 3pm the following during which hourly vehicle movements will occur until the site has been emptied. The catching process is undertaken for 3 nights per flock cycle and with 7 cycles this would equate to catching lorries operating beyond the proposed operating hours on 23 nights a year.
- 2.6 The additional information also clarifies that no agricultural land would be lost due the fact would remain in agricultural use albeit a change from arable to poultry production. Officers concur with this assessment.

3.0 Site, Context and Proposal

- 3.1 The 6 hectare application site is located on the north side of Hag Lane approximately 2km west of Raskelf beyond the East Coast railway line. The site would utilise an existing vehicle access point and access track that leads to a field enclosure about 200 m from Hag Lane. The site is level and is enclosed by an existing hedgerow and is currently utilised for agricultural purposes. Immediately to the west of the application site (adjacent to the access track) are overhead power lines than run in a north/south direction. The immediate context is defined by remaining agricultural land and approximately 400m to the west, south-west and south-east are a number of residential properties. Short and medium distance views towards the site are possible from Hag Lane over the hedgerows adjacent to

the highway. From the east longer distance views towards the application site are possible from the public footpath network, however, these views are dominated by the railway line and overhead power lines.

- 3.2 The proposal seeks consent for the erection of 6 poultry building and associated infrastructure. The poultry buildings each measure 126m x 20m in footprint with an eaves height of 3m and a ridge height of 5.7 m. Each poultry building is of steel portal frame construction, with concrete walls to 0.6m with polyester coated profile sheeting above for the walls and roof which will be coloured olive green. The proposed buildings will be fitted with high velocity ridge mounted ventilation fans and side inlet vents. An amenity building/boiler house measuring 30m x 18m with an eaves height of 6m and a ridge height of 8.4m of similar construction is also proposed, together with feed bins at 8.5m in height and smaller ancillary structures, gas and water tanks. Furthermore, landscape planting is proposed adjacent to the southern and eastern field boundaries.
- 3.3 The broiler rearing cycle operates on an all-in all-out system, and each cycle takes 48 days. Chicks will be delivered to the site as one day olds and will be reared on the site for approximately 38 days, following which they will be removed live to the processors. Following the removal of the birds, the site will be empty for around 10 days for cleaning and preparation for the next flock. The manure removed and transported to Thetford Power Station. The site will operate with approximately 300,000 broilers per production cycle.
- 3.4 The proposal has been submitted with a landscape and visual impact assessment (LVIA), transport study, Archaeological Geophysical Survey, design and access statement, study of the Impact of Odour and flood risk assessment. As part of the application submission a highway vehicle routing plan is proposed that would provide a vehicle route in a southerly direction to connect to the A19 avoiding Raskelf village. Birds arrive from the hatchery at Thirsk, feed delivery from the Mill at York following the A1237, A19 and High Moor Lane, whilst manure removal will be taken to Thetford Power Station, routed from the site following the A19, A64, A1 southwards to the A14 and A11.
- 3.5 The proposal is subject to an Environmental Statement due to the number of birds being above 85,000, the buildings would provide for a total of 300,000 birds, this has been provided and the Secretary of the State has been consulted on the proposal. The proposal has not been called in by the Secretary of State so can therefore proceed to determination.
- 3.6 During the course of the application solar panels were added to the elevation drawings by the applicant. The updated drawings illustrate solar panels on the south facing roof slope of each poultry unit.

4.0 Relevant Planning History

- 4.1 No planning history for this particular site.

5.0 Relevant Planning Policy

- 5.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy EG7: Businesses in Rural Areas
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM4: Air Quality
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution
Local Plan Policy IC1: Transport
Local Plan Policy IC2: Transport and Accessibility
National Planning Policy Framework

6.0 Consultations

6.1 This application has been the subject of a 10 day re-consultation in September 2022 following the introduction of solar panels as described in para 1.6 above. Where additional comments have been received that change consultee advice these are identified below.

6.2 Parishes, consultations have been issued to five parish councils –

Tollerton Parish Council – object as summarised below:

- Currently 31 major poultry units in Hambleton District, three in the immediate vicinity of Tollerton, and a further 4 in the surrounding region.
- The number of vehicle movements to and from the proposed units as noted in the submitted documents will increase the HGV vehicles through Tollerton by up to 1,500 per year. This, added to the number of HGV vehicles in excess of 3,500 already, is not acceptable in a secondary village with unclassified roads.
- Additionally, we experience high levels of smells of ammonia etc from the existing plants already. Inadequate mention of the prevailing wind pattern in the documents submitted indicates that this has not been considered satisfactorily.
- The emission of Nitrous Oxide (a global warming gas 300 x more polluting than Carbon Dioxide) has not been considered.
- The temporary condition of the site during construction regarding vehicle routing, movement direction and pollution has been ignored in the overall documents submitted.

Shipton Parish Council – No objection to proposed development site itself but concerned about the proposed vehicle routing and increase in traffic as summarised below:

- The proposed route for service vehicles is via Moor Lane, which runs parallel to the A19 at Shipton and to enter the A19 via the Overton turnoff south of Shipton.
- Whilst we recognise the vehicles would not be travelling through Shipton Village, it would enter onto the A19 at a very dangerous junction.
- Seek assurance that vehicles are not permitted to travel through Shipton and we hope consideration is taken regarding an area already overburdened with large vehicles when considering this application.

Raskelf Parish Council - object as summarised below:

- Concerned about the volume of wagons/traffic which will pass through the village of Raskelf to access this site, although the application shows a different route for HGV's accessing the site there is no way of enforcing a route and from experience living in the village HGV's travelling to this site are bound to use the route via Raskelf village.
- The infrastructure of the village of Raskelf is not designed to have a large number of HGV's travelling through the village on a daily basis at all hours of the day this will be a nuisance and danger to the residents of Raskelf.
- Concern about the increase in HGV's passing through to access the poultry farm at Brafferton.

Aldwark Parish Council (includes the village of Flawith)

Having consulted with residents in Flawith, objects as summarised below:

- Concern about the traffic generation and the traffic movements affecting the local highway network and the unclassified Hag Lane.
- No explanation or logic has been provided as to why the anticipated numbers of HGVs are to be routed in this direction through three villages (Tholthorpe, Flawith and Tollerton) instead of being routed via the shortest route onto the A19 through Raskelf. The alternative route through Raskelf is the most direct route and would cause the least disruption to residents.
- Concern about HGV volumes and speeding vehicles through the village despite local residents operating speedwatch and the installation of a speed matrix sign.
- Despite a number of requests, North Yorkshire Police have been reluctant to install a speed camera or to undertake active speed monitoring with a camera van. Equally, North Yorkshire County Council as the highway authority have yet to come forward with any proposals to mitigate against speeding traffic. Any approval of this application in its current form should be conditional upon speed reduction measures being implemented across all three affected villages.

Further consultation response:

- Neither the Environmental Assessment nor the Transport Statement consider the impact of the proposed routing of HGVs on the villages of Tholthorpe, Flawith and Tollerton. The proposed routing of vehicles to join the A19 at Shipton-by-Beningbrough is far more circuitous and much less direct than accessing the A19 through Raskelf. There is no explanation why this route has been chosen and no consideration of the effects on the villages impacted.
- Flawith already is severely impacted with speeding vehicles despite the measures taken by the Parish Council to install a speed matrix sign and the local villagers carrying out speedwatch activities. North Yorkshire Police are presently reluctant to carry out enforcement action and North Yorkshire CC are unwilling to invest in any traffic calming measures. The proposed increased traffic will have a further detrimental impact on all three villages with no mitigation measures proposed.
- Air and noise pollution from the increased HGV traffic has not been considered as part of the Environmental Assessment.
- The Transport Statement fails to identify the timings of proposed HGV movements.

- This area of Hambleton has recently been designated a bird flu control zone and there is understandable concern about the proposed development of another large chicken rearing facility and the potential human health risks, as well as the risk of a transfer of bird flu from commercial to private premises. The Environmental Assessment fails to consider bird flu and the risks of contamination to and from the wild bird population and any associated risks to human health.

Tholthorpe Parish Council - objects as summarised below:

- If implemented, this proposed development would bring a substantial and potentially dangerous increase in Heavy Goods Vehicle movements over wholly unsuitable roads through three villages and past a number of dangerous junctions, over a route which has had 95 personal injury/accidents, 3 of them fatal, in the last 22 years. Concern that the Transport Impact Statement offered in support of the proposal is wholly inadequate. It is further submitted that at the very least a far fuller Statement dealing with the matters identified in these submissions should be provided but that, in reality, this is a development in such a place and generating such a traffic flow over a difficult unclassified road route that a full Assessment should have been offered, and, if not offered, required.
- The Environmental Impact Statement is deficient in that it does not consider the greenhouse gas emissions resulting from either the construction or operation of this development. That failure, it is submitted, means that the EIS does not comply with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Schedule 4 §5 specifically requires consideration of the impact of the development on emissions of greenhouse gases. Without a proper or adequate EIS which complies with the Regulations this proposal should be rejected.
- There are potential health risks from this development, but the application does not refer to them or the growing body of research which identifies them.

- 6.3 NYCC Highways – Note that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The routes leading to and from the site leading to the A19 have been assessed and are mostly "C" classified roads with minimum width of 5.5 metres which is suitable for large vehicles to pass others. The routes are considered suitable for the proposed traffic and a highway recommendation of refusal of this application would not be appropriate. On this basis no objection but recommends conditions regarding verge crossing details and visibility. Additionally, the NYCC Officer has responded to a queries on the carriageway and HGV vehicle widths together with data provided by Tholthorpe PC relating to traffic speeds in the village of Tholthorpe.
- 6.4 Environmental Health – No objection but notes that due to the nature and size of the development operations will be controlled under separate legislation for Environmental permits for intensive rearing of poultry to the Environment Agency for a permit to operate. This permit will regulate the business to ensure that the necessary technology and management techniques are in place to prevent emissions to air, water and land with enforcement sanctions available should emissions occur.

Conditions are recommended regarding acoustic matters (relating to fans, acoustic barriers and attenuators), restriction of vehicle movement to, from and on the site between 07:00 – 20:00, measures regarding the control of flies and insects given the nearby residential properties, no burning of waste materials and no disposal of waste on site.

- 6.5 NYCC Heritage – No objection following receipt of a geophysical survey that concluded no archaeological results.
- 6.6 Lead Local Flood Authority – No objection subject to the implementation of the submitted drainage proposals.
- 6.7 Environment Agency – No objection based on updated site layout drawing but recommends a condition relating to non-mains drainage proposals.
- 6.8 Kyle IDB – No objection but recommends conditions on surface water. (Officer note: that the rate of discharge of surface water is 3 litres per second for the whole of the developed site and meets the requirements of the IDB and LLFA conditions.)
- 6.9 MOD – No safeguarding concerns.
- 6.10 Natural England – Standard response but does request Air Quality screening SSSI's. [See section within the analysis on Air Quality]
- 6.11 Yorkshire Wildlife Trust – No response received (expired 24.12.2021).
- 6.12 Yorkshire Water – No response received (expired 24.12.2021).
- 6.13 CPRE – No response received (expired 24.12.2021).
- 6.14 Access Forum – No response received (expired 24.12.2021).
- 6.15 National Grid – No response received (expired 24.12.2021).
- 6.16 Contaminated Land – No objection.
- 6.17 Site notice and Neighbour Notifications – 119 objections as summarised below:
 - The ES is flawed
 - Loss of agricultural land
 - Not supporting a local business – applicant based in Darlington
 - No evidence of why alternative sites dismissed.
 - Traffic and vehicles through villages – enforcement of routing problematic.
 - Noise and disturbance from vehicle traffic
 - Smell concerns for local residents
 - Visual impact of proposals
 - Pollution of watercourse
 - Concern about of special measures by DEFRA because of the risk of bird flu as recently as last year, November 2021. Additional facilities such as this increase the risk of bird flu in this area happening and or spreading.
 - Cumulative impact of intensive poultry farm on top of the 31 farms currently operational.

7.0 Analysis

- 7.1 The main issues are principle, landscape impact, highway safety, residential amenity, drainage, noise and odours, drainage, biodiversity, archaeology, air quality, animal health and related impact on human health.

Principle

- 7.2 The proposal would provide an agricultural use within a rural area and Local Plan policies S1 and EG7 promote the development of rural/agricultural enterprise subject to compliance with other relevant local plan policies with a particular focus on consideration of landscape impact and appropriate highways access. Policy S5 sets requirements for development in the countryside.

- 7.3 Policy EG7 states:

Agriculture

A proposal for a new agricultural use or farm diversification will be supported provided that:

- e. it is demonstrated that it is reasonably necessary for the purposes of agriculture within that unit and cannot be met by existing buildings within that unit or in the vicinity and the scale of the building is commensurate with its proposed use;
- f. the building is sited so that it is physically and functionally related with existing buildings associated with the farm unit unless there is a demonstrable need for a more isolated location;
- g. the building would be well integrated with its surroundings, being of appropriate location, scale, design and materials and with appropriate landscaping so as not to harm the character, appearance and amenity of the area; and
- h. the approach roads and access to the site have the capacity to cater for the type and levels of traffic likely to be generated by the development.

Promotion of sustainable forms of agriculture which include environmentally sensitive organic and locally distinctive food production together with its processing, marketing and retailing will be encouraged as part of a thriving and diverse rural economy.

- 7.4 The proposal would result in the loss of an area of the best and most versatile agricultural land. The site is Grade 2 agricultural land. Where significant development in the countryside is demonstrated to be necessary, Hambleton Local Plan Policy S5 states that the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.

Environmental Statement

- 7.5 The agent has provided clarification on the assessment of alternative sites and notes the applicant has not considered other sites for the development as this site was identified at an early stage and was not ruled out by pre application enquiries and thus the project was moved forward to the application stage.

- 7.6 The Environmental Statement including supplementary information provided by the agent during the application is considered to meet the minimum requirements of an Environmental Statement.

Landscape impact

- 7.7 Local plan policy E7 seeks to protect and enhance the distinctive landscapes of the district. The proposed buildings would be positioned within an existing field enclosure and further landscaping is proposed adjacent to the southern and eastern hedgerows to provide mitigation screening. The land is low lying and level with no long-range views. As noted in paragraph 1.1 above the immediate landscape context is provided by electricity pylons and overhead wires of the east coast railway line.
- 7.8 The proposed poultry sheds would be 5.7m to the ridge whilst the ancillary building would be 8.4m in height to the ridge. It is also noted that the feed bins would be 8.5m in height. The proposed buildings are modest in scale and would be visible in views from Hag Lane and public footpaths to the east. However, it is not uncommon for agricultural buildings to be visible within the countryside as this is characteristic of the landscape across the Vale of York.
- 7.9 Furthermore, in this instance it is noted that there are distracting features within the landscape due to the large-scale overhead powerlines and infrastructure associated with the east coast railway line including the overhead power lines and gantry frames. These dominate the landscape in this area. On this basis and subject to the imposition of conditions to require landscape planting, the proposal is considered to be acceptable from a landscape impact perspective.

Highways

- 7.10 Local Plan policy IC2 seeks a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. The issues to be considered fall within two main areas. First the capacity of the highway network to safely accommodate additional traffic and second the amenity impacts from pollution from additional vehicle movements. The proposal would involve the upgrading of an existing vehicle access to provide appropriate and necessary upgrades to the capacity and safety by appropriate visibility splays and routing vehicles in a southerly direction to connect to the A19. From the application site this would result in vehicles travelling through Flawith, Tholthorpe, Tollerton and close to Shipton by Beningbrough. This approach avoids the limited visibility and horizontal alignment at the staggered junction in the centre of Raskelf that would make the junction difficult to navigate for larger vehicles.
- 7.11 The second aspect of amenity concerns is widely raised in public observations that refer to both highway safety and amenity concerns of routing large vehicles along rural routes through numerous villages. Concerns have been raised regarding the enforceability of routing vehicles to and from the application site in a southerly direction and that the excessively long routing will result in the restriction being ignored or that vehicles may not be clearly identified as serving the site.
- 7.12 Further observations from Parish Councils along the proposed vehicle route note concerns about the need to include traffic data for the entire vehicle route, vehicle speeds and the need for traffic calming in the area should this application be approved.

- 7.13 NYCC Highways have been consulted on the application and raise no highway safety concerns subject to conditions regarding verge crossing details and visibility splays. Furthermore, NYCC Highways have provided clarification that there is no need to assess the traffic data for the entire vehicle route and that HGV's can pass through narrow sections of highways in accordance with the guidance contained within Manual for Streets. In addition, the concerns raised about the speed of traffic in villages are a separate matter and this application would not trigger the need for any traffic calming.
- 7.14 Public observations note concerns that the vehicle routing will be difficult to enforce. Nevertheless, it is noted similar types of development have an HGV Management Plan condition attached that controls vehicle routing for HGVs. This could apply to this application site and the applicant is willing to install CCTV covering the site entrance to enable monitoring of the routing strategy to ensure that vehicles turn right and follow the vehicle routing. On this basis and subject to a vehicle routing condition the development it is considered the proposal raises no highways concerns.

Residential amenity

- 7.15 Local Plan policy E2 seeks to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. The application site is situated about 350 metres from residential properties to the west, 500 metres to the south-west and south-east. Environmental Health has been consulted on the application and note that the operation of the site would be controlled via permits from the Environment Agency. On this basis the application raises no significant concerns regarding the potential amenity impact from the poultry sheds subject to conditions relating to noise, odours and amenity.
- 7.16 Consideration has been given to the impacts of vehicle movements along the vehicle route through countryside and villages, particularly on the most vulnerable in society. The orientation of dwellings fronting on to the road in Tholthorpe, Flawith and Tollerton is likely to increase the impacts on those properties to a greater extent than other property which does not front on to the highway. Homes close to the road will experience night-time noise relating to the transport of birds after catching, these as noted at paragraph 2.5 will occur on 2 successive nights at the end of each 38 day growing cycle.
- 7.17 Whilst the number of movements and size of vehicles cannot reasonably be reduced the impact can be reduced in part through the imposition of a working hours condition. However, the applicants' agent has identified that the vehicle movements during the catching period would need to be an exception to the controls. The traffic count data supplied by the applicant shows that there are no HGV movements on Alne Road, Tollerton between 11pm and 4am and only 4 vehicles in the week-long survey between 4am and 7am. HGV movements throughout the night resulting in a new noise source that could cause sleep disturbance to those properties adjacent to the road and result in a loss of amenity to those residents.

Drainage

- 7.18 Local Plan policies RM1 and RM3 require the appropriate drainage for foul and surface water to be provided. The application site is located in flood zone 1 and is therefore at low risk of flooding from rivers. Furthermore, no surface water flooding is recorded on the application site. The ground conditions prevent soakaways and therefore it is proposed to drain the proposal to the drainage ditch that runs along the northern field boundary via an attenuation pond.
- 7.19 Dirty water from the washdown of the buildings will be collected in underground storage tanks and this is subject to separate legislation via Environmental Permit regimes through the Environment Agency. In addition, foul water from the staff facilities on site will discharge to a private package treatment plant.
- 7.20 The Local Lead Flood Authority, Internal Drainage Board and Environment Agency raise no concerns subject to conditions relating to the implementation of the drainage proposals.

Biodiversity

- 7.21 Local Plan policy E3 requires all developments to demonstrate the delivery of a net gain for biodiversity. An ecology report submitted with the application notes there would be no adverse impact on ecology given the existing use. Furthermore, the introduction of landscape planting together with an attenuation pond could ensure there is no net loss to biodiversity.
- 7.22 Local Plan policy E3 requires proposals to demonstrate biodiversity net gain. The submitted ecology information illustrates no net loss, given the existing arable land use and subject to a detailed biodiversity metric assessment and proposals to enhance biodiversity (that can be controlled via a suitably worded condition) it is considered that a biodiversity net gain can be achieved on the application site and adjoining land within the applicant's control.

Archaeology

- 7.23 Local Plan policy E5 requires that where a heritage asset is identified, a proposal will be required to assess the potential for adverse impacts on the significance of the historic environment. During the course of the application a concern relating to archaeology within site was raised by NYCC Heritage Services. However, following the receipt of a Geophysical Survey that identified the absence of archaeological features NYCC Heritage Service has no concerns regarding the proposals.

Climate change and Greenhouse gas emissions

- 7.24 Greenhouse gas emissions are identified in the Hambleton Local Plan as a cross cutting issue and that the Climate Change Act 2008 sets a legally binding target to reduce the UK's GHG emissions to net zero by 2050 from 1990 levels, the requirement is set in Policy S1 to support development that takes available opportunities to mitigate and adapt to climate change, including minimising GHG emissions. The issue associated with the GHG of the proposal are raised by Tholthorpe Parish Council. The agent has provided a response as follows noting the contribution of agriculture to GHG.

UK farms presently amount to 45.6 million tonnes of carbon dioxide (CO₂) equivalent a year – about one- tenth of UK GHG emissions. But in stark contrast to the rest of the economy only 10 per cent of this is CO₂. Around 40% is nitrous dioxide (N₂O) and 50% is methane (CH₄).

Current poultry production in the UK is responsible for a fraction of the Greenhouse Gas emissions associated with red meat production, because of the methane emitted because of ruminant production systems. Compared to other meat production systems, poultry produce approximately half the GHG emissions per kilo of pork and approximately a fifth the Greenhouse Gas emissions per kilo of red meat, with substantially higher feed conversion figures than cattle or pigs for both intensive and extensive systems.

Methane emissions are nearly all associated with manure storage (poultry digestion does release some methane but it is relatively negligible). The proposals involve the removal of the of the manure from the site to a biomass power station with no manure storage proposed.

- 7.25 Growing animals for meat production will result in additional GHG emissions it is evident from academic study that poultry meat results in less GHG emission than beef or pork. The proposal does not include details that would secure a reduction in GHG emissions.

Air Quality

- 7.26 The Hambleton Local Plan notes the importance of improving air quality due to the harm to human health caused by poor air quality. Policy E2 amenity requires proposals to ensure that the adverse impacts of air pollution are made acceptable. Policy RM4 sets the requirement:

The Council will seek to protect and improve air quality within the district. Proposals will be categorised based on the extent to which there is potential for adverse air quality impacts. Categorisation will be based on factors including the:

- a. scale and nature of the proposed development;
- b. type and volume of traffic generation and whether production of a travel plan, travel assessment or travel statement are required, in relation to the requirements of policy 'IC2: Transport and Accessibility';
- c. requirement for assessments, such as an environmental impact assessment or habitats regulations assessment, that could indicate the potential for adverse air quality impacts;
- d. location of the site in relation to designated air quality management areas (AQMA), clean air zones (CAZ) or identified areas of air quality concern; and
- e. extent to which people or sensitive receptors may be exposed to poor air quality.

The categorisation factors and air quality impact assessment, where required, will determine whether mitigation measures are necessary and the form they need to take.

Development will only be supported where the location of the proposed development does not adversely affect a special area of conservation (SAC), special protection area (SPA) or Ramsar site within or close to the local plan area by way of increased air pollution. This includes increases in traffic on roads within 200m of a SAC, SPA or Ramsar site that is vulnerable to nitrogen deposition/acidification.

Where mitigation measures are necessary the proposal will only be supported where they will be implemented and, as necessary, maintained. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. If appropriate compensatory measures cannot be found the development will not be supported.

7.27 Applying the categorisation factors of RM4:

a., it is clear that the scale of the poultry unit is large and the nature of the use for growing poultry will result in a substantial change from use of the land for arable cultivation to the keeping of poultry. The development would result in a very substantial increase in ammonia release to the atmosphere. Ammonia release and nitrogen deposition is a pollutant that has the potential to cause harm to the environment. The release of ammonia triggers a requirement to consider mitigation measures.

b., the proposal is supported by a Transport Statement that shows that chicks, feed, grown birds and waste will all be brought to and removed from the site by road. The volume of traffic generated would be an increase from the arable use of the land, the Transport Statement notes 94 HGVs (192 movements per cycle). Activity would continue throughout the year with a series of peak periods, about 48 days apart, when at the end of the cycle the grown birds are removed, and waste is cleared from the site (42 HGV vehicles, 84 movements) and restocking occurs. The volume and nature of vehicle movements are considered to be within the normal range for a large poultry unit. The length of the journeys may be relatively long, as birds are processed at Thorne (57 miles) and waste is to be transported for processing at great distance at Thetford Power Station (204 miles).

c., the proposal has been the subject of an Environmental Statement, as the number of birds exceeds the Schedule 1 threshold of 85,000.

d., the site is not in an area that has been designated to require action because of existing poor air quality.

e., the population density of the site surroundings is relatively low.

7.28 The application's Environmental Statement notes under Air Quality Assessment, an Odour Impact Assessment has been undertaken and responds to the finding of that study through "Use of high-speed roof mounted fans".

7.29 The report on the modelling and dispersion and deposition of ammonia uses the modelling and emission factors of the Environment Agency. The results of the study acknowledges the impact upon the Pilmoor Woods SSSI due to the increased release of ammonia from the proposal. The ES, whilst accepting that the development results in an increased Ammonia Load does not address the level of harm caused to the SSSI. This leaves an unacceptable environmental risk to the condition of the SSSI.

7.30 Within the 16th February 2023 committee report it was noted that the applicant was invited to identify additional mitigation measure(s) that could be provided to address the release of ammonia. The agent responded to set out that the modelling work undertaken found the impacts to be "insignificant" and fully compliant with the Environment Agency permitting regime regulatory thresholds. The agent considered that the use of "Air Scrubbers" is not a mandatory requirement and

noted that there are no comparable poultry units in operation in England, but records that “there are three units approved in England (two in Shropshire and one in Gloucestershire) which require air scrubbers and these stem from a requirement for mitigation as part of a Habitat Regulations Assessment. None of these three approved units have been completed to date.” The agent found that the use of “air scrubbers” is unnecessary and no other mitigation measures to reduce ammonia release necessary.

- 7.31 Following the 16th February 2023 planning committee the agent provided technical information on Big Dutchman Earny 2 Heat Exchanger and an updated site plan to illustrate the provision of heat exchangers between each building. The agent also notes that discussions at the committee meeting regarding Policy RM4 essentially requires zero emissions from development. This agent considers this interpretation is unworkable, as it is impossible for any agricultural livestock scheme to comply. Therefore, in the view of the agent, any development involving poultry, pigs, beef, sheep, dairy, slurry stores, manure stores etc cannot possibly comply with an emission threshold of zero and all agricultural livestock related planning applications in Hambleton would have to be refused.
- 7.32 The applicant also notes that paragraph 188 of the National Planning Policy Framework states; “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.” The applicant considers that based on this wording, the Local Planning Authority should assume that the Environmental Permitting regime will be effective in controlling the emissions from the site.
- 7.33 The statements by the agent are directed at standards and requirements other than the Hambleton Local Plan 2022. The Local Plan as noted sets out to protect the environment from harm and to enhance air quality. The policy does not require a “zero” emissions approach, it does require mitigation and in appropriate cases compensation. Nevertheless, the applicant is willing to provide heat exchangers that in accordance with the submitted manufacturer’s technical information data sheet confirms that the units will result in a reduction in ammonia of 29% and a reduction in odour emissions of 33% with further benefits for dust removal.
- 7.34 The submission of details to reduce air pollution by filtration of “exhaust” air from the building acknowledges that i) there is pollution arising from the building, ii) the quantity of pollution can be reduced, iii) there are commercially available products that are designed to reduce heating costs and reduce ammonia release, iv) the products have been the subject of study that records the achievement of reducing ammonia release to the environment.
- 7.35 The documentation on the Big Dutchman Earny 2 Heat Exchanger circulated to officers and members of the Planning Committee is available from the manufacturer’s website. The manufacture notes that the reduction in pollution, odour, dust and ammonia. Although it is not stated clearly it implies this is achieved by the filtration of the waste air. The extract refers to measurements undertaken by LUFA Nord-West. LUFA Nord-West is a German accredited laboratory service working mainly in the agricultural sector. Full test results from LUFA Nord-West

have been supplied showing the basis of the testing and supports claims by Big Dutchman. In the test case using a Big Dutchman Earny 2 Heat Exchanger the ammonia released is 71.3% of that from a broiler building of the same design and conditions without a Heat Exchanger in operation. The results are not available from the Big Dutchman or LUFA Nord-West website but supplied upon request. Other tests of heat exchangers in poultry buildings (DLG Fokus Test report 6140 from 2014) have shown the energy efficiency of the device but without comment on ammonia reduction.

- 7.36 The extract below (page 45 of 57) of the LUFA Nord-West report details the effect of the use of heat exchangers to reduce ammonia emissions.

LUFA Nord-West

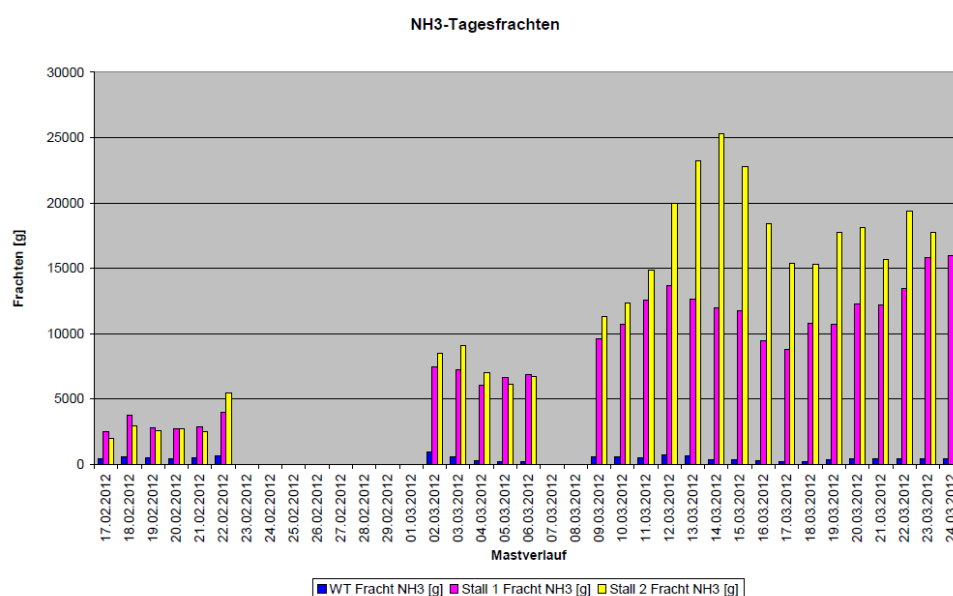
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Graphic 13: Ammonia daily loads

Ammonia concentrations: approx. 1 measured value per 50 min and measuring point

Volume flows: Hourly average values



During the balancing period from 08.03. to 26.03.2012 there was a difference of 219.40 kg (house 1 with heat exchanger) to 307.70 kg (house 2) in the NH₃ emissions.

House 1 (with heat exchanger) only emitted 71.3 % of the emissions from house 2.

- 7.37 The applicant has been invited to identify any additional mitigation measure(s) that could be provided to further address the release of ammonia, the opportunity to provide additional details remains open.
- 7.38 It is considered that the proposal will result in a substantial increase in ammonia release. The proposed installation and operation of heat exchangers would result in a significant reduction in the release of ammonia. The use of air filters within the heat exchangers is considered to make a significant contribution towards the requirements to “seek to protect” air quality as required by policy RM4. There remains some doubt over the amount of ammonia that would be removed from the proposed poultry buildings and that the proposed sheds are about 25% larger with about 25% more birds per shed than in the test case. There is no readily available evidence of the level of ammonia release that can be achieved by the most effective mitigation measures suitable for the proposed buildings. The agent has advised that

the ammonia laden dust removed from the air filtration system would be bagged and removed by a licensed waste carrier. The Local Plan policy RM4 does not set a target amount of pollution that is permissible after mitigation. A higher level of pollution release on this site may be considered acceptable than would be the case for the same development if in a more heavily populated area or closer to a Special Area of Conservation (SAC), nonetheless the level of ammonia emission to the environment is substantial.

- 7.39 No measures have been taken to mitigate or compensate for the impacts of vehicle movements and pollution impacts of long road haulage journeys. The proposal is considered to fail to meet the higher standard required by the Local Plan policy RM4.

Animal Health

- 7.40 Avian flu continues to effect both wild birds and farmed birds. The prevalence of avian influenza has resulted in control measures within the local area and have been imposed across Great Britain on 17 October 2022. The responsibility for this issue rests with the Animal and Plant Health Agency (an executive agent of the Department for Environment, Food and Rural Affairs who work to safeguard animal and plant health for the benefit of people, the environment and the economy. In the press statement of 17 October 2022 that imposes restrictions on those keeping poultry it also notes that The UK Health Security Agency (UKHSA) advises that the risk to public health from the virus is very low and the Food Standards Agency advises that avian influenzas pose a very low food safety risk for consumers.
- 7.41 There is no change to planning policy released from Government to preclude the development of new poultry premises and no planning reason to resist the proposal on the basis of the risk to animal or human health.

Planning Balance

- 7.42 Taking all of the above into account it is considered that the proposed development fails to comply with the relevant Local Plan policies in terms of amenity and air quality. Although some weight can be afforded to the economic benefits of the jobs and spending associated with the development this does not outweigh the environmental and social harm caused.

8.0 Recommendation:

- 8.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposal will result in a substantial increase in ammonia release. Mitigation measures to address the threat to air quality have been supplied but will not remove emissions to a degree to fully protect the environment. The proposal is considered to fail to meet the higher standard required by the Local Plan policy RM4.
 2. The number of HGV movements associated with the delivery of live birds from the site along the pre-determined vehicle route to processing facilities, that will continue throughout the night, will result in a new noise source that could cause sleep disturbance to residents of properties adjacent to the route and result in a loss of amenity contrary to Local Plan policy E2.