



**Rushcliffe**  
Borough Council

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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 12 October 2022

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 13 October 2022

The following is a schedule of representations received after the agenda for the Planning Committee was finalised.

Yours sincerely

Gemma Dennis  
Monitoring Officer

## **AGENDA**

### 4. Planning Applications (Pages 1 - 8)

The report of the Director – Development and Economic Growth

#### Membership

Chairman: Councillor R Butler  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan, V Price, C Thomas and J Walker

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**22/00243/FUL****Applicant** Mr Richard Barlow**Location** Land North of Cotgrave Road, Owthorpe, Cotgrave NG12 3GE**Proposal** Erection of 4 Poultry Sheds and associated Infrastructure, 8 no. feed bins, 2 no. feed blending rooms, gate house, generator, plant room, water tank, Dirty Water Tank and Gas Tanks. Creation of new access road, car parking and concrete apron as well as new attenuation pond.**Ward** Neville And Langar**LATE REPRESENTATIONS FOR COMMITTEE**

1. **NATURE OF REPRESENTATION:** Observations on the report

**RECEIVED FROM:** Cllr Combellack

**SUMMARY OF MAIN POINTS:**

Challenges the summary of comments in the report.

- a. The report does not include councillor's altered position.
- b. Jo Churchill MP is the minister who made the comment from DEFRA and therefore that should be included in her comment not listing her as a local MP, which is totally misleading.
- c. Disparity between information in the application details wrt the distance to the closest house - there have been different measurements given to Planning and to the EA.
- d. The report does not include my further comment following the applicants' amendments and additional information.
- e. This report clearly has not taken in to account all the information and substantiated comments.

**PLANNING OFFICERS COMMENTS:**

- a. Cllr G Moore initially sent in a letter of support for the proposal and it was that which was reported to members, but he later changed his comments taking a neutral stance as it is not in his ward.
- b. Jo Churchill MP didn't make any comments directly on the application

and the comment of support in the report is based on the DEFRA letter to the local MP Ruth Edwards

- c. Assuming the nearest residential property is Keeps Cottage, the distance from the building to the boundary of that property scales at approximately 289 m and to the dwelling itself, approximately 319 metres.
- d. The new format of committee reports attempts to reduce the amount of comments which are directly listed in the report itself. The format provides a summary of the principal comments and is then supplemented by a link to all of the comments on the public website. That link is available on page 23 (paper)/page 25 (web) of the agenda (insofar as the Owthorpe application is concerned).

**2. NATURE OF REPRESENTATION: Objection**

**RECEIVED FROM:** Mr Clifford Way

**SUMMARY OF MAIN POINTS**

Follows the objections already made by the Astronomer Royal and Ruth Edwards MP

- a. Can see no reason why this development should go ahead.
- b. The disgusting practice of battery farming should be reason alone for it to be thrown out.
- c. I am a member of the Nottingham Astronomical Society (NAS) and I know that light pollution, heat haze, dust and objectionable odours will ruin the whole observing experience.
- d. Another example of large companies trampling on innocent neighbours.

**PLANNING OFFICERS COMMENTS:**

- a. Environmental impacts such as noise and odour have been dealt with under para. 72-76 of the officer's report.
- b. The Environmental Agency has not objected to the application. As such the information submitted in the Environmental Statement is adequate and the application accords with policy 40 of LPP2.
- c. The site does not fall within an area protected by a dark sky policy. and the use of the roof vents is likely to be limited at night .

**3. NATURE OF REPRESENTATION: Addition Objection**

**RECEIVED FROM:** Mr. T Bowden

**SUMMARY OF MAIN POINTS**

A copy of Mr Bowden's email and its attachments has been sent to all members

Objects to the proposal and reiterates some of the issues in more detail.

- a. I'm afraid I must concur with Councillor Combellack. The report is extremely poor, and contains factual inaccuracies and legal errors. It reduces detailed and substantiated representations submitted by objectors to a list of single word bullet points. It fails to engage at all with those reasoned objections or take them into account in the analysis of the merits of the application. There are many instances where relevant factors have been ignored. The sections purporting to be an analysis of the application comprise a recitation of the applicant's case followed by a statement to the effect that the officers conclude in favour of the applicant.
- b. They do not explain how that conclusion was reached. Submissions which perform a detailed analysis of whether the proposal complies with the relevant requirements and policies, including those prepared by expert planning consultants, have been entirely ignored in the analysis. Detailed submissions identifying flaws, errors and omissions (deliberate and otherwise) in the applicant's reports are ignored. Assertions made by the applicants which are not accepted by local residents, and which on occasion are demonstrably untrue, are accepted as fact by the authors.
- c. The representations made by the Astrological Society, which clearly explain the science which makes the proposed mitigations ineffective, are summarily dismissed. The detailed representations made on behalf of the local care home, including the likely impact on vulnerable residents are, extraordinarily, not mentioned at all. The area of dispute regarding the incinerator is dismissed, despite the representations made by the applicant being untrue. In communications with the Environment Agency the applicant has been unequivocal that there will be an incinerator, and makes the permit application on that basis alone - if the environmental permit is granted, it will not permit the operation of the facility for which planning permission is sought.
- d. These points are obvious on a quick reading of the report. On behalf of the residents of Owthorpe I have repeatedly sought to engage with the officers to discuss these points and ensure that they were understood but have been rebuffed. If there had been proper engagement, these errors could have been avoided.
- e. The report is fundamentally flawed. It fails to take into account relevant considerations. It fails to properly address the issues in a manner which the committee can properly consider and come to a reasoned conclusion. It cannot safely be relied upon, and a decision to approve the application based upon it will likely be open to legal challenge. Such an outcome is in nobody's interests.
- f. I would encourage that the application is re-considered by the officers, taking

proper account of the representations made and making a balanced assessment of the merits of the application. This should include engagement with the affected community. Failing this, the committee are placed in an invidious position where they may make a decision without the assistance they are entitled to expect, and which is essential to a fair and defensible process.

- g. The planning officers' report does not properly convey the objections raised by hundreds of objectors in the affected communities. We have therefore prepared a short 2 page note (attached and copied below) identifying the most important considerations.
- h. This proposed development will have a significant adverse effect on every resident of Owthorpe, causing irreversible harm to a small, historic settlement, which will in no way benefit. Significant adverse effects are also caused to the local community beyond Owthorpe, including the Church Farm nursing home at Cotgrave, the Little People nursery (based on outdoor activities) and an important and valuable astronomical observatory.
- i. The officer's report fails to communicate the depth and strength of the representation made by objectors. Objectors' submissions are compelling but the substance is not reported (of particular note are objections by T.Allerton 17/3; V.Hall 25/3; S.Hopkinson 25/3; N.Rivers 27/3; S.Swales 28/3; J.Townsend 2/4; S.Phillips 5/4 & 4/5; A.Walters 5/4 & 4/5; B.Shepherd 5/4 & 2/5; D.Atkin 9/4; E.Gabriel 26/4; M.Fidgett 30/4; J.Ablewhite 1/5). The detailed and substantiated concerns about the methodology and reliability of the reports prepared by companies closely linked to or owned by the applicant's agent are not addressed – no independent expert analysis has been undertaken by the council.
- j. Two expert planning consultants have found the application to contravene policies in multiple respects. The officer's report does not even mention them, let alone address the substantive issues. Please closely consider these representations (attached - Residents of Owthorpe; Tsevellos; West).
- k. Odour, noise and light – poultry farms generate offensive smells: obvious and unpleasant to passersby, but seriously detrimental to residents. Neighbours' boundaries as close as 150m; homes within 300m; the entire village within c500m. Owthorpe is notably both quiet and dark (no streetlights). Noise travels down the hill as an amphitheatre. The site is on high ground thereby accentuating the impact of noise and light on the village. Flaws and omissions in the odour and noise assessments have been identified but are ignored in the officers' report. Neither does the odour or emissions assessment include the incinerator, which the applicant intends to install. The Environment Agency permit the applicant has sought will not allow the site to be operated without an incinerator.
- l. Health Impact – this site is too close to Owthorpe, and importantly situated above the village. Dust and particulates, including ammonia, will be ejected into the air above Owthorpe, without even the benefit of filters/scrubbers, and naturally fall around the village. The 36 most powerful (gable-end) fans point towards

Owthorpe. All fans will operate whenever internal temperature exceeds 23 degrees. The topography of this location has not been properly considered. The breeze very frequently follows the contours of the hill down into Owthorpe. Ammonia can cause respiratory damage at as little as 5ppm. This represents a serious health risk which is insufficiently understood. The location is a gamble.

- m. Nottingham Astronomical Society observatory – The proposal sits 1000 metres directly south of the observatory – the position with the worst impact on the views into the dark skies to the south. The observatory will be made unviable by the light pollution and heat haze emitted by the facility, making long-exposure astrophotography impossible. There can be no mitigation of the effect of heat haze (background explanation attached). This is supported by leading academics, the Commission for Dark Skies, Jodrell Bank Observatory and the Astronomer Royal. The officers' report ignores it. This is clearly a significant adverse effect upon the amenity of adjoining properties, potentially destroying 40 years of work, voluntary commitment and investment by the society.
- n. Visual Impact – the development sits on top of the ridge marking the edge of the Vale of Belvoir and will be a feature of the horizon for views from a wide area. The ridge is undeveloped and extends over several miles in a largely uninterrupted state. The industrial appearance of this proposal is out of keeping with the surroundings. There are no buildings of similar appearance or scale in this historic and prominent setting – the development would be overbearing to the village, having a larger footprint and creating more noise and light than the village itself.
- o. Wildlife – the adjacent wooded areas and hedgerows provide valuable habitats for a wide range of species, including birds of prey, bats, badger, fox, hare, rabbit and deer. Species will likely abandon these locations during a disruptive 30 week construction phase involving substantial noise and excavation, and will be unlikely to return to an environment of noise and regular night-time light and activity. The officer's analysis ignores the flaws in the applicant's report pointed out by the Ecology. Sustainability Officer, and ignores the far more comprehensive submission by Nottinghamshire Wildlife Trust (attached), which fundamentally undermines the applicant's report.
- p. Transport – The proposal creates a safety risk which cannot be mitigated. Drivers unfamiliar with the location approaching at night on unlit roads are liable to miss the turning - there is then no safe place for an HGV to stop and turn, nor is the steep narrow descent into Owthorpe safe for an oncoming vehicle to safely pass a potentially distracted HGV. These narrow unlit roads are not suitable for HGV traffic, which would have to travel several miles to return to the A46 or perform an unsafe turn.
- q. Church Farm Care Home – this vital community asset has just made significant investment in a new 30 bed home with state-of-the-art ventilation. This will not work if the outside air is odorous or polluted. Access to the gardens will frequently be prevented. Residents have complex needs including dementia, a

high proportion have serious respiratory illnesses, and many at the end of life. Odorous and polluted air will reduce quality of life for vulnerable residents, and aggravate serious respiratory illnesses, with potentially terminal consequences. Further details in submission from L. Atkinson on 29/3 (version in 'comments', version uploaded in 'documents' was wrongly redacted).

- r. Stragglethorpe poultry farm - assurances about the smell from that site have proved misplaced. The objections provide ample evidence that there is a very unpleasant odour which materially impacts on quality of life in surrounding villages. This application is far worse – being far closer to Owthorpe than Stragglethorpe is to Cropwell Bishop and Cropwell Butler; being situated prominently on top of the ridge rather than the hollow of Stragglethorpe immediately adjacent to the A46; and having a direct impact on other business and facilities which are important to the local community.

### **PLANNING OFFICERS COMMENTS:**

- a. The format of committee reports attempts to reduce the amount of comments which are directly listed in the report itself. The format provides a summary of the principal comments and is then supplemented by a link to all of the comments on the public website. That link is available on page 23 (paper)/page 25 (web) of the agenda (insofar as the Owthorpe application is concerned).
- b. It should be noted that the borehole constitutes permitted development and therefore does not require planning permission. The incinerator does not form part of this application and therefore this element is not for consideration as part of this planning application.
- c. In applying for an Environmental Permit, the applicant has sought to cover all eventualities so as to prevent the need for further permits. Once the facility is functioning should the applicant wish to construct an incinerator, a separate planning application will be made. That application will be considered on its individual merits.
- d. Environmental impacts such as noise and odour have been dealt with under para. 72-76 of the officer's report.
- e. The number of objections received is not a material consideration in its own right. Plainly many of the comments made in the letters received address material planning considerations and which overlap with the issues as set out in the committee report.
- f. Neither the Environmental Agency nor the Council's Environmental Health Officer has objected to the application. As such, the information submitted in the Environmental Statement is considered adequate and the Council is not in a position to challenge the methodology used in the preparation of the report if the outcomes are considered acceptable. It is considered that the application accords with Policy 40 of LPP2.
- g. From a visual impact perspective, the site sits in the context of existing buildings in agricultural use within an undulating landform, with a more undulating landform to the east where it falls with a generally east facing slope. Due to the nature of the existing local area, the proposed scheme would not be out of character with



its surroundings when considered as part of the wider agricultural landscape. The applicant has amended the plans through the addition of a landscaped soil bund adjacent to the northern elevation of the proposed development. The soil bund will be created using the spoil excavated during the construction process and will be maintained at a height of 2 metres above the finished floor level of the building. The soil bund will also be landscaped through tree planting of native species, and will thus in time, produce a complete screen of the development from the views available from the north. The application is supported by a Landscape and Visual Impact assessment. The field survey was carried out during November 2021, and all viewpoints were chosen from publicly accessible vantage points. The recommendation includes a landscaping condition to further ensure an appropriate landscaping scheme is secured to further help the proposal assimilate into the wider landscape

- h. From a transport Impact perspective, the application is supported by a Transport Statement which sets out the impact of the proposed development on the surrounding area. The statement concludes that the impact of the development is not considered to be severe. Furthermore, no objections were raised by the Highway Authority and it considers that the proposed development to have no adverse impact on highway safety. With regards to traffic management the applicant agrees that a condition should be imposed with regards to HGV traffic routing in the form of a HGV Management Plan Condition, and a Construction Traffic Management Plan Condition. As such all HGV traffic associated with the construction and operation of this development will enter and exit the site from the A46. There is no operational requirement for any HGV traffic associated with the construction or operation of the site to travel through Owthorpe village. In addition, a no left turn sign will be incorporated at the site exit.

#### **4. NATURE OF REPRESENTATION:** Addition comments

**RECEIVED FROM:** Environmental Health

#### **SUMMARY OF MAIN POINTS:**

I set out our comments on odour, noise and lighting to date, based on our review of the supporting reports below:

#### **Odour Impacts**

On review of the application and supporting Odour Impact Assessment from AS Modelling & Data Ltd, the site is in a rural location the closest residential properties at Keeper's Cottage and other residences in Owthorpe some 320 m the southeast. The predicted odour exposure at these locations is less than 1.95 ouE/m<sup>2</sup>. This is way below EA benchmark for moderately offensive odours of 3.0 ouE/m<sup>2</sup>.

Odours will be stronger as birds grow, peaking during periods when litter is removed. Odour events are predicted to be very isolated. With proposed management practices, the assessment demonstrates that predicted odours will fall below levels set by H4 Odour Management guidance. The environmental permit issued by the Environment Agency (EA) will also require implementation of an odour management plan to operate in accordance with best practice methods and use of best available techniques – this will also include routine monitoring and reporting that will be overseen by the EA.

Overall, we are satisfied that, if managed in accordance with the environment permit from the EA, odour from the proposed operation of the development will not have any significant adverse effects on the amenity of nearby residents.

**Noise Control and Management:**

On review of the supporting noise assessment and Noise Management Plan, given that the nearest residential properties are over 300 metres away, the main noisy operations will be screened by the building themselves. The associated plant and equipment on the site will be fitted with silencers/attenuators to control noise at source. The operating environmental permit from the EA will also include conditions and measures to ensure that noise emissions from the site will be managed and controlled by Best Available Techniques (BAT).

**Site Lighting:**

As previously advised, our remit is to consider human health impacts of any site lighting on the amenity of others in the locality. Given the distance to the neighbouring residents, we are satisfied that the site lighting will not have any significant impact on such.

**PLANNING OFFICERS COMMENTS:**

These comments supplement and confirm those already submitted.

In accordance with the Environmental Impact Regulations 2017 the environmental information submitted with the application is considered to be sufficient to enable an assessment of the environmental effects of the proposed scheme and it has been taken into consideration in assessing the proposals. An appropriate level of information has been submitted and consultation has taken place widely including relevant Environmental Health, Highway and Ecology Officers. This has allowed Officers to reach a reasoned conclusion on the environmental impacts of the proposal.