

Item Number: 8
Application No: 18/00839/MFUL
Parish: Foxholes Parish Council
Appn. Type: Full Application Major
Applicant: SP & LM Mason (Mr Stuart Mason)
Proposal: Erection of a 32,000 bird free range egg laying unit with associated egg packing and storage building, 2no. feed bins, parking/turning area, concrete apron and access track linked to existing farm access track
Location: Land Off Butterwick Road Butterwick Malton North Yorkshire
Registration Date: 16 August 2018
8/13 Wk Expiry Date: 15 November 2018
Overall Expiry Date: 26 September 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Archaeology Section	Recommend conditions
Natural England	No objection
Parish Council	No objection - concerns regarding use of country road by HGVs
Highways North Yorkshire	No objection in principle, recommends conditions
Yorkshire Water Land Use Planning	Recommend condition/further information required
Flood Risk (LLFA)	Recommend conditions
Environmental Health Officer	No comments received
Countryside Officer	No comments received
Environment Agency	No objections- informatives recommended
Neighbour responses:	No responses received

SITE

The proposed development site is 1.5km south-east of Butterwick and within the open countryside and the locally designated Wolds Area of High Landscape Value. Access to the proposed building would be via a track approximately 1.5km in length that leads south from the main road (C road). The land rises up southward from the village. The nearest residential property is at Highfield Farm approximately 1km east of the site. At its closest point the steeply sloping chalk grassland of Butterwick Whins Sites of Importance for Nature Conservation (SINC) is 15 metres to the east of the site. There are no statutorily protected sites or landscapes within 5km of the site. The site also lies within an area of archaeological interest.

HISTORY

There is no planning history relevant to the determination of this application.

PROPOSAL

Planning permission is sought for the erection of a 32,000 bird free range egg laying unit with associated egg packing and storage building, 2no. feed bins, parking/turning area, concrete apron and access track linked to the existing farm access track off the Foxholes/Weaverthorpe road.

The proposed building would be steel portal framed measuring 110m by 24m reaching 3.3m high at eaves level and 6.52m at ridge height. The building would be of a dual-pitched design clad with

polyester coated steel profile sheeting for the walls and roof coloured Juniper Green. A soakaway trench would be parallel to the western end elevation of the building. Four sets of double doors would be in the eastern end elevation opening onto a 144m² concrete apron (for wash-down) beyond which would be a vehicle turning area linked to the access track (laid to stone).

An adjoining building, connected via a link corridor, would contain the egg store and packing area and would measure 24m by 12m standing 4m to the eaves and 5.65m to the ridge. The two feed bins, each standing 7.5m high and coloured Juniper Green, would be positioned adjacent to the south east corner of the egg laying unit

Internally the egg laying unit would be subdivided into two bird housing areas each having capacity for 16,000 birds. The housing area will comprise a multi-tiered system which includes rows of tiered perches positioned over manure belts. The housing area also includes automated chain feeders and non-drip nipple drinkers. The nest boxes are accessible from the tiered perches. The nest boxes have sloping bases and are situated adjacent to an egg collection conveyor. Following laying the eggs roll from the nest box onto the conveyor which delivers them to the packing area. The packing of eggs is undertaken every morning 7 days a week.

The ventilation of the bird areas takes the form of a series roof inlet chimneys and fans in the side walls. The ventilation fans are controlled by a computer system which maintains the optimum temperature within the building.

There would be pop holes in the north and south elevations of the building which are automatically operated and open at 8am and close at dusk. The pop holes provide the birds with access to the external ranging area during daylight hours. To comply with RSPCA requirements the external ranging area must extend to a minimum of 1 hectare for every 2,000 birds. The ranging area for the proposed unit is a minimum of 16 hectares.

The perch areas are perforated and the manure produced by the birds drops onto the manure belts which are emptied on a twice weekly basis. The manure is removed from the building into an agricultural trailer and used on the farm as a sustainable agricultural fertiliser on arable land. It is understood that this will take place on 74 hectares arable land under the ownership and control of the applicant.

The egg laying unit would operate on a 60 week cycle. The unit is cleaned and washed out at the end of each flock cycle. The building is sealed and would drain towards the concrete apron adjacent to the eastern elevation then into a sealed containment system.

The traffic associated with the development comprises 1 feed delivery, 2 egg collections and 1 carcass collection per week (8 movements). Peak traffic occurs at the start and end of the flock cycle (60 weeks). The birds are delivered and removed by four HGV (8 movements). The unit would provide employment for two full time workers (four movements per day).

POLICY

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

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Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance 2014 (PPG)

Appraisal

The main considerations in the determination of this application are considered to be:

- i) Principle of the development;
- ii) Design, appearance and impact upon the AHLV;
- iii) Local amenity and environmental impact;
- iv) Flood Risk, drainage and water supply;
- v) Highway impacts;
- vi) Impact on adjacent SINC; and
- vii) Archaeological impact.

Principle of the development

The site is within the open countryside, however, the principle of the development aligns with local policies SP1 and SP9 and paragraph 83 of the revised NPPF as the new building would support land based activity and the rural economy. The proposed building represents investment in the poultry sector that would create a modern and efficient free range egg operation which promotes UK food production and contributes to the local economy through direct and indirect employment during the construction and operational phases.

Design, appearance and impact upon the AHLV

The proposed building has substantial footprint of approximately 2,640m², and, within this rural context, can be regarded as major development. The size of the building is a functional requirement for the free-range operation. Generally, free range egg laying units cannot be located adjacent to existing agricultural buildings because of the large ranging requirement for the hens. The buildings and feed bins would be coloured Juniper Green (dark green), which will ensure that the buildings will integrate into the rural surroundings.

The application site makes use of a valley within an arable field which minimises its impact upon the open countryside. From Butterwick Road, there is a field hedge and the land falls away to the east into the valley before rising up to a high point at Highfield Farm 1km from the site. The landform provides a significant natural screen.

It is considered that the siting, scale and design is acceptable and would ensure that the building would not be visually prominent in the open countryside and would not have a material adverse effect on the character and appearance of the locally valued landscape area in compliance with Policies SP13, SP16 and SP20.

Local amenity and environmental impact

The proposed building would be located in a remote valley 1.5km south east of the village of Butterwick. Due to the topography of the land the building would not be visible from any residential properties or public rights of way in the vicinity and therefore no visual intrusion is anticipated.

The nearest residential property is 1km to the east. With regard to odour impact the site is isolated and at a significant distance from residential receptors. The noise generated by the operation of poultry units is that associated with the ventilation fans. In this case the fans are located inside the building, 300mm

below the ridgeline within an insulated chimney. The fans are enclosed and would not be audible within the site and would not generate any noise disturbance at any residential receptor.

With regard to dust and emissions the application details refer to a DEFRA study that demonstrates that particulate matter in emissions from poultry units reduced to background levels by 100m downwind of even the highest emitting poultry houses. In light of the remote location in relation to nearby residential receptors it is considered that the emissions would not pose a risk to human health or have an adverse impact upon the existing levels of amenity of users and occupants of neighbouring land and buildings.

Any dead birds are collected on a daily basis and stored within a sealed carcass bin and collected weekly by a licenced fallen stock operator. The unit would operate with a pest control protocol with regular baiting for rodents. The frequent removal of manure would also minimise the breeding of flies.

The site occupies a relatively isolated location in relation to sensitive receptors and public vantage points. It is not anticipated that this proposed building and poultry operation would give rise to any unacceptable visual intrusion, pollution or disturbance and as a result there would not be an adverse impact upon local amenity or environment in compliance with the relevant part of Policy SP20.

Flood Risk, drainage and water supply

The site is within Flood Zone 1 with no water features within the vicinity and the proposed development is classed as a 'less vulnerable' use. The site overlies a Principal Aquifer and lies within a Groundwater Vulnerability Zone. The application is accompanied by a Flood Risk and Drainage Assessment.

The development is within an area with a low probability of flooding. The Assessment concludes that the development is not at risk of flooding and the building can be built at traditional levels with no requirement for flood resilient construction methods.

It is proposed that the surface water run-off would be disposed of via a soakaway/infiltration trench. To minimise risk of pollution of the ground water the rainfall run off from the building would discharge directly to the sealed, below ground drainage network that incorporates a silt trap and sand filter prior to discharge to the soakaway. The waste water from the cleaning/washing out of the building would drain from the concrete apron directly to an underground sealed storage tank in accordance with the Environmental Permit.

The LLFA has confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site and recommend that the inclusion of conditions on any permission granted relating to drainage detail, infiltration rate and exceedance flow routes.

Yorkshire Water observed that the existing water main in the vicinity of the site may not have sufficient capacity to serve this proposed development and requested confirmation of the proposed water supply. In response the applicant is proposing a private water supply in the form of a private borehole and in light of this Yorkshire Water have confirmed that the previously suggested condition is not necessary.

The Environment Agency have no objections subject to the inclusion of informatives in relation to

It is considered that, subject to the abovementioned conditions, the proposed development would incorporate satisfactory drainage arrangements and would not give rise to increased flood risk at the site or elsewhere in compliance with the relevant part of Policy SP17.

Highway impacts

The Parish Council have confirmed that they have no overall objections to the application, but raise concerns in relation to the increased use of a narrow country road by HGVs travelling to and from the site. It is the Officer view that, overall, the vehicle movements associated with the unit would be negligible and the HGV movements peak at the start and end of the HGV cycle (60 weeks).

The LHA have no objections to the principle of the proposed development but observe that the existing

field access is generally of loose stone construction and needs to be upgraded and widened to cater for the additional traffic and to stop loose material being brought out onto the public highway by vehicle tyres.

The LHA highlight that visibility to the left (west) is sub-standard for the 40mph local speed limit/design speed. The LHA acknowledge that the obstruction (hedge) is shown on land edged blue as being under the control of the applicant and, consequently, an improvement in visibility can be conditioned allied to the increase in traffic using the existing access. Sufficient space would be provided to allow larger vehicles to access, turn and park at the eastern end of the building.

It is considered that the poultry operation and associated vehicle movements can be satisfactorily accommodated by the local highway network and would not have a detrimental impact on road safety in accordance with Policy SP20.

Impact on the adjacent SINC

Natural England have no objections and have confirmed that the proposed development will not have significant adverse impacts on any statutorily protected sites or landscapes. However, the unit has the potential to impact on the adjacent, locally designated, Butterwick Whins SINC. The north elevation of the egg laying unit containing pop holes would be in relatively close proximity to the SINC. The matter has been discussed with the Council's Countryside Officer who has requested that the impact upon the SINC is minimised.

It is considered that this can be achieved by requiring that the SINC is excluded from the range and securing a buffer zone between the range and the SINC so to limit the impact on the grasslands. In addition an appropriate means of enclosure shall be erected around the perimeter of the range. These items shall be secured by condition.

In order to achieve the above the Applicant has amended the proposed position of the building within the application site so that it is further south. As a result the north elevation of the unit containing pop holes would be approximately 32m from the SINC. The increased stand-off between the north elevation and the SINC would allow for an appropriate buffer whilst not impeding the operation of the facility.

In light of the above it is considered that the proposed development would protect existing habitats adjacent to the application site and complies with the requirements of Policy SP14.

Archaeological impact

The proposed development lies within an area of archaeological interest with potential for prehistoric remains. There is evidence in the area in the form of cropmarks for linear dykes which are part of an extensive late prehistoric boundary complex and Bronze Age Round barrows. In light of this the County Archaeologist has requested the inclusion of a condition to secure archaeological monitoring, recording and mitigation in response to the ground disturbing works associated with this development. This approach would allow for the protection, management and understanding of archaeological assets and aligns with the requirements of the revised NPPF and Policy SP12.

Conclusion

The principle of the development is in line with national and local planning policy and represents development that supports the land-based, rural economy and contributes to UK food production in a sustainable manner. No representations have been made by any member of the public and there are no objections to the development from any consultee. The proposed development would not have an unacceptable impact on the open countryside and the locally valued landscape, local amenity, flood risk, habitats or highway safety and is considered to meet the relevant policy criteria outlined within Policies SP1, SP9, SP12, SP13, SP14, SP16, SP17 and SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF. The recommendation to Members is one of conditional approval.

RECOMMENDATION:

Approval

- 1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. IP/SM/01A, dated Oct 2018
Site Plan ref. IP/SM/02A, dated Oct 2018
Elevations and Plan ref. IP/SM/03, dated August 2018

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Unless otherwise approved in writing by the Local Planning Authority the external colour finish for the buildings and feed bins hereby permitted shall be Juniper Green.

Reason: In the interests of amenity and to comply with policies SP13, SP16 and SP20.
- 4 No development shall commence until a Written Scheme of Investigation for a Watching Brief has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: The site is of archaeological significance.
- 5 The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological significance.
- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
 - a. The existing access shall be improved by widening and upgrading of construction specification in accordance with standard detail drawing no. E7d.
 - b. Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway by suitable drainage channel interceptor drain and/or soakaway to the rear of the highway boundary limit and maintained thereafter to prevent such discharges.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 7 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along the adjacent channel line of the major road C356 Butterwick Road in a westerly direction from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

- 8 Prior to the development hereby approved being brought into use a scheme for the protection of the adjacent Butterwick Whins SINC shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include plans showing the following:-

- Details of the extent of the range and means of enclosure (hen proof barrier/fence)
- A minimum 6m buffer strip to be established between the SINC and the hen range

No ranging hens or spreading of manure shall be permitted at any time within the adjacent Butterwick Whins SINC.

Reason: In order to protect the designated SINC.

- 9 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

- 10 An infiltration rate of 2.165×10^{-4} m/s from the site shall be utilised for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

- 11 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the

site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 12 The development hereby permitted shall be carried out in accordance with the Flood Risk and Drainage Assessment produced by Alan Wood & Partners, dated August 2018.

Reason: In the interests of amenity and flood risk.

INFORMATIVES

Highways

Condition 6- The Applicant is advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in Condition 6.

Condition 6 & 7 An explanation of the terms used above is available from the Highway Authority.

Environment Agency

SSAFO Regulations

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

Further guidance is available: Storing silage, slurry and agricultural fuel oil
<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

All farms should be constructed and operated in accordance with the advice contained in DEFRA's 'Protecting our Water, Soil and Air - a code of good agricultural practice for farmers, growers and land managers'.
<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Check for Nitrate Vulnerable Zones

<https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>

An environmental permit is required for the development of or expanding of, an existing facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules
<https://www.gov.uk/permits-you-need-for-septic-tanks/you-have-a-septic-tank-or-small-sewage-treatment-plant>