APPEAL STATEMENT ON BEHALF OF APPELLANT

20/00871/F
Planning application for a Free Range Egg Production Unit and Gatehouse and all associated works

December 2020

CONTENTS

1.0 Introduction

1.1 My name is Richard Corbett and I am a Professional and Partner with Roger Parry and Partners LLP. I hold a BSc Honours degree in Rural Enterprise and Land Management awarded by Harper Adams University College. I am a Member of the Royal Institution of Chartered Surveyors, following the Rural Faculty of the Royal Institution. I am also a Fellow of the Central Association of Agricultural Valuers.

1.2 Roger Parry and Partners LLP are a team of Chartered Surveyors and Architectural Technologists assisting clients with rural, agricultural, commercial and residential property types across Shropshire, Mid Wales, North Wales and increasingly further afield. Services include rural and commercial estate management, property sales and lettings, architectural and planning services, auction, plant, machinery and livestock sales, valuation and surveys, grant and subsidies, expert witness and dispute resolution, telecoms, wayleaves and renewable energy, compulsory purchase and compensation.

1.3 I have fifteen years experience in rural planning and rural practice. I deal with a diverse range of planning applications from agricultural buildings, to new dwellings to renewable energy projects.

2.0 The Proposal

2.1 The proposal is for a new free range egg poultry building. The new building will be located to the North of the existing access on land currently used as agricultural land. The building will be approximately 159m x 35m with a proposed roof pitch of 12.5° and an eaves height of 3m. The building is of a low profile which helps to minimise its visual impact. The proposed building would utilise 12 ridge mounted high velocity mechanical fans which thermostatically control the building. The building roof and sides will be clad with steel box profile sheeting coloured juniper green (or a colour to be approved by the LPA) set above a low concrete base wall. The side elevations of the building will have sheeted steel profile sides with concrete walls with pop holes for the birds to egress from the building on the East and West elevations.

2.2 The building design incorporates the use of mechanical ventilator extractor fans, 12 mechanical extractor fans will thermostatically control the building. Therefore they tend to operate more frequently during hot weather. Efficient design of ventilation fans has minimised the number needed for this building. Fans will be maintained and inspected in accordance with the manufacturers or suppliers instructions, this will minimise mechanical noise from the unit and also dust escape. Automated feeding by internal conveyor with augers direct from the sealed external feed hoppers will minimise dust creation. The insulated construction of the walls and roof also reduce sound transmission.

2.3 The ridge mounted high velocity mechanical fans will be used during periods of hot weather only. The proposed poultry unit will use natural ventilation from the pop holes of the poultry unit for the majority of the year. It is paramount that mechanical fans are provided within the building as they are used to control the temperature, it is vitally important to bird welfare during periods of hot weather. The table below details the environmental sound levels dB (A) for HER710/6/1 following numerous manufacturing trials:

	Number of Fans				
Distance from Fan to Receptor - metres	1	3	10	16	20
3	61	66	70	72	74
6	57	61	65	68	70
10	51	55	59	52	64
20	45	49	53	56	58
100	31	35	39	40	43
200	21	27	31	33	35
400	18	23	27	29	31

2.4 The above data has been compiled in line with BS848 Part Two (1985) and using the Technical Specification of the Mechanical Fan which confirms the fan selected will operate at a level of 61 dB (A) at 3 metres. When all 12 fans are in operation, the cumulative sound level should be in the range of 27 and 29 dB (A) at 400 metres from the unit.

2.5 The nearest receptor to the proposed unit is New Farm at approximately 460 metres from the poultry unit. At this distance, the noise impact on the sensitive receptor based on 12 fans would be between 27 and 29 dB (A).

2.6 In considering an operational farm unit, it is recognised that a working farm unit would have a background noise level of 42 dB (A), the development proposed therefore is not excessive and would not result in complaints or disturbance to sensitive receptors.

2.7 Mitigation:
The applicant is proposing the following mitigation as part of the proposal:

- Movement of feed, birds and eggs to the site will be done so with full care and attention to all neighbours. All movements shall be restricted to daytime hours to respect neighbours thus meaning that movements shall only occur between 07:00 and 18:00.
- Feed when transmitted to the feed bins is a normal occurrence on farm, however the applicant shall ensure that delivery is between 07:00 and 18:00.
- All fans will be maintained by local electricians to ensure they are working properly and reducing any unplanned excessive noise.
- All electrics within the poultry unit will be maintained so that they are fully operational and at no risk of failure within the unit – this is vital for Animal Welfare reasons and by law.
- The birds within the unit are all female and therefore very quiet resulting in no noise impact upon local neighbours especially during the egg production period. Whilst the birds are placed in the unit and taken, we will ensure the operation is smoothly undertaken to prevent stress to the birds and no noise to the neighbours.

2.8 The fans shall be in a treated chamber which will have an insulated roof and walls which will exhaust into an insulated baffle area thus limiting the noise emanating from the poultry unit proposed. The cumulative impact of the poultry unit will not exceed World Health Organisation Guidelines.

2.9 The building proposed operates a multi tier system which allows a smaller shed as opposed to a flat deck system, by having two tier perching decks for the laying hens within the building. These perching areas are floored with plastic slats which allow manure to drop through the flooring system. The manure from each of the tiers then falls onto an internal conveyor belt.

2.10 The conveyor belt system is operated every 10 days and removes approximately 14 tonnes from the internal conveyor belt systems via an external conveyor belt into a parked trailer outside the building. After 14 months the flock is removed and the whole building fully cleaned down internally and a new flock introduced to restart the egg production cycle. Due to the manure being moved every 10 days there will be minimal manure stored within the building which will result in reduced pest activity especially flied. Manure produced will be a relatively dry product of a friable nature which can be readily dumped for storage. All manure will be exported off site.

2.11 The eggs would be conveyed into the control room area where they would be packed and stored.

2.12 Feed for the birds is stored in eight external juniper green coloured, or a similar dark colour to be agreed with the local planning authority, steel hoppers and conveyed automatically to the building. The external steel hoppers will be located adjacent to the building to the East elevation.

2.13 The birds will have direct access from the East and West elevations of the building to dedicated pasture which will be electric fenced to keep out predators. The birds are brought in as young laying stock and remain in the egg production unit for some 14 months. After this time the flock is removed

and the whole building fully cleaned down internally and the new flock introduced to restart the egg production cycle.

2.14 The birds have a laying cycle of 56-58 weeks. The birds are farmed to a free range system. The system utilises a series of perches and feeders at different levels. The maximum stocking density is 9 birds per square metre and there must be at least 250cm squared of litter area/bird. Perches for the birds must be installed to allow 15cm of perch per hen. There must be at least 10cm of feeder/bird and at least one drinker/10 birds.

2.15 There must be one nest for every 7 birds or 1 square metre of nest space for every 120 birds. Water and feeding troughs are raised so that the food is not scattered. The birds must have continuous daytime access to open runs which are mainly covered with vegetation and with a maximum stocking density of 2,000 birds per hectare over the life of the flock. Within the system the birds must be inspected at least once a day. At the end of each laying period the respective houses are completely cleared and disinfected.

2.16 In free range laying systems, good pasture management is essential if the ground is to remain in good condition and the problems of poaching and the build-up of parasitic intestinal worms and coccidian occysts are to be avoided. The land surrounding the laying house will be divided into a series of paddocks which the birds are allowed to use for periods of up to 6 – 8 weeks each.

2.17 The length of time that the birds are allowed to use individual paddocks will vary depending on soil type, drainage, grass cover and weather conditions. The area immediately outside the poultry house tends to suffer the greatest amount of damage, so we propose that the ground adjacent to the pop holes should be covered with stones/pebbles. As well as providing health and welfare benefits, the birds' feet will be cleaned as they enter the building providing cleaner eggs. Free range layers are attractive to predators.

2.18 Foxes are the most frequent cause of problems and can cause damage and often kill or maim large numbers of birds – farm more than they are able to consume. We propose to use a 1.2m semi permanent electric fence with netting.

2.19 There are several reasons why the careful disposal of dead birds is an important part of the health management of systems :

- Reduces the risk of disease spread back to the flock and other species.
- Reduces the likelihood of carcases being removed by scavengers, which can transmit disease.
- Reduces the risk of blow flies (Caliphora sp.), which can also transmit disease.
- NFS company registered firm Pointins are utilised

2.20 The dead birds will be collected by an approved contractor of the National Fallen Stock Disposal Scheme prior to this they will be stored in a secure container in line with the animal by-products Regulations 2003. Pest control for rats will be carried out by an approved agency. Preventative measures will be used to control flies to include fly screens and flies controls replaced periodically to prevent the flies entering the building from the outside.

2.21 Adjoining the building on the West end will be a hard stoned roadway with a hard stoned apron for access for delivery and removal of the birds and for cleaning out the manure.

2.22 A muck store will adjoin the building which will measure 15m x 8m. A gatehouse will be to the South West of the proposed free range building which will measure 10m x 7.5m.

2.23 The gatehouse is required due to the new Lion Code Guidelines. The building will be constructed of timber cladding walls and juniper green box profile metal sheeting roof. In May 2017, the Lion Code of Practice (Version 7) provided updates on Biosecurity requirements with an implementation date of being immediate. The British Lion Code guidance note advises on the section of the Lion Code which are to be replaced (please see the guidance note appended).

2.24 One of the requirements is that the site entrance should be recognisable by the presence of a locked gate, through which feed lorries and similar vehicles can pass. Personnel are expected to stop at this point and use the facilities to sign in and comply with biosecurity requirements. The gated entrance should be kept locked at all times for the purpose of preventing unauthorised access. The proposal is to provide an agricultural building in order for visitors to the site to comply with biosecurity requirements.

2.25 The requirements of the building are:

- It should straddle the site boundary providing segregation between external and internal areas.
- Barrier: the building should contain a barrier system which is important in differentiating the 'dirty' area outside of the site perimeter and the 'clean' bio-secure area. The barrier should be a single barrier system of at least 50cm in height or optionally a double barrier could be installed.
- Site specific clothing: the use of site specific clothing is vital in maintaining good biosecurity practices. Located in the building should be a supply of clean boots and overalls, which are dedicated to site and readily available for visitors to access from the 'external' side of the barrier. Site specific wellington boots should be located on the 'clean' side of the barrier, to be stepped into by visitors when crossing the barrier system. Alternatively, overshoes should be present as a substitute for the wellington boots and used to cover the visitors external footwear. Overalls are also required. Typically, disposable overalls are available for use. Alternatively, lightweight, washable overalls may be provided. Dust masks must also be available.
- Hand washing facilities: hand washing facilities should comprise of a basin, hot running water, antibacterial soap and paper towels. A hand sanitiser should also be installed within the building, accessible within reach of the barrier system.

2.26 From the outset, the process of the planning application and the design of the proposals have been carried out in an open and constructive manner with all interested parties.

2.27 Planning was submitted on 25th March 2020 and was refused on 19th June 2020.

3.0 Planning Policy

3.1 National Planning policy Framework

3.1.1 The National Planning Policy Framework confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development. Paragraph 7 of the NPPF states "There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

● an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

● a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

● an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy"

3.1.2 Paragraph 18 and 19 set the Governments position on economic growth, as detailed below:

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

3.1.3 Paragraph 28 provides support for economic growth in rural areas, as detailed below:

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

• support 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;

• promote the development and diversification of agricultural and other land-based rural businesses;"

3.1.4 Paragraph 89 of the NPPF advises that the local planning authorities should regard the construction of new buildings as "inappropriate". Exceptions to this as outlined in paragraph 90 include buildings for agriculture

3.1.5 Paragraph 122 refers to developments where a separate Environmental Permit is required in terms of the operation of the site.

122.local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

3.2 Local Planning Policy – Cherwell Local Plan Part 1 (2015) & Cherwell Local Plan 1996.

Local planning policy is contained within the Cherwell Local Plan Part 1 (2015) and within the Saved Policies of the Cherwell Local Plan 1996. Policies relevant to the proposed development as shown below.

Cherwell Local Plan (2011-2031) Part 1.
PSD1: Presumption in favour of sustainable development
SLE1: Employment Development
ESD1: Mitigating and Adapting to climate change
ESD6: Sustainable Flood Risk Management
ESD7: Sustainable Drainage Systems
ESD8: Water Resources
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment.
ESD13: Local Landscape Protection and Enhancement
ESD14: Oxford Green Belt
ESD15: The Character of the Building and Historic Environment
ESD17: Green Infrastructure.

Cherwell Local Plan 1996 (Saved Policies)
TR7: Development attracting traffic on minor roads
TR10: Heavy Goods Vehicles
AG2: Construction of Farm Buildings
AG3: Siting of new or extension to existing intensive livestock and poultry units.
AG4: Waste disposal from intensive livestock and poultry units
C8: Sporadic development in the countryside
C14: Countryside Management Projects
C28: Layout, design and external appearance of new development
ENV1: Development likely to cause detrimental levels of pollution
ENV12: Development on contaminated land.

4.0 Reasons of Refusal

1. *The proposed dwelling constitutes sporadic residential development in the open countryside, beyond the built-up limits of the nearest settlements, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to saved Policies C8 and H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.*
2. *By virtue of its scale and siting, the proposed development would result in significant and demonstrable harm to the character and appearance of the area, and harm to the landscape character of the area, the enjoyment of users of the nearby Public Right of Way, and this farm significantly and demonstrably outweighs the need for the proposal and the benefits arising from the proposal, including the production of affordable food. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG2, C8 and C28 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.*
3. *The applicants have failed to adequately demonstrate that the proposed development would not result in detrimental impacts on the ecological and biodiversity at the site and nearby designated Local wildlife Sites, and further would not provide a nett gain in biodiversity opportunities at the site. The proposals would also prevent the aims of the Ray Conservation Target Area being achieved. The proposal is therefore contrary to Policies ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework with regards to 'Conserving and enhancing the natural environment'.*
4. *The applicants have failed to demonstrate that the proposed development could be undertaken without it causing materially detrimental levels of pollution to the River Ray and ponds within the vicinity of the site. The proposal is therefore contrary to Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG3, AG4 and ENV1 of the Cherwell Local 1996 and government guidance in the National Planning Policy Framework.*
5. *By virtue of an inadequate Flood Risk Assessment the applicants have failed to demonstrate that the proposed development would not increase the flooding risk on the site or elsewhere and would remain operational in the event of flooding and therefore does not accord with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1.*

5.0 Assessment of Key Issues Relevant to Reason for Refusal

5.1 Proposed Dwelling

We confirm that we wish to withdraw the agricultural dwelling from the appeal and consideration in the planning application process.

5.2 Landscape Impact

We refer you to the LVIA:

The ZTV has suggested much greater potential visibility of the proposed development within a 3km radius study area than would be available in reality. This is illustrated by the viewpoints and the photographs set out above, which have all been chosen from locations where the ZTV suggested visibility of the proposal would be available. However, in the majority of cases the viewpoints and the photographs illustrate that the screening effects of local vegetation would vastly reduce the areas where the proposal would be visible from that which is indicated on the ZTV.

In terms of landscape character, the local area is dotted with a number of small buildings. In addition, a sizeable number of larger military buildings and a prison are scattered throughout the area which are very well hidden due to the wealth of vegetation within the study area.

Whilst the introduction of the proposed development may be a noticeable addition within the landscape immediately surrounding the site, the limited height of the development and the good levels of existing localised vegetation would assist in integrating the proposal into the local landscape. The proposed planting measures would further assist with this integration and are recommended and encouraged within the Oxfordshire Landscape Character Assessment for this LCT. Overall it is considered that the proposal could be accommodated within the local landscape context.

In landscape character and visual amenity terms, in combination with the landscape enhancement proposals, the proposed development would be a suitable fit within the context of its immediate surroundings and would result in limited changes to views and landscape character within the local area as illustrated by the viewpoints associated with this study.

Therefore we do not agree that there will be a significant harm to the character and appearance of the area and landscape character of the area.

5.3 Ecological and Biodiversity Impacts

The area of owned land within the site boundary extends to approximately 80 acres. The ranging area and building will encompass approximately 68 acres, leaving 12 acres which is available for habitat creation. This lies to the north of the site and is adjacent to the River Ray. Discussions have been held with BBONT to use this area for the creation of species-rich grassland. The local area includes several areas of species-rich grassland, including the Meadow Farm Nature Reserve, and it is proposed to use the spare land at the site to create a further area of species-rich grassland.

Two ponds exist on site. It is proposed to restore both of these ponds and to construct one new pond to create additional openwater habitat. Marginal plants from pond 2 will be selectively transplanted to the new ponds. Two shallow 'scrapes' will be constructed to provide valuable habitat for winter waders and wildfowl.

A range of nest boxes will be installed to provide birds with additional nesting habitat. The lack of mature trees will require that tall stakes are placed in hedgerows and boxes fixed to these. Two larger poles will be erected to house barn owl nest boxes and kestrel boxes.

Natural England had no objections to this development when it was submitted previously under planning application reference: 19/00644/F.

Discussions were also held with BBONT to confirm that a scrubber would be installed in the proposed poultry building which would reduce the levels of ammonia of 89%.

Therefore we do not agree that the proposed development would result in detrimental impacts on the ecological and biodiversity at the site and nearby designated LWS.

5.4 Flood Risk Assessment and Pollution to River Ray

The Environment Agency were re-consulted following the submission of information by Hydro-Logic. Their response dated 20th June 2020 which came in after the planning committee meeting confirms the withdrawal of their objection to the proposed development. A copy of this response has been submitted as part of the appeal (Appendix 1)

The Lead Local Flood Authority were also re-consulted following the submission of information by Hydro-Logic with the recommendation of no objection. A copy of this response has been submitted as part of the appeal (Appendix 2)

6.0 Conclusion

6.1 Based on the findings in this appeal, it is considered that the proposal would result in no demonstrable harm to the landscape character and appearance of the area, ecological and biodiversity, pollution to the River Ray or Flood Risk. The proposal has significant merit and meets the policy requirements of the Cherwell Local Plan and National Planning Guidance. Contrary to the RfR, the scheme is deemed to be compliant with policies within the local plan, and it is not considered that there is any material consideration of sufficient weight to justify the refusal of the application.

6.2 Given that no other reasons were given for the refusal of the application it is accepted that the proposal is acceptable in all other regards. It is therefore considered that the application should have been approved by the Council and is respectfully requested that this appeal is allowed.