

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/11/02440/FUL		
Site Address	Land South Of Farm Bungalow Deverill Road Sutton Veny Wiltshire		
Proposal	Demolition of four existing poultry buildings and their replacement with five new structures along with the provision of associated infrastructure including feed bins and hardstanding.		
Applicant	Amber Real Estates Investment Ltd		
Town/Parish Council	Longbridge Deverill Sutton Veny		
Electoral Division	Warminster Without	Unitary Member:	Fleur De Rhe-Philippe
Grid Ref	389127 141677		
Type of application	Full Plan		
Case Officer	Mr Michael Kilmister	01225 770344 Ext 01225 770228 michael.kilmister@wiltshire.gov.uk	

Councillor Fleur de Rhe-Philippe has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to appropriate planning conditions.

Neighbourhood Responses

140 letters of objection from approximately 127 households. One of which is from Spitting Feathers Sutton Veny & Longbridge Deverill Action Group which contains a petition of 400 signatories and another letter from Solicitors acting on behalf of the Sutton Veny & Longbridge Deverill Action Group.

Parish Council Response

Longbridge Deverill Parish Council object to the proposal, for the reasons set out in the report.

2. Report Summary

The main issues to consider are:

- Policy
- Visual impact
- Local amenity
- Highway Implications
- Other Matters

3. Site Description

The site is an existing poultry farm, situated to the west of Sutton Veny on the southern edge of the Deverill Road Trading Estate, a small industrial estate which is located between the villages of Sutton Veny and Longbridge Deverill.

The site extends to 3.17 hectares located in the Parish of Longbridge Deverill entirely within the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site is relatively flat but slopes in a southerly direction from north to south comprising of grassland containing a number of trees and hedges, areas of hardstanding and four poultry buildings, associated infrastructure and a farm dwelling all of which have been disused for about five years. Prior to ceasing the broiler production the four buildings provided approximately 155,000 broiler rearing places.

The site is already partly screened by an earth bund on the southern boundary and by existing vegetation in all directions. However, it has been identified that there is potential to strengthen the planting along the southern, eastern and western boundaries of the site.

The land use surrounding the site is almost exclusively agricultural or equine. The land directly to the north and adjacent to the site is a former army camp which has been used for light industrial uses for a number of years, with this site being characterised by a range of built development and light industrial activity.

Access to the site is via Deverill Road, a classified road (C41). Access to the surrounding area is provided by the A350 which is approximately 3/4 mile to the west, though the A36 is also only 1 mile to the east which also provides access to the wider road network.

Predominantly isolated rural properties form the residential provision within the area though the nearest lies within the trading estate and is approximately 230m from the development site. The edge of the village of Sutton Veny is some 400m distant.

There is a single public footpath linking Longbridge Deverill and Sutton Veny that crosses the holding situated north of where the proposed poultry buildings will be erected.

The application is accompanied by a Design and Access Statement and a Environmental Impact Assessment (EIA) which assesses the impact of the proposal on the local environment under a number of topic headings and sets out proposed measures to mitigate these indentified impacts.

The main issues covered within the EIA are: -

- Waste Management;
- Impact of odours, dust and noise;
- Impact of ecology;
- Impact on the landscape.;
- Traffic issues

Also submitted was further information on

Emissions assessment

Ammonia and Odour Emissions Booklet

ADAS - Addendum to A Study of the Impact of Ammonia and Odour Emissions from the Redevelopment of the Broiler Chicken Rearing Unit at Sutton Veny Farm, Warminster in Wiltshire

4. Relevant Planning History

None

5. Proposal

The proposal involves demolition of the four existing poultry buildings currently in place and replacing them with five new poultry houses each measuring 97.6m x 23.2m, with a ridge height of 4.6m with ventilation chimneys adding 1.7m to this, to provide 223,900 bird places.

The buildings provided will be sited on new concrete slabs and a steel framed construction, clad with box profile polyester coated steel sheeting, coloured Merlin Grey on the gable and side elevations and goosewing Grey on the roof.

The scheme also seeks to provide the necessary site infrastructure including dirty and clean water handling facilities, feed bins and concrete yard areas.

Along the side elevations of the buildings close to the eaves will be a number of glazed windows fitted with internal blackout blinds. These windows will allow natural light into the buildings in accordance with current thinking on bird welfare.

The buildings will all be insulated to modern high standards with glass fibre insulation. Efficient insulation reduces condensation and the level of energy input required to maintain a stable environment. The new buildings will also allow for the use of low electrical consumption equipment further improving the efficiency of the unit.

The ventilation system will consist of high velocity roof extract computer-controlled mechanical ventilation. This system will principally comprise of 3 roof vents located just off the ridge of each building along with 6 vents over the saddle of the ridge at one of end of the building; all will house 710mm Ziehl-Abegg or similar fan units.

Six fans will also be provided in the gable elevations to allow for tunnel ventilation to be used at times of peak ventilation load (when the birds are close to fully grown and during hot weather).

Use of such a system will result in a well controlled environment inside the houses, with no condensation to cause litter to dampen. Good control of the internal environment will be the prime factor influencing litter quality, which in turn influences the amount of odour being emitted from a site. A drier litter is a less odorous one.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C1 Countryside Protection; C2 Areas of Outstanding Natural Beauty; C31a Design
C32 Landscaping; C38 Nuisance; U2 Surface Water Disposal

National Planning Policy Framework (NPPF) (published March 27th 2012)

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 3 - Ensuring a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

(In addition to the adopted and emerging plans and documents, the following Planning Policy Statements were extant at the time the application was submitted and are therefore referred to and incorporated in the various supporting documents and correspondence, although as they have now been replaced by the NPPF, they are no longer material considerations.

PPS1; PPS9; PPG13; PPS23; PPG24; PPS25.)

7. Consultations

LONGBRIDGE DEVERILL PARISH COUNCIL

At a meeting held on 2nd October 2011 the Parish Council supported the application

Following further revised plans Longbridge Deverill & Crockerton Parish Council held a planning meeting on the 13th April 2012 and voted two councillors for and three against the application.

The Parish Council would like the following objections considered. Highways grounds and the road narrows at the end of Sand Street. There are no pavements, many young children and families have to walk along the road and it is not wide enough to walk along and for traffic pass. Only one vehicle can go through Sand Street at a time.

The visibility, coming out of the Industrial Estate and the visibility of both lanes coming off of Sand Street was seen to be a big issue. The following conditions would need to be added should it be approved by Wiltshire Council Planning Committee.

1) The Parish Council would like a Curfew put in place for 7pm to 7am on the movement of materials and chickens to/from and within the site to match the adjoining Industrial Estates conditions already in place.

There was also concern whether the operation of the Chicken Farm would have a negative impact on employment on the Industrial Estate. The removal of waste was a concern and it was asked that this was clarified and that all traffic leaving with waste must be sheeted. The section 52 agreement would need to be checked as it is seen as a possible concern. Councillors asked if the public right of way could be kept in place.

SUTTON VENY PARISH COUNCIL (The site is adjacent to Sutton Veny Parish) who have provided the following comments

The Parish Council object to the application for the following reasons:

- 1). The application represents a massive 44% increase in the volume of birds on the site
- 2). The site is derelict at the moment and has evolved in recent years into a wildlife habitat
- 3). We find it impossible to believe that this volume of poultry and the use of some 60 extractor fans will not generate a significant nuisance factor in terms of both noise and odour. The nuisance would be continuous - animals do not recognise the weekends and bank holidays. The nuisance would apply to the surrounding workshops and homes as well as the village which lies for the most part downwind of the site.
- 4). The existing traffic movements do not stack up against those in the 2008 application on the site (08/02632). They are higher than 2008 and therefore the proposed vehicle movements represent a smaller percentage increase. The application does not specify the number and size of the tractors and trailers required to move several thousand tonnes of chicken litter along village roads annually. The resultant increase of heavy lorries and tractors with trailers onto the Longbridge Deverill road would further exacerbate the hazards prevalent on a narrow country road; a road with no passing places; a road used by cyclists, pedestrians and horse riders; a road with no pedestrian facilities; a road with a hidden dip close to the industrial estate entrance/exit.
- 5). The cycle from stocking to cleaning the sheds would appear to be 40 days. Add to this the 7 days for cleaning (4.2 in the Environmental Statement) and each cycle would seem to be marginally under 7 weeks instead of the 8 weeks on Table 6, which would further increase the total traffic movement by about 16% ie 1/6th.
- 6). The application will only generate 2 low paid jobs. The jobs losses will be significantly greater as follows:- a world class horse racing stable would have to shut up shop with the loss of at least 25 jobs; several small businesses involved in food production will become hygienically unacceptable resulting in at least 10 job losses. Some of the tenants on the Industrial Estate are already intimating that they may leave if the nuisance becomes intolerable.
- 7). Recently, after a number of years spent trying to find land, the Parish Council managed to secure a lease for 15 allotments. Both central government and local authorities have been urging us to do this for years. Unfortunately, these allotments are next to the chicken farm. The allotments have just completed their second season and are flourishing. The tenants are expressing grave concerns that

their hard work and enterprise will be destroyed. They fear that they will no longer be able to enjoy the fruits of their endeavours whilst working next to the noise and smell of the chicken farm. In conclusion, we believe that whilst this application is of a rural nature it is on a huge industrial scale. There is a strong feeling in the village that to allow this application to go ahead would be a monumental disaster. Accordingly, we feel that it should be rejected

WILTSHIRE HIGHWAYS

No objection

WILTSHIRE COUNCIL RIGHTS OF WAY

No objection

WILTSHIRE COUNCIL ECOLOGIST

No objection subject to appropriate conditions being attached

WILTSHIRE COUNCIL LANDSCAPE OFFICER

No objection subject to condition concerning protection of existing trees.

WILTSHIRE COUNCIL PUBLIC PROTECTION

No objection

ENVIRONMENT AGENCY

No objection in principle to the proposal but would, however, wish conditions to be attached concerning surface water and contamination.

Additional letter received after initial response to provide clarification regarding whether the proposal will require an Environmental Permit and what issues a Permit would address.

The proposal will mean the farm will have a capacity exceeding 40,000 poultry birds. This will require an Environmental Permit from the Environment Agency before the commencement of operations. Under the Environmental Permitting regime our assessment for the permit will address the following key areas:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery
- Operating activities and techniques including the use of poultry feed, housing design and management, slurry spreading and manure management planning)
- Emissions to air and discharges to water, land and groundwater along with odour, noise and vibration
- Information – monitoring, records, reporting and notifications.

All of the above are assessed within the requirements of Best Available Techniques (BAT). The pre-application screening will look at potential impact on sensitive receptors.

When assessing the application for a permit we will set conditions in the permit to ensure the emissions and discharges are at a level that will not result in significant impact on people and the environment, reflecting current statutory requirements. If the applicant does not demonstrate an ability to comply with such conditions, the permit will be refused.

NATURAL ENGLAND

No objection. Based on the information submitted, the proposals are unlikely to result in a significant effect on the European Sites (Salisbury Plain Special Protection Area/Special Area of Conservation/Site of Special Scientific Interest River Avon Special Area of Conservation/River Avon System Site of Special Scientific Interest).

AONB OFFICER

No objection subject to conditions being attached regarding materials and appropriate landscaping/trees being planted.

WILTSHIRE COUNCIL AGRICULTURAL CONSULTANT

The planning application is to remove the existing buildings and to replace them with five new production sheds.

The buildings are proposed for the accommodation of broilers under an intensive indoor system. The key design requirements for such buildings are:

- * Sufficient space for the birds, in order to comply with EU legislation
- * Sufficient daylight for the birds, to comply with industry best practice
- * Heating for the birds when they first arrive and insulation to ensure an optimum temperature to sustain growth.
- * Ease of access to enable de-population, clearing out and re-population

Under the EU Directive on Broiler Welfare stocking density must be less than 39kg live weight per m² of the building. The proposed buildings have been designed to operate at 32 kg LW/m², so the buildings achieve compliance with the Directive. In the event that the weight limit is reduced below 32 kg LW/m² in future years then the stocking density at the unit would need to be reduced.

The buildings will be fitted with windows along the upper elevations. The applicant's agent advises that the windows will allow sufficient daylight into the buildings, to comply with current industry practice.

A key element of the production of broilers is to ensure as much energy as possible is converted from food into the growth of the bird and hence the production of meat. To that end it is essential to provide artificial heat when the chicks are first brought onto the unit and thereafter careful control of the temperature in the buildings to ensure an optimum environment is maintained. The temperature is essential so that the bird's energy is not diverted to keeping itself warm, but concentrated on the development of muscle (meat). Artificial heat is retained in the buildings through high levels of insulation.

A further element to the environment within the building is to ensure there are sufficient air changes so that the buildings do not become damp through respired air. Fan systems are therefore an essential part of broiler production. The application papers indicate that the proposed buildings will be equipped with high velocity fans to mitigate the effects of condensation.

Overall it is my opinion that the proposed buildings are of an appropriate size and design for the type and quantity of production that is proposed at the site.

The proposed buildings are essential for the proposed agricultural activity at the site.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 14th October 2011

Summary of points raised:

140 letters of objections have been received from approximately 127 addresses in respect of this application and a petition is included with over 400 signatories (many of whom have already sent in objections and many names on petition are from single households or names with no address). These objections make reference to some or all of the following points:-

In an area of outstanding natural beauty
Lorry movements late at night and in the early hours
Access to the site is poor
Smell on clean out days

Battery farming a thing of the past
Oppose increase in size of buildings
Chicken faeces droppings in trading estate
Noise of transportation during night and chicken crates loaded
Hours should be restricted to between 7am to 7pm
Unsuitability of roads
Articulated lorries
Vermin on site
Increasing traffic congestion
Adjacent racehorse training stables may be forced to close
Loss of around 25 jobs
Racehorse stables forced to move to alternative location
Concerns over health of owners horses and the staff who work there
Significant increase in carbon emissions
Road safety
Adds nothing to local community
Road too narrow
Racing stables created 30 jobs
Create precedent for additional chicken or other development on the trading estate
Only creates two jobs
This proposal detrimental to the interests of the local community
Will not improve the quality of the local environment
Animal welfare
Economic impact on villages
Nuisance to neighbouring properties
Dust issues
Ammonia levels in close proximity and potential harm to Horses First and allotments and nearby food business.
Very strong local opposition
Unsustainable development
Allotments – within 100m of pollution area
Loss of employment due to possible move of Horses First Racing
Never expected large lorries on roads as already have large tractors on a regular basis.
Doubling of traffic, night time vehicle movements increased
Danger to pedestrians and cyclists
Noise pollution
Air pollution/poor air quality
Allotments unsafe to work in due to Ammonia fumes, flies and additional rodents
Factory farming for thousands of chickens
Smell and rat infection
Dust omitted from site
Smell will be unbearable
Wind predominately comes though the valley west to east; therefore the whole village of Sutton Veny will be affected.
Difference of opinion between veterinary practices concerning horses welfare
Light pollution
No pavements or street lights to protect residents
Damage to properties caused by large vehicles, tractors, trailers and very large farm machinery
Fabric of village, age old walls and listed cottages already at risk from large vehicles
Extreme conditions could cause serious accidents involving a lorry load of chickens
The proposal will affect our business
Wildlife and tree sparrows affected
Can not risk contamination to our food business
Cheap way of rearing birds for slaughter
Affect people walking on the public right of way
Flooding
Affect drinking water
Does not comply with local policy and government guidance

9. Planning Considerations

9.1 Planning Policy

The Government's 2012 "National Planning Policy Framework" (NPPF) supports a prosperous rural economy, including the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. It also promotes the development and diversification of agriculture and other land-based rural businesses. The NPPF is a material consideration in planning decisions

However, the law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Therefore the development plan should be the starting point in determining the application and other material considerations, starting with the NPPF, should be taken into account in reaching a decision.

The key relevant Local Plan policies that need to be considered in relation to the principle of the development are policies C1 and C2 of the West Wiltshire District Plan First Alteration. While the emerging Core Strategy can be given limited weight at this stage, the principles of policies C1 and C2 are taken forward in CP51 and the NPPF.

The site is located in the open countryside where Policy C1 states: Development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy. Acceptable mitigation measures will be implemented where appropriate.

Policy C1 is therefore supportive of agricultural development . The proposed development relates to the expansion of an existing poultry farm by replacing four poultry buildings with five new poultry buildings and associated infrastructure to bring the overall poultry numbers to approximately 223,900 from the previous use of 155,000 birds.

The modern purpose built poultry accommodation at Sutton Veny Poultry Farm is required to support the market demand from the expanding poultry sector. The new poultry accommodation is designed to ensure the highest levels of stock welfare and to minimise external impacts.

Policy C2 deals with development in Areas of Outstanding Natural Beauty.

The national landscape importance of the Cotswolds Area Of Outstanding Natural Beauty and the Cranborne Chase And West Wiltshire Downs Area Of Outstanding Natural Beauty, shown on the Proposals Map, will be conserved and enhanced. Priority will be given to the landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted. Proposals for new development essential to the economic and social well-being of the rural community will be permitted, having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations. Major industrial or commercial development will only be permitted where it can be demonstrated to be in the public interest, having taken account of the need for the development, in terms of national considerations, the cost and scope of developing elsewhere and any detrimental effect on the environment and landscape.

Agricultural development is essential to help ensure the economic wellbeing of the rural sector. In the case of the poultry sector significant investment in new buildings is needed across the country to offset the decline in building stock and quality caused by previous poor conditions. Despite the need for new development it is recognised that proposals within sensitive landscapes have to be dealt with in a sympathetic manner with all potential impacts of the development proposed being very carefully considered.

The principle for an agricultural development of this nature in this location is therefore in accordance with the policies of the development plan and the NPPF. Moving on from the principle, the details of

this particular proposal need to be carefully assessed in relation to the visual impact; the amenities of the locality, local landscape character and highway safety.

9.2 Visual Impact

The issues to consider are the landscape character and the visual impact. In terms of character, the site and its surroundings are located in an area of existing poultry buildings; an industrial estate and other rural activities (farming, equine etc). The character will remain unchanged as the existing poultry buildings will be replaced with newer poultry buildings.

In relation to the visual impact, the layout and orientation of the new buildings will be the same as the existing buildings, and the replacement buildings will be of similar construction and have approximately the same eaves and ridge heights as the existing buildings. The redevelopment of the farm will take place within the boundary of the existing farmyard although the buildings will extend further to the north.

The existing poultry buildings measure approximately 95.2m x 18m x 4m with the roof ventilation unit giving a height of approximately 5m. The proposed poultry buildings measure approximately 97m x 23m x 4.6m with the roof vents adding just less than 1.7m to this.

The existing poultry buildings are low level and cannot easily be seen from within the surrounding landscape due to the natural contours of the site and enclosing hedges, shelter belts and soil bunds. The site of the existing poultry buildings is enclosed on the southern side by an earth bund and on the western boundary by a 6 m tall dense beech hedge. The farm track alongside the buildings to the west is also lined with a dense hedge of field maple, hawthorn, and cypress trees, extending to over 5 m tall. Views from the public footpath outside of the confines of the trading estate further west are obscured by the hedges.

There are no views into the site from the south due to the earth bund at the rear of the buildings and then the landform of Longbridge Hill and obscures any further views from the south back to the site. There are limited views from Sutton Veny to the east due to existing existing trees and hedgerows. This can be reinforced with further landscaping.

The extent of visibility of the site will not alter as the buildings are of the same scale and type of construction as those already on the site. The uniform nature of the new buildings and the selection of a sympathetic choice for the external cladding and colour should act to further reduce their visual impact.

The AONB officer has commented that it strongly advises that a light grey – apparently proposed – would be inappropriate as that light colour would not enable the roofs to blend with the landscape. We would recommend the use of a darker Moorland Green colour on the roofs of the buildings. If you feel a slightly lighter shade could be appropriate for the walls then, again, I would suggest a green rather than a grey tone. This can be conditioned.

The extent of visibility of the site is limited by the natural contours within the wider landscape, and by the appropriately placed shelter belts, hedges, and soil bunds, which largely enclose the site and visually isolate it from the surrounding landscape.

The site is well screened and therefore the visual impact on the appearance of the surrounding countryside and in particular its location within the Area of Outstanding Natural Beauty would be fairly minimal.

9.3 Local Amenity

The nearest residential property is over 230m north from the proposed new poultry buildings. Thereafter two further residential buildings are over 340 metres away again towards the north. Adjacent to the site to the east is where the equine activities take place, to the north is Longbridge Deverill Trading Estate and to the west, south of the access road at the entrance are allotments.

A large number of objections have been raised in regard to the potential increase in odours, dust and noise as a result of the new buildings and activities being carried out on the site.

There are concerns that the operation will generate unacceptable smells at certain times and therefore people will be unable to enjoy being outside. There are also concerns about the noise of ventilation systems, deliveries and other onsite operations which could be a problem, with disturbance occurring at unsociable hours i.e. at night. As well as concerns over the potential for contaminated dust and other emissions from the ventilation system.

The Council's Environmental Protection Officer has commented that

'The site will house more than 40,000 poultry therefore the site will require a Permit from the EA before being able to operate. Noise, fugitive emissions (including dust and flies), odour, ammonia releases from the premises will form part of the conditions within the Permit. With regard to this particular application this is the primary legislation which will be applied and should address all areas of concern in relation to potential noise, dust and odour issues.

We have powers to investigate complaints and problems in relation to noise, dust and odour emanating from premises, however, in this case as the site will be Permitted by the Environment Agency these powers are overridden.

However, we would concede that providing the applicant complies with the design criteria in their report entitled Noise Impact Analysis of replacement Poultry House Buildings, The Hatchery, Deverill Road Trading Estate and dated 17 June 2010 we will not object.'

In relation to Air Quality the Environmental Health Officer has commented the following

'With regard to the particulate levels and exceeding air quality objectives (EU levels) the annual average objective is 40 ug/m³ and a 24 hour average of 50 ug/m³ not to be exceeded more than 35 times a year.

LAQM. TG(09) states that in local air quality terms we only need to consider poultry houses which have in excess of 400,000 birds in a mechanically ventilated unit before the likely hood of exceedences of the PM₁₀ objective being exceeded. The proposed poultry units will house 223,900 birds.

The objective levels set are health based and there must be a 'relevant' exposure ie residential properties, schools, hospitals near the area of concern. The nearest residential property is Java Bungalow at 230m. People passing by (or in this case riding by) would not be classed as a relevant exposure bearing in mind the objective levels are for 24 hour periods and an annual average.

In conclusion the particulate objective is unlikely to be breached in this location. The objectives can only be applied to human health, so I am unable to make any comments with regard to the impact upon horses.'

The applicant has stated regarding odour

'there appears to be an element of concern and some confusion regarding potential risks in and around the proposed buildings. Any odour from these ventilated buildings is a small percentage and therefore in no way considered to be a risk. There are various activities undertaken within close proximity of the site; horses walked on the neighbouring land to the east, users of the public footpath to the north, workers and visitors to the industrial estate and the allotments to the west. There is no risk to human or animal health. A question was raised regarding the use of facemasks on site. There is a duty of care on the part of the employer to provide the necessary personal protective equipment, partly for health & safety reasons and partly biosecurity.'

The Environment Agency have stated

'The impact of odour is taken into consideration during our permitting process however this does not always include the assessment of odour modelling. As part of any permit application an odour management plan will be required.

Where there are residential properties within 400 metres of intensive farming an environmental permit will include a condition that requires there to be no pollution, as perceived by an Environment Agency officer, unless all appropriate measures have been taken to prevent or where not practicable, to minimise emissions and odour. Where intensive farming is proposed within 400m of an existing or potential future receptor sensitive to odour, noise or dust, additional mitigation measures to control emission to air may be needed, this might affect the type and height of ventilation and the need for abatement equipment to mitigate the risks.

Appropriate measures to minimise odour include but are not limited to those in the odour management plan. When we approve an odour management plan, during the determination of a permit, we will agree the scope and suitability of measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. This will remain the responsibility of the operator.

If the operator follows an odour management plan to deal with amenity issues and takes all reasonable precautions to mitigate these impacts, the facility and community can co-exist. We recognise that no odour management plan can cover every eventuality and even if the operator is taking all the appropriate measures specified in their plan, some odour pollution may still occur as there are limits to the mitigation the operator can apply.

In exceptional circumstances the Environment Agency can revoke an operators permit if the emissions from the activity are not considered acceptable.

Pollution is defined in the Regulations as:

'any emission as a result of human activity which may be harmful to human health or the quality of the environment, cause offence to any human senses, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.'

The Environment Agency (EA) will only issue a permit or variation if they believe that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit. The EA would need to be satisfied that the standards proposed for the design, construction and operation of the facility meet or exceed their guidance, national legislation and relevant directives".

To take odour as an example, the EA would regulate the site using the odour condition within the permit. "If the EA consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations". The same policy and course of action applies to other environmental considerations such as ammonia, dust and noise for example i.e. if the operator does not comply the permit is withdrawn.

The withdrawal of the permit would have serious ramifications on a business (particularly financially) as the scale of the unit would have to drop below 40,000 birds and then the unit would be 'policed' by the council's environmental health department.'

For information, unlike in many other developments where planning consent is granted, conditions discharged and the scheme is built, so discharging responsibility and control away from the local planning authority (except where enforcement is a course of action), for this poultry unit where a permit is required it is monitored by the EA regularly, at the least annually, to ensure compliance with the permit. The operator pays a fee each year for the permit and the ability to operate. If there is a concern in the future that what is discharged from the buildings (noise, odour, dust etc) it is for the EA to take any complaint and action accordingly.

In relation to the noise aspect it should be remembered that this is an existing poultry farm which many of the issues raised would be carrying on for example the deliveries and other onsite operations.

In sum, the Council have no evidence that the operation of these poultry units would cause any unacceptable impact on the amenity of the area through odour, dust or air quality.

9.4 Highway Implications

The Highways Officer is satisfied that the information provided in the submitted Transport Statement is reasonable and the estimated traffic generation is not contested. Whilst it can be difficult to interpret and extract relevant information, Highways remain satisfied that the overall increase in traffic compared to the previous authorised use is insignificant at 2-6 trips per week.

Of concern to local residents is the fact that the 'existing traffic' currently does not exist, as the poultry units are not operating. But as the existing lawful site use could recommence without the need for planning consent, the fall-back position needs to be taken into account.

The Highways Officer notes that the use of articulated vehicles is proposed at only two trips in week 8 of the cycle. However it is recognised that HGV movements resulting from the development would be better directed to and from the A350 road in order to avoid restricted movements within Sutton Veny village. The Agent has confirmed that 'the lorries would turn left out of the site towards the A350 (westerly) then onto the A303 thereby avoiding travelling through the village' (Sutton Veny).

The Highways Officer therefore recommends that for the avoidance of doubt, a Traffic Management Routing Plan (TMRP) should be submitted and approved by the local planning authority before development commences and the TMRP be implemented in accordance with the approved plan. A condition to this effect should be included as part of any consent.

Vehicular access to the site is via an existing established Trading Estate access point onto Deverill Road within a 40 mph speed limit. The local highway authority considers that the existing access which already caters for the traffic generated by the Trading Estate, is adequate and suitable to accommodate the additional traffic resulting from the proposed development.

Whilst it is acknowledged that Sand Street is narrow in places and without separate pedestrian facilities, the insignificant increase in traffic above and beyond that which the existing use could generate, is considered acceptable. There are no reported personal injury road traffic accidents along this section of road.

9.5 Other Matters

There is concern from some objectors regarding issues on poultry waste. For clarity this is detailed in the Environmental Statement (ES), with waste bedding being taken off site via sheeting tractor and trailer typically by farmers in the area to spread on their agricultural land as a soil conditioner/fertiliser. The agent has stated that there may in some instances (where available) be scope to send the waste material to an alternative point of disposal e.g. a local power station or anaerobic digestion plant to generate power. In either case the waste is taken off site under controlled conditions regulated under the Environmental Permit from the Environment Agency.

Once the material is taken off site, it is then the responsibility of the third party and their storage and spreading of the material must meet the Code of Good Agricultural Practice and, where applicable, Nitrate Vulnerable Zone (NVZ) requirements.

There has been concern regarding vermin level on the site. It is not in the applicant's interest to have vermin on site given biosecurity is paramount. There are also Permit requirements to control vermin under other legislation.

In relation to ecology – a Phase 1 Habitat Survey has already been undertaken by a qualified ecologist to assess the impact of the proposed development on the existing habitat. Reference has been made by the AONB officer and others regarding tree sparrows. As part of the CEMP

(Construction Environmental Management Plan) referred to in the report, bird mitigation such as new nesting boxes etc is included. The applicant has stated that a bird nesting survey will be undertaken before clearance and demolition works commence (If works are to commence between 1st March and 31st August) otherwise works will be undertaken outside of the active bird nesting season.

The proposals will retain the important habitats (boundary hedge bank, trees and shrubs, and there will be new native species planting)

The Ecology Officer has stated that 'the details of appropriate precautionary working measures have been provided in the large Phase 1 Habitat Survey report (for badgers) and the Reptile Survey report. The development should be carried out in accordance with these guidelines. However, the report also proposes a further CEMP and further Mitigation Method Statement which are not considered necessary, and the 'Site Specific Mitigation' includes several measures that are not reasonable when considering the scale of the proposed development and the impacts (i.e. the installation of 15 bat boxes; post-construction monitoring surveys). If the applicant is willing to install a practical number of bat and bird boxes (in addition to those for tree sparrows) then that would be welcomed. The Ecologist Officer has recommended an informative to be attached to in relation to the above.

In relation to the possible risks to the neighbouring horses adjacent to the site from discharges from the poultry unit, Officers requested further information from vets acting on behalf of the applicant and in their professional opinion, there 'was no evidence or recorded incidence of harmful effect to horses and therefore the potential impact on the neighbouring racing yard should be negligible.'

The Environment Agency commented with regards to the permit that they will not consider the race horses (either individually or collectively) to be a sensitive receptor. Only places where humans are present and considered in this respect, i.e. the offices and parts of the business where humans are working. As part of the application process (permit) we would consult with the Health Protection Agency and invite comments from concerned individuals or groups but this would be based on health impact of humans, not animals. Therefore the racehorse business will be considered as a sensitive receptor, but only in respect of impact on humans.

The planning and pollution control systems are separate but complementary. Planning authorities should focus on land use issues rather than the control of processes or emissions themselves. Planning authorities are advised to work on the assumption that the pollution control regime will be properly applied and enforced.

Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level.

10. CONCLUSION

This site has been the subject of considerable public interest. As a result it has generated much debate and correspondence.

Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

The proposal is on an existing poultry farm to remove existing dilapidated poultry building which are to be replaced with a more efficient modern purpose built accommodation ensuring the highest levels of stock welfare and minimising external impacts. This is in accordance with both national and local planning policy and guidance, which allows development that supports a prosperous rural economy, including the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. The various concerns in terms of impacts have been carefully assessed and addressed.

This is after all an existing poultry farm, last operational in December 2005, and one which may continue to operate as a poultry unit in the future dependant on obtaining permits, either based on the

existing layout or the new proposal. The National Planning Policy Framework clearly supports agriculture and the production of food and encourages the provision of modern facilities.

For the avoidance of doubt the Council can grant permission for the development. However because of the scale it requires a permit from the Environment Agency (EA). If the submission does not satisfy the EA, a permit cannot be issued and the site cannot operate. It is therefore very clearly in the applicant's interest to ensure that all the necessary information provided is sufficient for the EA to grant a permit.

The proposal is for agricultural development and therefore in principle is acceptable in this countryside location. Officers consider on balance taking the above into account that the proposed development would not have an adverse impact on the character or appearance of the locality and in particular the Area of Outstanding Natural Beauty within which it is situated. The development would not give rise to conditions that would prejudice the amenities of adjoining residents nor would it adversely affect highway safety. Consequently the proposal is considered to comply with the relevant policies in the development plan and the NPPF.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA), H20K, dated August 2010, Reference J-3198-BW, and the following mitigation measure detailed there in. Limiting the surface water run-off generated by the 1 in 100 year critical storm, including an appropriate allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 3 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;

- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- details of the bundings
- details of works to the public footpath

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 6 The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s))

JW/0663/2010/200-01 revision A - Location and site plans

JW/0663/2010/200-02 – Survey plan

JW/0663/2010/200-03 revision B – Proposed layout plan

JW/0663/2010/200-04 – Floor Plan

JW/0663/2010/200-05 revision A – Sections and elevations

JW/0663/2010/200-07 revision A – Drainage plan

JW/0663/2010/200-08 revision A – Lighting plan

JW/0663/2010/200-10 revision A – As existing elevations and site sections

REASON: In order to define the terms of this permission.

- 7 Prior to development commencing a Traffic Management Routing Plan (TMRP) shall be submitted to and approved in writing by the local planning authority. The TMRP shall be implemented in accordance with the approved plan.

REASON: To ensure that the developer can control the direction of HGV traffic entering and leaving the development site.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

West Wiltshire District Plan 1st Alteration 2004 – Policies C35 and C38

- 9 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 10 No development shall commence on site until details of the LPG tank to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 – Policy 31A

- 11 The development hereby approved shall comply with the design criteria in their report entitled Noise Impact Analysis of replacement Poultry House Buildings, The Hatchery, Deverill Road Trading Estate (dated 17 June 2010) so that to ensure that the overall sound from the plant will be 10dB below the existing background level and that the sound emission from each of the 60 fan units shall be restricted to 52dB LAeq at 1m distance from each outlet.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

West Wiltshire District Plan 1st Alteration 2004 – Policy C38

Informative(s):

- 1 The applicant must ensure the development complies with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. The Environment Agency must be notified in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is first used. Further guidelines and factsheets on the SSAFO regulations are available from the following website:

<http://www.environment-agency.gov.uk/business/sectors/118798.aspx>

- 2 Badgers, reptiles and breeding birds have been identified at the application site; badgers are protected by The Protection of Badgers Act 1992; reptiles and breeding birds are protected under the Wildlife & Countryside Act (1981, as amended). Planning permission does not derogate the applicant's responsibilities under these pieces of legislation. The development should be carried out following the guidelines provided in the Phase 1 Habitat Survey and Reptile Survey report (Eco-Check Consultancy Ltd., August 2010). Nest boxes for tree sparrows should be installed on the new buildings following RSPB guidelines.

Appendices:	
Background Documents Used in the Preparation of this Report:	

--