

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

Full details of the application can be found [here](#).

SITE DESCRIPTION & PROPOSAL

- 1 The site represents an area of agricultural land within the countryside currently used for the farming of crops covering an area of some 4.5 hectares. The site lies some 1.2km from the settlement of Cotgrave, and 500m from the settlement of Owthorpe, with single residential dwelling known as "Keepers Cottage" located some 319m from the site. At least 2 residential properties are also located some 630m to the north-west of the site, known as Cropwell Wolds Farm and Prospect House.
- 2 The site is partly contained by established woodlands directly to the south and west, whilst further woodlands lie at a greater distance to the north and south east. The land is flat for the site area, however land slopes steeply down an escarpment further to the east. Long distance views of the site are available largely from the east and north west. A Public Right of Way runs to the south of the site, which the access road would cross.
- 3 The site lies within the designated Green Belt.

PROPOSAL

- 4 The proposal relates to the erection of a poultry farm and associated infrastructure on land off Cotgrave Road, Owthorpe. The proposed buildings are purpose-built poultry units, and the use of the site will be for the rearing of broiler chickens from day old chicks to finished table weight. The 4 No. poultry buildings each have a capacity of 47,500 birds, with the total capacity of the site extending to 190,000 birds. The description of the whole development is as follows:

- a) Poultry Houses 4 No. poultry buildings, each measuring 110m x 20.42m with an eaves height of 3.3m and a ridge height of 6.114m. Each poultry house includes a control room and door canopy attached to the west elevation, measuring 12.51m x 4m. These buildings will be used for the rearing of day-old broiler chicks through to finished table weight.
- b) Feed Blending Rooms 2 No. feed blending rooms measuring 4m x 4m and to be used for blending of whole grain wheat produced in the farm into poultry feed.
- c) Feed Bins The development includes 8 No. feed bins which are circular with a diameter of 3.5m and a height of 8.6m. These bins will be used for the sealed storage of poultry feed.
- d) Concrete Apron A 2153 sq m concrete apron for access and loading will be provided adjacent to the poultry units on the western side. This is to be used for access and vehicle turning purposes.
- e) Dirty Water Tank 1 No. SSAFO certified underground dirty water tank. This tank will be used to provide sealed containment for wash out water
- f) Gate House Gate House measuring 9.03m x 7m with an eaves height of 2.591m and a ridge height of 3.215m. To provide office and staff facilities.
- g) Plant Room Plant Room measuring 7.275m x 3.190m with an eaves height of 2.591m and a ridge height of 3.018m. To provide for water and electricity supplies
- h) Generator Backup generator on a 5m x 3m concrete base. To provide a backup power supply in the event of mains failure.
- i) Water Tank 1 No. Circular water tank with a diameter of 4.672m and a height of 3.6m. To provide the required 24 hours drinking water storage for the birds.
- j) Car Park Car Parking Area for 3 cars.
- k) Gas Tanks 5 No. bulk gas tanks. These tanks will provide a fuel source for heating the poultry houses.

- | | |
|---------------------|--|
| l) Attenuation Pond | Attenuation Pond for Sustainable Drainage Provision for the development. |
| m) Access Road | Access road to link the development to Cotgrave Road (Public Highway). |

ENVIRONMENTAL

- 5 The Environmental Impact Assessment (EIA) Regulations require that any development which is listed in Schedule 1 be subject to EIA. The proposed development falls within the definition of Section 17 of Schedule 1, 'Installations for the intensive rearing of poultry or pigs' as it exceeds the threshold of 85,000 broilers as defined in Section 17 part (a). EIA is mandatory under Schedule 1 of the 2017 EIA regulations and therefore one has been provided.

RELEVANT SITE HISTORY

6. None.

Copies of all representations can be found [here](#).

REPRESENTATIONS

Ward Councillor(s)

7. One ward Councillor (Cllr Combellack) Objects: Whilst supporting the principle of local food production I feel there is a place for everything. The hillside overlooking the village of Owthorpe 320 metres from the nearest residence is very definitely not the place for the following reasons:
- a) Impact on the environment
 - b) Impact on residential amenity
 - c) Impact on health
8. The viewpoints assessed in the application are very carefully chosen and not representative. Please reassess.
9. The siting of the "factory unit" for production of chicken will be in a very prominent position the hill/escarpment overlooking the Vale of Belvoir, with views across to Belvoir Castle, and the very near neighbouring village of Owthorpe with its Grade I listed church of St. Margaret.
10. A similar unit was given permission in 2017 not a mile away; however this was sited on the West side of the escarpment, thus protecting the neighbouring village of Cropwell Bishop from the noise and odour which would be carried on the wind. In addition, it has direct access to the A46 preventing the extra burden of traffic through the village.

11. The current application could equally be sited on the West side of the escarpment, adjacent to the A46 with similar benefits and helping protect the residents and village of Owthorpe.
9. Object for the following reasons:
 - a) It is contrary to Policy 1 of the Local Plan Part 2 and adversely affects the amenity of the Owthorpe village and is not in keeping with its surroundings. Despite being an agricultural building, it is a 'factory unit' in other name, no different to that on an industrial estate.
 - b) Noise - will be carried on the wind. We all noticed a drop in noise due to limited traffic and flight reduction over the last 2 years. Noise will be carried on the wind – noise from the operation above the village of Owthorpe impacting the residents.
 - c) Odour – will also be carried on the wind down into the village with health implications
 - d) Dust particles – will be carried on the wind, again with health implications. We are told this is an acceptable distance to mitigate impact upon Owthorpe, 320 metres away, however we are all aware we get sand blown from the Sahara – a great deal further away.
 - e) Light pollution – emanating from security lights and night time operations will illuminate the night sky in this very dark rural area, impacting not only residents of Owthorpe but nocturnal wildlife.
 - f) Economic & environmental benefits – the extra employment is extremely limited – local food production is mentioned, but as already said, better sited of the unit could still bring these benefits.
 - g) The appeal decision is a complete red herring. An agricultural building of this nature is not inadmissible in the green belt; however it still needs strong justification and this appeal cannot be used as an argument. All applications should be judged on their own merits or lack of them.

Adjacent ward Councillor

10. (Cllr Butler): Objects on the following grounds:
 - a) Although Owthorpe is a rural and farming village, the farms are long established small traditional family farms and are not mass poultry. This proposal is on a large commercial industrial scale.
 - b) The design and size of the sheds is completely out of proportion and appearance to all the homes and existing farm premises in the village. Completely out of keeping.
 - c) Visual appearance and impact on the amenity of residential properties will be immense and unacceptable due the lie of the land and will give the impression of expanding the village out into open countryside. I think this is contrary to Policy 1 of Local Plan Part 2.
 - d) You cannot get much more "rural and traditional" here. One of the benefits of this is the lack of artificial light pollution. Nearby by is a long established and respected observatory. I agree with their objections that light from the buildings, grounds and security lights will have major impact on the serious work being carried out by the observatory.

- e) Owthorpe is steeped in history and it and the surrounding area has history of key archaeological finds. A few hundred yards away are the unique historical fishponds" which suggest to me that there could be other items of history at risk.
- f) The unique feel, tradition and ambience of this area will be lost if this application is allowed.

11. (Cllr G Moore) Supports the application.

Local Members of Parliament

- 12. Jo Churchill MP: No Objection_Recommends that measures include the use of scrubbers to reduce ammonia emissions from poultry housing. The use of chemical or acid air scrubbers to remove ammonia emissions from the exhaust air of mechanically vented poultry and pig housing is currently recognised as a Best Available Techniques (BAT).
- 13. Ruth Edwards MP: Objection Supports the principle of businesses and farm diversification to enhance rural areas, but has some significant concerns around this particular application:
 - a) Impact on the nearby observatory
 - b) If granted would request a call in by the Secretary of State and consider challenging the decision through a Judicial Review.
 - c) Impact on ecology, not enough work done on mitigating the impact or Bio diversity net gain.
 - d) Adverse impact of this massive development in the countryside and on the village of Owthorpe.
 - e) No robust evidence given to demonstrate that harmful noise impact will be managed and mitigated against.
 - f) Concerns regarding traffic and vehicular movements, light pollution and impact on rights of way raised by the Ramblers and residents.
- 14. Finally, the National Planning Policy Framework (2021) set out that 'Sustainable Development' should be welcomed and therefore, by implication, unsustainable development should be resisted. The number, range and depth of objections to the current application show that it is wholly unacceptable in its current form and this application should be rejected.

Borough Council

- 15. Ecology and Sustainability Officer: No Objection and comments that an in date Preliminary Ecological Assessment report has been supplied which appear to have been carried out according to good practice

16. The findings can be summarised as follows:
- a) No significant predicted impacts (including ammonia deposition) were identified for Borders Wood Local Wildlife Site (LWS). Ammonia deposits on the adjacent Taylor's Wold and Fox Holes are likely, however the woodland was assessed as providing negligible potential to support roosting bats or other protected or priority species and contains common plant species. Ponds in close proximity to the site have not been assessed for ammonia impacts, however no protected species have been identified.
 - b) The site provides opportunities for roosting and foraging wild birds (including Song Thrush and Kestrel), invertebrates; amphibians, potentially including Great Crested Newts (however none were identified by eDNA sampling, but previous records exist for GCN within 50m of the site; this was not identified by the consultant ecologists); reptiles; commuting and foraging Bats particularly along the woodland edge; and terrestrial mammals (including Badger, previous records exist onsite, not identified by the consultant ecologists).
 - c) No priority habitats were identified on site. The construction is proposed to take place over the land primarily identified as arable grassland, therefore impacts are not predicted. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development.
17. Recommends conditions requiring the following:
- a) If works have not commenced by June 2023 an update ecological survey is required and every subsequent 2 years if works have not commenced.
 - b) Pre commencement surveys are required for Badgers.
 - c) A biodiversity net gain (BNG) assessment, with a demonstrated gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the gains implemented and maintained in the long term and agreed by the local planning authority, this should be supported with a Landscape and Ecological Management Plan (LEMP).

Nottinghamshire County Council

18. Archaeology Officer: No Objection subject to condition
19. NCC Highways: No Objection and are satisfied the access can meet their requirements subject to upgrading the access and hard surfacing for a distance of 15m of the access road from the rear of the highway boundary and that it be suitably drained to prevent surface water discharging onto the highway.
20. NCC Flood Risk (Lead Local Flood Authority (LLFA)): No Objection
21. NCC Rights of Way: Objection considering that the amendments made to the proposal in respect of public rights of way (PoW) do not address their concerns and comments are summarised as follows:

- a) the additional proposed bund and tree planting to create a screened aspect from Cropwell Bishop Footpath 13 is welcomed however, there is no landscaping to mitigate acknowledged points of most visual impact from Owthorpe FP10
- b) There remains a lack of submitted recognition and due consideration of Owthorpe FP 10 where it crosses the site; No details how FP 10 where it intersects over the site would be treated and maintained to acceptable terms.
- c) Operational hours between 7.00 and 21.00 will co-inside with when the rights of way will be used. The audible impact may have a detrimental effect on the quiet solitude and rural feel of the RoW network.
- d) No evidence has been provided to demonstrate that consideration has been given to how the proposed development access route will impact on the RoW and the safety of its users. Particularly regarding the additional activity during the construction phase. Footpath surfaces should be maintained during and after the construction phase of the development.

22. Additional Comments:

- a) The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions;
- b) There should be no obstruction or disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- c) Details of Surface Treatment and Maintenance where the footpath crosses the site which should be designed appropriately for ongoing public safety and use along setting out the responsibilities for maintenance and repair.

Town and Parish Council

Cotgrave Parish Council – No Objection

Other Statutory Consultees

- 23. Environmental Agency: No Objection
- 24. Historic England: No Objection
- 25. Natural England: No Objection
- 26. Highways England: No Objection
- 27. NCC Wildlife Trust:

We believe that the ecological are inadequate as it does not provide the detail needed for such an application to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species in this instance. An Ecological Impact Assessment (EclA) should be submitted prior to the determination of the application. Likely impacts to be assessed should include (but not limited to) noise, vibration, dust, artificial lighting, disease risk and compaction (root protection zones).

28. Although the proposed application site is situated within an arable field (currently sown with a cereal crop), it sits aside Priority Habitats (as outlined under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) designated as local Priority Habitats and are therefore subject to Habitat Action Plans (HAPs) in Nottinghamshire.
29. It is considered that the studies undertaken fail to recognise the full potential of the woodland habitat for bats, the potential for ground nesting birds on the site, the presence of Brown Hare despite the habitats on site being consistent with their ecological requirements and known distribution. It is therefore essential that measures are taken to mitigate any impacts to the woodland (including the woodland edge habitat), especially from light spill and dust. We recommend that a buffer zone (trees and scrub) is planted along the eastern edge of the woodland to help remediate any impacts. Brown Hares are listed as section 41 species of principal importance under the NERC Act (2006) and are a priority species under the UK Post-2010 Biodiversity Framework. An impact assessment should therefore be undertaken to determine any risks to the species from the proposed development.
30. Reptiles: We are satisfied with the ecologist's conclusion in relation to reptiles and support the requirements to implement precautionary working measurements. These should be secured within the LEMP.
31. Trees/ Hedgerows: All trees (scattered or within woodland) and hedgerows should be retained, and root protection zones implemented in line with BS 5837:2012 'Trees in relation to design, demolition and construction'.
32. The proposal does not demonstrate an appropriate level of Biodiversity Net Gain
33. All planting should be of purely native variety, exotic ornamentals (as advised in the ecology report) are not appropriate within an arable landscape.
34. In order to ensure that this application is determined having regard to all relevant material considerations, the necessary impact assessment and desktop study (biological records request) must be undertaken prior to a decision being made.
35. Ramblers Association: Objection - The proposal as it stands does not appear to significantly impact on views from Owthorpe FP10. However, there will be some impact concerning:
 - a) Noise pollution
 - b) Air pollution
 - c) The new access road.

There is currently a problem with the cross-field path: It has not been maintained / reinstated and is not used. Additionally, were it to be used, there is the problem that there is no gap in the hedge to move from one field to the next. Which means that the correct line cannot currently be followed. At the moment the field edge is used as shown by the red dashed line. This clearly overlaps with the planned access road. This situation needs clarification and, if necessary, in order to avoid having cross-field paths, making a slight diversion to the official line of the right of way.

Neighbour representations

Comments can be found [here](#)

36. 402 neighbour representations were received objecting to the proposal summarised as:

a) Principle

- i. Detrimental impact upon the village and setting of Owthorpe.
- ii. Loss of view to open countryside
- iii. The proposed development is more akin to an industrial operation, not a traditional farm. The level of activity and scale of the operation is out of keeping with the character of the area
- iv. Having that many chickens will be harmful to their welfare
- v. Unsuitable and unsustainable location on a hillside setting
- vi. Harmful to living conditions and amenities of local residents and upon the village
- vii. The principle of agricultural buildings is not disputed, however, the height, bulk and mass of the buildings are out of keeping with the surrounding area
- viii. The transportation of birds has not been adequately addressed
- ix. The social, economic and environment benefits are unjustified
- x. The application is flawed
- xi. We do not need another chicken farm
- xii. Harmful to heritage
- xiii. Loss of trees
- xiv. Increased flooding
- xv. National climate crisis

b) Landscape

- i. Harmful to the intrinsic landscape character, open countryside and inappropriate development in the Green Belt
- ii. Development would be highly visible from the east.
- iii. The proposed landscaping bund is insufficient to screen the proposed development
- iv. The landscape viewpoints are insufficient and unjustified

c) Lighting

- i. Proposed lighting scheme is not appropriate for the area. Even low lighting will give off a huge amount of visible light

- ii. There will be extensive all-night lighting on three nights per flock cycle, and regularly lighting in operation on other occasions.
- d) Environmental Health
- i. Ammonia emissions and other pollutants and health concerns, particularly in relation to the cumulative impacts by reason of there being 6 poultry farms within a 3-5 mile radius. Ammonia is a key air pollutant that can have significant effects on both human health and the environment
 - ii. Impact on residents' quality of life due to heat / moisture / dust / odour / noise / light pollution / litter
 - iii. Risk of vermin and diseases
 - iv. Risk of pollution in waterways
- e) Highways
- i. Increase in HGV traffic movement to and from the site could cause harm to the country roads and rural character of the area
 - ii. Development would be visually intrusive from footpaths and public roads
 - iii. Increased traffic movement during the evenings would pose a greater risk to highway safety
- f) Ecology
- i. Does not demonstrate a biodiversity net gain.
 - ii. Harmful to ecology / wildlife / biodiversity
- g) Flooding
- Pollution in local waterways and rivers
- h) General
- i. Detrimental impact upon the Observatory through heat haze and dust which would degrade the unique observing situation
 - ii. The dark sky would be compromised
 - iii. The observatory was specifically located due to its uninterrupted skyline
 - iv. Increase in carbon emissions
 - v. Animal cruelty
 - vi. The increased employment should be offset by the loss of tourism and hospitality
 - vii. Cllrs and the public have been misinformed by the supporting statements submitted with the application
 - viii Lack of consultation with the residents
 - ii. Impact on public health
37. One letter of support was received which can be summarised as:
With the current legislation in place to protect the welfare of the animals and the type of sheds, I support the proposal.

APPRAISAL

The Development Plan

38. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2021) and the National Planning Practice Guidance (NPPG).

Policies in the Local Plan Part 1: Core Strategy can be found [here](#)

39. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Climate change
- Policy 5: Employment Provision and Economic Development
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment
- Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17: Biodiversity

Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

40. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the current proposal:

- Policy 1: Development Requirements
- Policy 14: Environmental Protection
- Policy 18: Surface Water Management
- Policy 21: Green Belt
- Policy 28: Conserving and Enhancing Heritage Assets
- Policy 29: Development affecting Archaeological Sites
- Policy 34: Green Infrastructure and Open Space Assets
- Policy 38: Non-Designated Biodiversity Assets and Wider Ecological Network
- Policy 40: Pollution and Land Contamination
- Policy 41: Air Quality

41. It is considered the above policies are in compliance with the general thrust of the NPPF below.

A copy of the National Planning Policy Framework (NPPF) 2021 can be found [here](#)
A copy of the Planning Practice Guidance can be found [here](#)

National Planning Policy Framework (NPPF) 2021

42. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
43. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment.'
44. Chapter 3: Supporting a Prosperous Rural Economy
This section states that 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 promote the development and diversification of agricultural and other land-based rural businesses.
45. Chapter 9: Protecting Green Belt Land
This section states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

PLANNING CONSIDERATIONS

Principle of Development

46. The NPPF promotes sustainable economic growth. Paragraph 84 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

47. Paragraph 84 of the NPPF sets out that planning policies and decisions should enable:
- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) The development and diversification of agricultural and other land-based rural businesses;
 - c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
48. In accordance with the above policy and advice, your officers are satisfied that the application proposes sustainable growth by way of the development of well-designed new buildings suited to their location in the countryside.
49. A series of objections have been made to the intensive nature of this form of agricultural enterprise. Although not supported by some members of the public and councillors, such poultry houses are not an uncommon form of development in the countryside and come under a licencing regime controlled by the Environmental Agency. The application has been informed by the Environmental Impact Assessment and associated documents, which are discussed below.

Environmental Permit

50. An Environmental Permit application has been submitted to the Environment Agency. The Permit application includes a borehole and an incinerator which do not form part of the planning application. The Ward Councillor has quite rightly queried these additions. Nevertheless it should be noted that the borehole constitutes permitted development and therefore does not require planning permission. Furthermore, the applicant acknowledges that the incinerator does not form part of this application and therefore this element is not for consideration as part of this planning application. 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.

Green Belt

51. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Therefore, it must be considered whether the proposal would have any significant adverse effect on the Green Belt in this location.

52. The first issue to consider is whether the proposal is an appropriate form of development in the Green Belt and, if it is not, whether there are very special circumstances to justify inappropriate development.
53. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
54. Paragraph 148 of the NPPF states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
55. In terms of whether the proposal would represent appropriate development in the Green Belt, paragraph 149 of the NPPF states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt except for, amongst other uses, buildings for agriculture. The proposal is for agricultural purposes and is therefore deemed ‘not inappropriate’ development in the Green Belt. It is not therefore necessary to consider whether any special circumstance exist to justify the proposal and harm to the Green Belt.
56. In view of the above, it is considered that the proposal would not result in a significant interruption to the Green Belt in this location. Modern agricultural buildings are often of an industrial nature and can form prominent features in the landscape. Such buildings are increasingly required in connection with modern intensive farming methods, particularly for livestock, and are increasingly common features in the open countryside. As such the principle of the development is acceptable.

Landscape and Public Views

57. Policy 34 of the Local Plan Part 2 supports development proposals that protect, enhance, or widens their green infrastructure importance providing it does not adversely affect their primary function. In this case, the site currently forms part of a field in agricultural use which is defined by hedgerows with intermittent tree field boundaries and several pockets of woodland. 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 landscape.

58. The applicants have 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.
59. With additional mitigation measures such as native tree and hedgerow planting to the site boundaries; management and maintenance of existing surrounding hedgerow and trees; and the use of materials for the external envelope of the buildings; it is not considered the proposal would be unduly harmful to the appearance of the site and its surroundings. In addition, the site plan has been amended to show 10% of the tree species to be 1.8m - 2.4m standards for the provision for some mature trees.. Overall, it is not considered that the proposal would have a detrimental impact upon the open nature of the open countryside.
60. 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. A total of six viewpoints were selected to represent a variety of receptors in the surrounding area. An additional viewpoint from the Public Footpath adjacent to the observatory, around 1km north of the site was added. Particular attention was paid to the potential views of receptors of high sensitivity, e.g. users of Public Rights of Way. None of the viewpoints were considered to have a significant impact and mitigation measures were suggested to aid the scheme integrate successfully into the existing environs.

Layout and Design

61. Policy 10 of the Core Strategy and Policy 1 of the LPP2 require consideration of the impact of the development of the design and appearance of the area, with reference to reinforcing valued local characteristics, the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views, conserving, enhancing and restoring landscape character. The scale, density, height, massing, design, layout and materials of the proposed development all feed into these considerations, along with fundamentals of landscape and biodiversity enhancement.
62. The site access is located 700m to the west of Owthorpe Village, and 400m east of the A46 junction with Cotgrave Road. The site will be accessed via the existing field access to Cotgrave Road, with an access track to link the development. The access point to Cotgrave Road is to be upgraded to Nottinghamshire County Council highways specification.

63. The application is supported by a Design and Access Statement, that sets out the proposed development and its various elements. The form of development proposed is designed to the function of the buildings and associated structures and is typical of this type of development.
64. The poultry buildings – comprise of steel portal frame construction. The walls are precast concrete to 450mm with polyester coated profile sheeting above in olive green. The roof covering will be polyester coated profile sheeting in olive green. Roof mounted ventilation chimneys will be black plastic. The ancillary buildings, including the feed blending rooms, gate house and plant room will be constructed from a steel frame with profile sheet cladding for the walls and roof to match the poultry buildings. Furthermore, the feed bins will be plastic and coloured olive green in keeping with the overall design character. Thus, the layout in terms of form and function will not detrimentally impact upon with the surrounding character.

Highway Safety and Traffic Management

65. 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.
66. With regards to traffic management the applicant is in agreement 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. Therefore, 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.

Public Right of Way (PROW)

67. The NCC PROW has raised concerns over the fact that the development site plans submitted do not recognise the existence of Owthorpe Footpath 10 or its crossing of the site over the proposed development access route. However, the landscape and visual impact has considered potential views of receptors of high sensitivity for users of the Public Rights of Way. None of the viewpoints were considered to have a significant impact and mitigation measures were suggested to aid the scheme integrate successfully into the existing environs.
68. The applicant has advised that they are agreeable to reinstate the line of the footpath to the route identified on the definitive map. The footpath crosses arable land and thus the maintenance involves keeping the route mown and free from obstruction.

Impact on Neighbouring Residents

69. In addition to requiring good design, Policy 10 of the LPP1 also requires that new development be assessed in terms of its impacts on neighbouring amenity. This approach is echoed in the criteria for assessing development set out in policy 1 of the LPP2.
70. The proposed poultry unit development requires good transport links to the main road network for HGV traffic, and also requires a degree of separation from neighbouring residential uses to ensure that there is no adverse impact on the amenity of neighbours. The application site is located in close proximity to the Cotgrave Road junction with the A46, providing good transport links. The site also benefits from existing landscape screening in the form of mature woodlands and is relatively remote from residential neighbours.
71. The application site was considered to be the most appropriate location for the development. The Council's Environmental Health Officer has not objected to the proposed development and therefore, whilst it is acknowledged that there has been a high level of local interest in the application with a significant level of local objection, your officers consider that the proposed development would not give rise to an adverse impact upon the amenities of any neighbouring residential properties.

Environmental Impacts

72. The EIA Regulations require that any development which is listed in Schedule 1 be subject to EIA. The proposed development falls within the definition of Section 17 of Schedule 1, 'Installations for the intensive rearing of poultry or pigs' as it exceeds the threshold of 85,000 broilers as defined in Section 17 part (a). The proposed development falls within Schedule 1, article 17(A) of the Regulations, Installations for the intensive rearing of poultry with more than 85,000 places for broilers or 60,000 places for hens. The development therefore is EIA development, where an Environment Impact Assessment is required and has been duly submitted.
73. The site will be subject to an Environmental Permit which is assessed separately by the Environment Agency.

Noise

74. Policy 40 of LPP2 assess development and identifies potential nuisance issues arising from the nature of the proposal such as noise. The application is supported by a noise impact assessment (annexed to the environmental statement). The proposed development will result in a permanent effect, as the noise impacts of the development arise from the operation of plant and transport throughout the lifespan of the development. The noise impacts are assessed as low. The effect will be localised and will not impact on environmental and other features to their detriment when relating to existing uses. Restrictions on the

hours of use for deliveries and collections are proposed as a condition to minimise the amount of disturbance to nearby residents.

Odour

75. In terms of atmospheric emissions from the proposed poultry installation, the proposal is to utilise a high velocity ridge mounted ventilation system. This type of ventilation system is deemed to be best available technology for the dispersal of odour and other atmospheric emissions. Odour emission rates for the nearest residential properties as a result of the proposal have been assessed. The odour impacts of the development relate to its operation for the design life of the project, and therefore represent a permanent effect.
76. The submitted environmental statement concludes the odour exposure to all nearby residences surrounding the site of the proposed poultry unit, would be well below the Environment Agency's benchmark for moderately offensive odours. In addition, the air quality impacts are assessed as low. The effect will be localised and will not impact on environmental and other features to their detriment when relating to existing uses and nearby residents. The site is to be permitted and odour will come within the remit of the permit. In this context 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.

Manure

77. The release of ammonia is a well-known by-product of poultry farming. The proposed development has been assessed for ammonia and nitrogen deposition impacts on off-site biodiversity including SAC's, SSSI's, Ancient Woodlands and Local Wildlife Sites. The proposed development has been assessed as acceptable in term of aerial emission impacts to sites of biodiversity importance. The ammonia dispersion modelling report concludes that the process contribution from the proposed poultry unit to annual mean ammonia concentrations would be well below the Environment Agency's lower threshold percentage of the relevant Critical Level and/or Load at all non-statutory and statutory wildlife sites considered. Therefore, ammonia emissions from ranging areas have been assessed and the environmental Report concludes that cumulative ammonia concentrations and nitrogen deposition rates arising from the proposed development/operation will have no significant environmental impact upon outlying habitat land.

Refuse and Waste Collection

78. The application is supported by the Environmental Assessment that includes a Dirty Water Tank Specification, Odour Impact Assessment, Ammonia Impact Assessment.

79. The manure removal process from the poultry buildings would be undertaken with a mechanical loader. All manure would be loaded from the sheds into trailers which would be sheeted and transported off site for disposal via biomass power stations.
80. Following the removal of the manure, the buildings would be washed with high pressure hoses. The inside of the proposed buildings would be drained into sealed underground dirty water containment tanks. All washout water from the site would be contained within the dirty water system. At the end of each cleanout period, the tank would be emptied by vacuum tanker for appropriate disposal. The dirty water management system is an absolute requirement for the Environmental Permit and ensures that the proposal does not have the potential for contaminated runoff.
81. Clean roof water and yard water will be discharged to the proposed Sustainable Drainage System which is in the form of an attenuation pond with restricted discharge to the drainage ditch system.
82. The Environmental Agency offered no objection and provided a recommendation with regards to hierarchy of drainage options. Therefore, it is considered that adequate detail has been given to determine this application with a condition of this nature. As such the information submitted in the Environmental Statement is adequate and the application accords with policy 18 of LPP2.

Drainage and Flood Risk

83. The application site comprises an existing arable field. The site is noted on the Environment Agency flood maps as Flood Zone 1 (outside of the flood plain). The built development is not at risk of flooding. In accordance with paragraph 167 of the NPPF, drainage in the form of attenuation has been designed into the scheme through the provision of a soakaways. The use of this type of system prevents surges during high rainfall and mitigates surface water run-off from the development so as not to adversely impact on environmental and other features to their detriment when relating to existing uses.
84. The surface water management design proposes a sustainable drainage system which will limit the total site runoff from the proposed development to a greenfield runoff rate. Attenuation is proposed in the form of an attenuation pond for clean roof water. The use of this type of system prevents surges during high rainfall and provides benefits in terms of downstream flooding consequences. The design of the sustainable drainage system includes design provisions for climate change within the designed system. Foul and surface water drainage on the site will be separated to prevent discharge of dirty water from the site. The separate drainage systems are a requirement for the Environmental Permit.

85. No objection was received from the Lead Local Flood Agency and the environmental statement concluded that the flood risk and drainage impacts are assessed as low and there will be an effect, however this will be localised and will not impact on environmental and other features to their detriment when relating to existing uses. On this basis the application is therefore in accordance with policy 17 of LPP2.

Heritage and Archaeology Considerations

86. Your officers are satisfied that the proposal does not cause any harm to heritage assets Historic England has no objection, and the County archaeology officer has no objection subject to the use of an appropriate condition . As such the proposed development is considered to be in accordance with policy 28 of LPP2 and 29 of LPP2.

Ecology and Biodiversity

87. Core Strategy Policy EN1 and Policy 38 of the LPP2 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should conserve and enhance the natural and local environment by; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
88. Policy 17 'Biodiversity' of the Local Plan Part 1: Core Strategy, sets out the biodiversity of Rushcliffe will be increased over the plan period by seeking to ensure that new development provides new biodiversity features and improves existing biodiversity features wherever appropriate.
89. A preliminary Ecological Appraisal has been submitted to support the application and the Ecological and Sustainability Officer offers no objection. No priority habitats were identified on site and the construction proposed to take place over the land primarily identified as arable grassland, therefore impacts are not predicted as the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The site is not of sufficient ecological value to warrant whole-scale protection from development.
90. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development. The report sets out measures that can be delivered via conditions.

Lighting and Operation Hours

91. The development does not require 24-hour external lighting. However, some external lighting will be required in the form of directional flood lighting above the catching doors when birds are being caught for removal to the processor. This lighting will be required for 3 nights per flock and approximately 7.6 flocks will be removed per annum. Thus, outside of the catching periods, 24-hour lighting is not required. Motion sensor trigger lighting will be provided for any staff needing to visit the site during hours of darkness. Therefore, no significant impact and the report sets out measures that can be delivered via conditions. On this basis your officers are satisfied that the proposal accords with policy 40 of LPP2.
92. In response to concerns relating to the impact upon the Observatory, the applicant has agreed plant evergreen large trees to assist in screening the operational area of the poultry unit from the observatory. The applicant has also agreed to install an astronomy-friendly lighting scheme which will be professionally designed by lighting consultants. These details will be secured by condition. On this basis your officers are satisfied that the proposed accords with policy 40 of LPP2.

PLANNING BALANCE

93. Section 36 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
94. Your officers consider that the proposed development would accord with national and local planning policies for this form of development. In addition your officers consider that the proposal would not materially harm the character or appearance of the area or amenity of nearby residents and would not impact upon road and pedestrian safety. It has also been designed to provide mature landscaping in order to mitigate and minimise its visual impact in the wider landscape . The details submitted illustrates that the resultant environment impacts would be mitigated, and flood risk, noise, water and air quality matters have been properly and fully taken in to account.
95. Taking into consideration these factors, the proposal is considered to comply with relevant policies of the Local Plan, and with national planning policy as set out in the National Planning Policy Framework2021.

CONCLUSION

96. There are no significant factors in this case that indicate against the proposal and outweigh the factors in favour of the proposal and the policies referred to above. Furthermore, the proposal is considered a sustainable form of agricultural development in the countryside which will have benefits to the wider rural

economy through the supply and process chain. The application is recommended for approval subject to conditions.

RECOMMENDATION

Grant Planning Permission subject to the conditions set out below:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: as required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents.

- Location Plan REV-A3 Drawing No. IP/TB/01A March 2022
- Site Plan REV B-A1 Drawing No. IP/TB/02B April 2022
- Elevations and Plan View Drawing No. IP/TB/03 May 2021
- Ancillary Structures Drawing No. IP/TB/04 May 2021
- Existing Site Levels Drawing No. IP/TB/05 April 2022
- Proposed Site Levels Drawing No. IP/TB/06 April 2022
- Traffic Routing Plan

Reason: For the avoidance of doubt and to in the interests of proper planning. For the avoidance of doubt; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.

3. A detailed scheme of construction management and method statement to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved.

Reason: In the interests of the amenity of local residents. The issue is integral to the development and therefore full details need to be finished prior to the commencement of works.

4. All HGV's shall access and depart the farm using the A46 as per the routing plan. In addition, no HGV vehicles will turn left out of the site in the direction of Owthorpe Village. Signage should be located at the site entrance/egress indicating 'No left turn for HGVs'.

Reason: In the interest of the amenity of local residents of Owthorpe Village in accordance with Policy 10 of the LPP1.

5. With the exception of live bird transport, there shall be no HGV movements associated with the operation of the development outside of the hours of 07.00 – 21.00.

Reason: In the interest of the amenity of local residents of Owthorpe Village in accordance with Policy 10 of the LPP1.

6. The development shall not be brought into use until the access junction has been upgraded to Nottinghamshire Highway design standard to serve the development.

Reason: In the interests of highway safety.

7. The development shall not be brought into use until the access junction has been upgraded to Nottinghamshire Highway design standard to serve the development. Works on the public highway are subject to the approval of the Highway Authority. For the upgrade of the access junction to the satisfaction of the Highway Authority, the applicant is required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to be carried out.

Reason: In the interests of highway safety.

8. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for investigation and mitigation by strip, map and sample to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation.

The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of development on the site.

Reason: In the interest of heritage conservation in accordance with policy 28 and 29 of LPP2.

9. Prior to the installation of any external lighting on the site, the applicants shall submit a scheme of astronomy friendly lighting for approval by the Local Planning Authority. The lighting shall be installed as approved and maintained for the lifetime of the development.

Reason: In the interests of the amenities of the area and local residents and to minimise light pollution in accordance with Policy 40 of LPP2.

10. Prior to the first use of the development a Biodiversity Lighting Strategy shall be submitted to and approved by the Local Planning Authority. The Strategy shall demonstrate how scheme and lighting proposals will be designed to minimise and mitigate impacts upon wildlife, such as bats. No lighting other

than that approved within the scheme shall be installed without the prior written approval of the local planning authority.

Reason: To ensure that the provision of lighting is incorporated to protect existing wildlife in accordance with Policy 40 of LPP2.

11. Notwithstanding the details in the Environmental Report submitted with the application, the development hereby permitted must not be commenced unless:

- a) A Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority, and:
- b) the Local Planning Authority has approved the BGP.
A biodiversity net gain (BNG) assessment, with a demonstrated gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the gains implemented and maintained in the long term and agreed by the local planning authority, this should be supported with a Landscape and Ecological Management Plan (LEMP).

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.

12. This permission does not entitle the applicant to obstruct in any footpath or right of way which crosses the land to which this application relates Prior to the commencement of any works on site, including the construction of any access road, details of safety measure to protect users of the public footpath crossing the access road, which shall include details of surfacing and fencing shall be submitted to and approved in writing by the Local Planning Authority. Any approved details shall be implemented prior to the unit being brought into use and thereafter maintained for the life of the development. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Public Rights of Way Officer for advice on the procedures. (Tel 0115 9148215)

Reason: In the interests of pedestrian safety and to minimise disruption to users of the public footway and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

13. Notwithstanding the soft landscaping shown on the submitted drawing(s) Site Plan REV B-A1 (Drawing No. IP/TB/02B dated April 2022) The development hereby permitted must not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority.

The Landscaping Scheme must provide details of all hard and soft landscaping features to be used and include the following:

- a) An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- b) Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- c) A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees)
- d) Plans showing the proposed finished land levels/contours of landscaped areas;
- e) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- f) Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (2021).

NOTES FOR APPLICANT

NCC Highway

Works on the public highway are subject to the approval of the Highway Authority. For the upgrade of the access junction to the satisfaction of the Highway Authority, the applicant is required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to be carried out.

Environmental Agency

Construction Phase Advice

Appropriate sediment control measures should be utilised during the construction phase to ensure that sediment is not able to enter any nearby watercourses. If any dewatering of excavations is required during the construction phase an Environmental Permit may be required.

The applicant is advised If works have not commenced by June 2023 an update ecological survey is required and every subsequent 2 years if works have not commenced.

Any landscaping proposals would need to consider and take account of the wider visual impact of the development and how that can be mitigated against.

There are records of Badgers and Brown Hares within the vicinity of the site therefore, before works commence the applicant should undertake a survey to see if there is any evidence of those species on or using the site that is subject to this application. This is necessary as badgers are a protected species and the Brown Hares is in rapid decline and protected by the Wildlife and Countryside Act 1981 in close season. If these are found to be present then mitigation measures will be required. For more information about how to conduct the survey and appropriate mitigation measures applicants are advised to contact Nottinghamshire Wildlife Trust on 0115 958 8242. any amendments to the ecological report and the LEMP should take account of this.

In the interests of amenity, all construction works, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents: Monday – Friday 0700 – 1900 hours Saturday 0800 – 1700 hours Sunday/Bank Holidays No work activity which should be set out in the Construction method statement.