



DEVELOPMENT CONTROL AND REGULATORY BOARD

11 FEBRUARY 2021

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2020/1073/02 (2020/CM/0042/LCC) – 22 April 2020
PROPOSAL:	Proposed Erection of Poultry Units and an Anaerobic Digestion Facility
LOCATION:	Manor Farm, Hungarton Lane, Beeby, LE7 3BJ (Charnwood)
APPLICANT:	Mr T Pick
MAIN ISSUES:	Principle of the development, impact upon the amenity of the area and neighbouring residents, landscape impact, environmental impacts, traffic and access
RECOMMENDATION:	PERMIT subject to conditions as set out in the appendix to the main report and completion of S106 agreement relating to vehicle routeing

Circulation Under Local Issues Alert Procedure

Mrs. B. Seaton CC

Mr. S. J. Galton CC

Officer to Contact

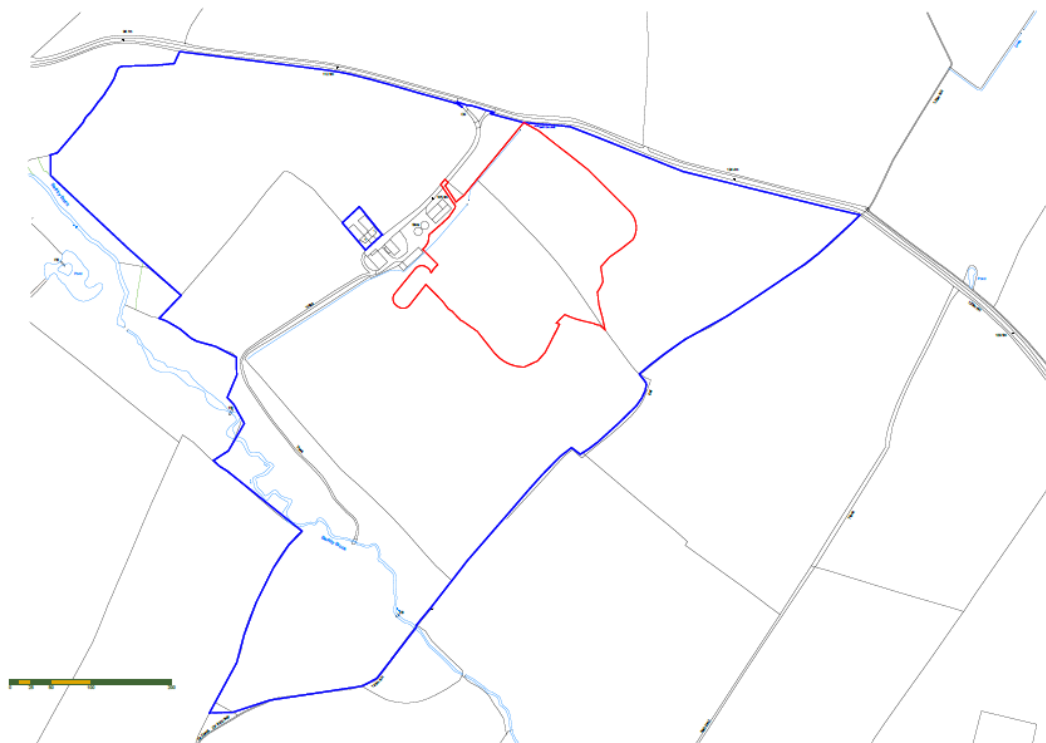
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PART B – MAIN REPORT

The Site and Surroundings

1. The application site is located within the open countryside approximately 5 miles (8km) from the centre of Leicester and between the villages of Beeby, Keyham and Hungarton (1, 1.2 and 1.5km respectively). It is set immediately to the south of Hungarton Lane, largely amidst agricultural fields.
2. The proposed new buildings, subject of the application, are located at the main entrance to Manor Farm. The farm is formed of the main farmhouse, three workers cottages (Manor Farm Cottages, in sperate ownership) and a complex of modern farm buildings including barn, grain stores and equipment shed. The access track from the farm leads to Hungarton Road and the development proposed in this instance is set adjacent to the track and the road.
3. The area in general is predominantly formed of working farmland in arable crop production, although some livestock are also present. There are a scattering of homes and other farms through the general area with the nearest (excepting Manor Farm and Cottages) being set some 500 metres to the west.
4. The area is Grade 3 classification agricultural land, but is not subject to any specific planning designations other than open countryside. The site and surroundings are all located within Flood Zone 1.



Background

5. The application proposes the erection of two agricultural buildings to accommodate 50,000 broiler birds each (total 100,000 birds) and an anaerobic digester plant together with related infrastructure, access arrangements and landscaping. The proposal is an Environmental Impact Assessment (EIA) Development and is supported by an Environmental Statement (ES). A broadly similar scheme was approved by the County Council in 2016, but the permission was not implemented and has since lapsed.

Planning History

6. A planning application for this development was granted permission in 2016. This permission has since lapsed. This new application is similar to the application previously approved.
7. As part of an early attempt to implement this scheme, a Combined Heat and Power (CHP) unit was sited at Manor Farm in 2016. This was prior to the installation of the chicken buildings and prior to works to the access with Hungarton Lane having been undertaken. A retrospective planning application was submitted for this in 2017. Subsequent enforcement action, through the issue of a Breach of Condition Notice, had to be taken due to this building not having been removed within the specified timescales. Compliance was subsequently achieved with the unauthorised CHP building being removed.

Description of Proposal

8. The development would be located to the east of the farm access road and south of Hungarton Lane. The two poultry sheds would each measure 104 metres by 25 metres with a maximum height of 6 metres containing a total of 100,000 birds (broilers). The anaerobic digester would lie to the south west of the poultry sheds consisting of a storage shed, digester tank, digestate store, a slurry/buffer tank, silage clamps, combined heat and power (CHP) unit, and a flare stack. The storage shed would be 30 metres by 25 metres with a height to the eaves of 9.5 metres. The larger of the tanks would be 25 metres in diameter and 7 metres in height. The flare stack would be 9.5 metres in height. All buildings and tanks are proposed to be finished in a juniper green external colour finish. The four silage clamps would each measure 48 metres by 16 metres and 4 metres in height.
9. Areas between the structures and the anaerobic digester would, in the main, be hardstanding. A bund would be created around the complex of buildings and would be blended into the existing topography of surrounding land. An existing hedgerow running from east to west between the proposed anaerobic digester and poultry sheds would be retained.

10. The premises would operate through the housing of 50,000 broiler birds per agricultural building which would be reared on a 42-day cycle plus 7 days cleaning (total 49 days). This gives a chicken crop 7 times per annum. Waste products from the chickens including their manure and waste bedding would be collected along with other local agricultural wastes and energy crops. This would be used in the anaerobic digester to fuel a combined heat and power (CHP) unit which would create heat for the chicken buildings and power for use on the farm, with excess sold to the national grid. The solid digestate can be re-used as an organic fertilizer. The operation of the anaerobic digester by collecting methane emissions from the buildings enables its reuse in the CHP and mitigates smell emissions from the premises.
11. The premises would operate on a 24-hour basis albeit with the majority of activity taking place in the daytime. In certain instances over the course of the farming cycle there may be overnight working, for example when harvesting the broiler birds.
12. The proposal would result in two distinct generators of traffic, that from the poultry sheds and that from the anaerobic digester. The applicant's estimate is that there will be a total of 70 HGV movements on the public highway in every 7-week period plus 12 movements by tractor and trailer. Within the 70 HGV movements there are two days of peak traffic on the public highway relating to the thinning of the bird numbers and the emptying of the sheds of all the remaining birds at week 5 and week 6, respectively. This would result in 17 HGV movements (9 HGVs) on each of these two days.
13. In order to mitigate the impact of additional HGV movements on the surrounding road network, five new passing places are suggested by the applicant. These would be 25 metres in length, contained entirely on highway land within the control of the County Council and be located at various points up to 2 miles away. The passing bays would be formed along Hungarton Road and Hungarton Lane between the site and Keyham. Routing for vehicles (assuming departing from Manor Farm) would take the same route before continuing along Ingarsby Road and Coplow Lane to exit onto the A47.
14. There would be 12,000 tonnes of feedstock imported to the site in a typical year as 717 movements vehicle movements. These are broken down as follows:

Feedstock	Tonnage	Source
Poultry Manure	1,250	Adjacent poultry site forming part of application
Cow Manure	2,000	Local dairy farm
Farm Yard Manure	800	Local dairy farm
Other agricultural or dairy wastes	3,000	Local farms and dairys
Energy Crops	4,950	AH Pick landholdings

Planning Policy

The Development Plan

15. The adopted local development plan policies for this development are contained within the Leicestershire Minerals and Waste Local Plan (2019), the Charnwood Local Plan 2011-2028 Core Strategy (2015), and saved policies of the Borough of Charnwood Local Plan (2004). The pertinent policies of these development plan documents are listed below:

16. Leicestershire Minerals and Waste Local Plan
 - Policy W1 (Waste Management Capacity)
 - Policy W4 (Non-strategic Waste Facilities)
 - Policy W5 (Locating Waste Facilities)
 - Policy W6: (Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting)
 - Policy DM1 (Sustainable Development)
 - Policy DM2 (Local Environment and Community Protection)
 - Policy DM3 (Strategic Green Infrastructure)
 - Policy DM5 (Landscape Impact)
 - Policy DM6 (Soils)
 - Policy DM7 (Sites of Biodiversity/Geodiversity Interest)
 - Policy DM8 (Historic Environment)
 - Policy DM9 (Transportation by Road)
 - Policy DM10 (Public Rights of Way)
 - Policy DM11 (Cumulative Impact)

17. Charnwood Local Plan 2011-2028 Core Strategy
 - Policy CS2 (High Quality Design)

- Policy CS6 (Employment and Economic Development)
- Policy CS10 (Rural Economic Development)
- Policy CS11 (Landscape and Countryside)
- Policy CS13 (Biodiversity and Geodiversity)
- Policy CS16 (Sustainable Construction and Energy)
- Policy CS17 (Sustainable Travel)
- Policy CS18 (The Local and Strategic Road Network)
- Policy CS25 (Presumption in Favour of Sustainable Development)

18. Charnwood Local Plan

- CT/2 (Development in the Countryside)

National Policy

National Planning Policy Framework (NPPF)

19. The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. The NPPF advocates a presumption in favour of sustainable development at paragraph 11, and for decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or,
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF when taken as a whole.
20. Section 14 of the NPPF covers flooding and climate change. Paragraphs 163 and 165 relate to flood risk and seek to ensure that this is not increased elsewhere from the effects of development. Major developments should incorporate sustainable drainage systems where appropriate.
21. Section 15 of the NPPF covers conserving and enhancing the natural environment. Paragraph 170 advises that planning decisions should: contribute to and enhance the natural and local environment; recognise the intrinsic character and beauty of the countryside, and the benefits of the best and most versatile agricultural land, trees and woodland; minimise impacts on and provide net gains for biodiversity by establishing coherent ecological networks; and prevent unacceptable levels of pollution.

National Planning Policy for Waste (NPPW)

22. The National Planning Policy for Waste (NPPW) states that when determining waste planning applications, waste planning authorities should only expect applications to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan (in such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need); consider the likely impact on the local environment, amenity and the locational implications of any advice on health from the relevant health bodies; ensure that waste management facilities are well-designed and contribute positively to the character and quality of the area in which they are located; do not concern themselves with the control of processes which are a matter for the pollution control authorities and ensure that land raising or land fill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
23. Appendix B of the NPPW outlines the locational factors waste planning authorities should consider in the determination of planning applications, which include; the protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air quality; odour; vermin and birds; noise; light; vibration; litter and potential land use conflict.

Consultations

24. Initial consultation on the application was undertaken in June 2020. Additional consultation was undertaken in November and December 2020 in response to additional information received which clarified a number of technical points raised by consultees.
25. **Charnwood Borough Council** – No objections.
26. The site is located approximately 400 metres from a grade II Listed building at Beeby Lodge Farm. Due consideration should therefore be given to the impact on the setting of this listed building.
27. The site is also located within 50 metres of three private residences located on the Manor Farm site itself (the Manor Farm Cottages). The submitted site location plan shows that these three units are outside of the ownership of the applicant and can therefore be considered sensitive receptors to the proposed development. Consideration should be given to the amenity, health and quality of life for the current and future residents of these properties.
28. The landscaping proposals are noted, which will mitigate the landscape and visual impact of the proposals. It is suggested that the completed landscaping scheme be subject to a long-term Landscape Management Plan which is robust and enforceable over the lifetime of the development.

29. **Charnwood Borough Council (Environmental Health Officer)** – No objections, subject to conditions.
30. Expressed initial concerns regarding odour and PM10 emissions from the site, especially towards Manor Farm Cottages. Following updated reports these objections were removed.
31. **Hungarton Parish Council** – Objection.
32. Hungarton Village held a village meeting at the time of the last application at which point all but one registered their objection to this development. In the five years since the application was approved, the site became a rubbish tip with loads of polythene wrapping blowing on the road and into the hedgerows. It is to be hoped that LCC apply stricter standards whilst re-considering this application again. Specific concerns are:
 33. Why does the middle of an area of rural tranquillity seem a good place to site this activity when, it is understood, the unfortunate animals are to be transported in the dead of night to a location some forty odd miles away in Northamptonshire. The roads around Hungarton/Beeby and Scruptoft are totally unsuitable for HGVs and there is plenty of evidence of the damage caused around our village by this type of vehicle.
 34. The odour from this activity is notoriously foul and the prevailing wind will make sure that it carries to Hungarton. The same applies to the dust that is produced as well as the flies and other vermin. The chickens will be raised in inhumane conditions at a time when animal welfare and sustainable farming are high on the agenda. The site will be a blot on the landscape, visible for miles around. Given the demonstrated unreliability of the applicants it is hoped that the Council will vote against this development.
35. **Keyham Parish Council** – Objection.
36. Based on the time that has lapsed since the original planning permission was granted, we question whether this nature of farm diversification in this location is in fact required as the demand has not driven the need to build or begin construction of the site within the original time provided to the applicant. In addition to questioning the need for the development, it is felt in consideration of the below reasons that this development and its location is not appropriate.
 37. Main concerns surround HGV traffic passing through Keyham Village and the T junction. Highways capacity since the 2015 application has not been considered. Other concerns are environment, ecology, increase in noise, pollution, odour created by the facility, drainage, attraction of flies, vermin control and last but not least visual impact on unspoilt countryside.
 38. Although farm diversification can be a successful contributor to the environment and economy, this development does not contribute to the local

area in terms of increased employment and demand has not driven the need to build the development since approval in 2016.

Scraptoft Parish Council – Objection.

39. One of our main objections would be the routeing of large lorries along narrow country roads within the area. Although the proposed routeing plan states that the majority of lorries would travel along the most satisfactory route of Hungarton Lane and Ingarsby Road, it is doubtful whether this is the most direct or suitable route for lorry drivers. Those using their satnavs will invariably be directed along the shortest route which would be through Scraptoft and Beeby, this has been a continual problem with lorries delivering to the new developments in Scraptoft with very few of them keeping to their proposed route plan.
40. Scraptoft Parish Council also feel that it should be taken into consideration that Scraptoft will shortly be having a Strategic Development Area of 1,200 houses built off Beeby Road which was not envisaged at the time of the original planning application. On the proposed plan for the S.D.A. significant traffic calming measures are to be put in place along Beeby Road making it even more unsuitable for large Lorries.
41. We also consider that it should be taken into account that the Scraptoft S.D.A. would put 1,200 homes within one and three quarter miles, as the crow flies, of the proposed poultry farm with the possibility of smells and flies causing a nuisance when the wind is in the prevailing direction, as has been reported in the media at other similar sites. In conclusion Scraptoft Parish Council consider that the proposed poultry farm would be in the wrong place, with its possible traffic problems and being so close to the expanding city suburbs. We therefore feel that we have no option but to object to this proposal.
42. **Environment Agency – No objections.**
43. **Public Health England - No objections.**
44. Following clarifications, the odour impact upon Manor Farm Cottages as nearest receptor have been confirmed as being below 3.0. If receptors are below 3.0 ouE/m³ there will be no adverse impact and the proposal must be considered acceptable.
45. **Lead Local Flood Authority – No objections subject to conditions.**
46. The applicant has now provided consistent surface water drainage calculations which demonstrate the volume of proposed attenuation required which is also consistent with the surface water drainage plan which has also been provided.
47. **Highways Authority – No objections subject to conditions.**

48. Hungarton Lane is a C classified road, subject to a 60 mph speed limit. The applicant is proposing to use the existing farm access which serves Manor Farm, however will make improvements including the overall width and geometry. The two existing access are typically 3m wide, with the access widening to approximately 3.5m where they combine. It is proposed to combine the two accesses and provide a central access point with an initial minimum width of 6m for the first 25m and then the width will be reduced to 5m up to the farm buildings.
49. Vehicular visibility splays measuring 120m either side of the access from a 4.5m setback have been demonstrated. The visibility splays are substandard when compared to guidance found in Table DG4, Part 3 of the Leicestershire Highway Design Guide LHDG. Notwithstanding this, as it is an existing access and the access is being improved, and that there have been no Personal Injury Collisions (PICs) on Hungarton Lane in the vicinity of the proposed development, the LHA do not have concerns regarding highway safety.
50. There has been no recorded PICs within 500m of the application site in the last five years. Therefore the LHA have no pre-existing concerns regarding highway safety.
51. The applicant has stated in the submitted Highways Statement dated November 2015, traffic associated with the AD Unit will replace existing tractor and trailer movements to and from the farm and local farm lands. Currently approximately 150 tractor and trailer movements come to the site and 60 HGV's take the stored corn off-site. Following development, traffic movements associated with the grain store will decrease to approximately 25 HGVs leaving site, as grain will be used within the poultry unit feed and alternative crops will be grown for processing for the AD unit.
52. Movements associated with the AD Unit will typically replace existing movements to and from the farm and on the local highway network. This will mean that movements will be similar from cropping the land. Moreover the production of the digestate from the AD unit will mean that manure is not required to be brought to site from outside sources. In total, there will be approximately 645 movements per annum to lands farmed by the applicant, and other farm lands, from the AD Unit.
53. The application information includes a lorry routeing agreement and localised widening to Hungarton Lane between Baggrave Road and Ingarsby Road. The existing site already generates HGV movements as well as tractor and trailer movements, and whilst the proposed development will generate new movements, the Transport Statement also states that some of the movements will replace existing movements on the Local Road Network. It is considered that given the mitigation measures proposed that it would be difficult to demonstrate that the proposal would generate significant harm to road safety.
54. Notwithstanding the details provided, full construction details will need to be submitted and approved when entering a suitable legal agreement with LCC in order to be able to carry out the works within the public highway.

55. The applicant shall enter into a S106 or a Unilateral Undertaking that requires both construction traffic and Heavy Goods Vehicle traffic generated by the Poultry Farm and the AD plant, to use the proposed access route shown in Appendix 5 of the revised Transport Statement. Given that the site is already a working farm it would perhaps be unreasonable to control the movement of tractor and trailer traffic, despite concerns on the suitability of Hungarton Lane between the site and Beeby. However, to give flexibility and to reduce the impact of traffic on Coplow Lane, it would be acceptable if HGV traffic has a choice of routes to and from the A47, those going to and coming from the east could use Coplow Lane, and those going to and coming from the west could use Tilton Lane towards Houghton on the Hill.
56. **Historic England** – No comments.
57. **Natural England** – No objections.
58. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
59. **LCC Ecology** – No objections.
60. The land is currently in arable use, and of low ecology value. The ecology report is satisfactory, and no further ecology surveys are needed. The tree and shrub planting mix on the landscaped bund is acceptable following the receipt of amended planting detail.
61. **LCC Landscape** – No objections.
62. The Landscape and Visual Impact has been thoroughly carried out and demonstrates that the proposed development will not lead to significant adverse landscape and visual effects and furthermore that any impacts of minor significance will be addressed by appropriate mitigation and enhancement.
63. The proposed landscape mitigation works including the promotion of wildflower grassland, together with the retention and enhancement of existing field boundaries will contribute to and enhance the green infrastructure and overall biodiversity value of the site.
64. **LCC Heritage** – No objections
65. Despite the size of the new structures it appears that the topography, intervening vegetation or just the distances involved means that there will be a lack of inter visibility between the new structures and the buildings or settlements of interest and therefore have no objections.
66. **Leicestershire Wildlife Trust (LWT)** – No objections.

67. LWT raise concerns over the potential cumulative effect of this type of development. This is in relation to the waste – excrement, aerobic ammonia and especially the potential impact of these to the nearby watercourse (when talking about this particular application). The cumulative impact of the excrement from a number of poultry farms is seriously threatening the River Wye in Wales and they are also causes for environmental concern in Shropshire. LWT would like to raise awareness of this. LWT would like to see consideration of the need for a strategy for the area to ensure that the cumulative effects of this and potential future poultry farms does not cause harm to our environment which would be very difficult to reverse.

Publicity and Representations

68. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. Neighbour notification of the application occurred in July 2020 with the second round of consultation undertaken in November and December 2020. Site notices and press advertisements were placed at around the same time.
69. A total of 97 objections were received in relation to both rounds of consultation.
70. The main issues commented upon are summarised as:
- a. Industrial style use in rural area;
 - b. Traffic movements by HGV;
 - c. Roads unsuitable for larger vehicles as they are all single track;
 - d. Potential road accidents;
 - e. Roads are already damaged by HGVs;
 - f. Odour and smell from units being detectable a long way away and wind blown;
 - g. New houses in general area will be subject to odour;
 - h. Flies and other vermin coming from the units;
 - i. Other sorts of waste associated with use drifting around and not managed;
 - j. Living conditions of battery farmed chickens;
 - k. This is not a 'green' project at all;
 - l. Harm to appearance of countryside from large industrial buildings;
 - m. Detriment to other rural businesses in area.
71. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Planning Policy Assessment

72. The application site is located within the open countryside wherein the principle of agricultural and related development is acceptable. Although the scheme is predominantly of an agricultural nature, specifically the housing and farming of 100,000 broiler birds, the anaerobic digestion element of the scheme renders it waste development and thus to be determined by the County Planning Authority.
73. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration of this application relate to location, effects upon air quality (including odour), ecology, highways, historic environment, landscape, noise and water. The environmental statement covers all of the main issues of the proposal to a level sufficient to enable a decision to be made on the proposal.
74. In this instance, the application is a repeat of planning permission 2015/1650/2 which was approved in July 2016. Although this planning permission has expired, it is nevertheless a relatively recent decision with only limited planning policy changes since the consideration of the previous planning application. Most notably these are the adoption of the more recent Leicestershire MWLP and some changes to national policy guidance. The scheme itself remains almost identical to the previously approved scheme and, should the planning authority be minded to refuse permission for the proposal, it must identify clear differences between this proposal and the former approval to justify this.
75. As mentioned, the scheme is predominantly agricultural in nature. The location of an agricultural facility in this location accords with the provisions of the Charnwood Local Plan which supports agricultural uses in the countryside. By-products of the scheme, namely chicken manure and waste bedding, would be used to produce heat and energy in a CHP plant. The re-use of this waste product therefore renders it waste development. In addition, the development proposes to import manure and other agricultural wastes from local farms and dairies.
76. Under policy W4, most new waste facilities in the County are expected to be in and around defined broad locations and/or urban areas, although there are exceptions for certain types of development. This includes facilities for the biological treatment of waste including anaerobic digestion, which this scheme incorporates. Given that this site is co-located with one of its sources of fuel and power, this represents a highly sustainable operation. Other feedstock for the AD plant will be sourced from the applicant's own landholdings and local farms and dairies. The anaerobic digester would recycle waste and convert this to power and heat in what amounts to a low carbon operation as all elements are naturally produced (as opposed from being extracted from the ground in a non-renewable operation).
77. The scheme does not accord with the main provisions of policy W5, criterion (i) - (iv) insofar as it is not on an existing waste site or other allocated or previously developed land. However, policy W5 also allows for the co-location

of such schemes where a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, and there is an overriding need for the development which cannot be met within the urban areas.

78. In this instance, it is clear that the agricultural operation to which this development is closely linked to is required to be in the open countryside and an urban location would undermine the transport, operational and environmental benefits which are discussed below. In addition, the development remains largely agricultural and thus is expected to occur in this sort of rural area. Were the development not to feature a CHP facility, the application would have been determined by this Borough Council solely as an agricultural development. Without the CHP element, the scheme would effectively miss out on the renewable energy opportunity, produce more waste product and potentially generate more odour as methane would not be harvested. Accordingly, the renewable energy generation in this location is to be supported and the conflicts with policy W5 are of limited concern.

Landscape and Visual Impact

79. This application seeks to introduce two buildings of considerable size along with numerous other smaller buildings and structures which would be up to 9.5 metres high within a countryside location. The area selected for the proposal is upon land which slopes down from Hungarton Lane towards Barkby Brook. The intent is to cut into this natural slope and use the excavated material to form a bund around three sides of the proposal. In doing so the slope and the bund would exclude much of the development from views from Hungarton Lane. Views would be possible down the access road but these would be fleeting as viewers travel along Hungarton Lane.
80. Views from the south are more open given the local topography from sections of the local public rights of way, Keyham Lane and Ingarsby Lane but these are distant (over 600 metres) and, therefore, the new buildings would be seen in the context of a collection of agricultural buildings alongside the existing structures.
81. The long distance views of historic villages and their prominent church spires and the overall dispersed rural sense of place defined in the High Leicestershire National Character Area would be maintained. Charnwood Borough Council's landscape character assessment seeks new farm buildings to be integrated within existing groups and to include tree planting in and around new development; both of which this proposal includes.
82. Thus, the overall quality of the landscape and the countryside of this area would not be detrimentally affected by this proposal. The proposed colours of juniper green for the structures and buildings would not be acceptable and instead a finish of moss green, as per the existing buildings, would be acceptable and assist in reducing the visual effects of the development. The

impact of these new structures, in the long term, would be reduced further through the additional planting proposed. Any planning permission granted should require the planting to take place and control the buildings' colour to moss green.

83. Revised landscape details which confirm appropriate planting around the buildings would also soften the impact of these structures on the surrounding area.

Ecology and Biodiversity

84. There are no sites designated at national, international or local level for their ecological importance within the site. Ecological studies undertaken on behalf of the applicant have found no protected species residing within the site. Therefore, the construction and operation of this development would not have a negative effect on protected species. Given the distances involved and the nature of the development there is also no concern that the development, if permitted, would have a detrimental effect on local wildlife sites. The proposal includes the provision of bird and bat boxes on the Ash trees to the north and Starling, House Sparrow and Barn Owl boxes within the development, the planting of native broad leaved trees and wildflower grasslands on the bunds, and additional planting within the retained hedgerow within the site which could all result in a net gain to biodiversity. On the basis of these benefits being required by condition(s) the effects on ecology are acceptable and meets the terms of policy DM7.

Heritage

85. There are no designated archaeological sites within the proposed site area and none immediately adjacent. The nearest listed building is some 400 metres away and the nearest conservation area is that within Beeby. Given the distances and topography involved, there is no concern that the setting of these, or further afield, heritage assets would be affected by this proposal.

Agriculture/Conservation of Soil Resources

86. The site is set adjacent to a complex of existing farm buildings along a section of land by an access track which is not within productive use. The site is located on grade 3 agricultural land however as the development does not result in a loss of more than 20 hectares of the best and most versatile agricultural land, the scheme complies with policy DM6.

Traffic, Access and Parking

87. The inputs into the anaerobic digester would be around 12,000 tonnes per annum of agricultural wastes and energy crops (maize, beet and rye). This would produce a liquid digestate of some 9,000 tonnes per annum and a solid fibre of 675 tonnes per annum. The applicant has assessed the importation and exportation of these materials using tractor and trailer with the exclusion of some 1,250 tonnes of the inputs which would come from the poultry sheds

that also make up this proposal. The inputs and outputs to the AD would all be transported by tractor and trailer and during the year it is estimated to be 1,362 movements (assuming vehicles transporting the inputs leave empty and those transporting the outputs enter empty).

88. The Highway Authority notes some of these movements replace existing movements. For example, the movement of the energy crops to the existing drying units to the south west of the proposal already takes place. It is estimated that some 517 vehicle movements of inputs into the site already take place. Similarly, the movements of digestate to land would replace similar movements for the addition of synthetic fertilisers to land. These are all movements typical of the countryside and its agricultural activities and occur unrestricted as a matter of normal practice.
89. Movements to the poultry sheds would be by HGVs and would all be new movements to the site and the local area. The HGV movements on the public highway during every crop cycle, which is approximately a 7 week period, is stated by the applicant to total 70. Many of these movements would take place during population and depopulation of the poultry sheds. The applicant states that the depopulation would lead to two days of peak traffic estimated to be 17 HGV movements per day. The actual HGV movements in any one of these two days would total 18 (9 HGVs entering and exiting the site per day), equating to one HGV an hour. There would also be some tractor and trailer movements relating to vets, contractors and such like of 12 movements during each crop cycle. Access improvements to the site include removing the existing forked layout and providing a hardstanding for the first 25 metres, replacing the current loose bound substrate.
90. The applicant has proposed a route for the HGV movements from the A47 approaching and leaving from the east of the site. This route misses out Beeby and Hungarton and is considered by the applicant to offer the most direct route from the bird and feed supplier/processor. The applicant has also proposed three sections of road widening on Hungarton Lane. The Highway Authority is of the opinion that the route, the access and road improvements and the traffic numbers are all acceptable subject to a legal agreement securing the HGV routeing (differing from the applicant's route by the addition of Tilton lane to the A47 and requiring at least 5 passing places) and proposes four conditions relating to details and provision of the road widening and the access improvements. Any permission should also ensure that the waste from the adjacent poultry sheds do not leave the site.
91. The passing places themselves would be formed at various points along the identified route. Each would be 25 metres long, capable of accommodating space to pass an HGV. The passing places are located entirely on highway land and their formation can be secured through a planning condition.
92. On the basis of this, the effects of the proposal on the highway are considered acceptable and meets the terms of policy DM9 and DM11 of the Leicestershire MWLP and Policies CS17 and CS18 of the Charnwood Core Strategy.

Noise

93. The applicant's assessment predicts that operational noise levels will be below levels where noise is likely to lead to complaints. The noise levels from the proposal are predicted to be lower than the existing background noise at the residential properties outside of the Manor Farm land holding. The exception is the properties at Manor Farm Cottages where levels may exceed the background levels at daytime (0700-2300 hours) by 0.4dB (55.4dB) and night time by 0.1dB (40.1dB).
94. The EHO states that the noise levels are only likely to be of significance at residential properties at the Manor Farm Cottages. The change predicted from this development at these properties would only be of the nature of 0.4dB and 0.1dB. Even at the 40-55dB noise level this unlikely to be perceptible and the noise regime is already dominated by agricultural/farming activities.
95. Therefore, the changes to the noise regime of the local area as a result of this proposal are unlikely to be either perceptible or an additional negative effect upon residential amenity. Due to the distance to neighbouring residential properties, and the predominantly internal operations of the functioning of the site, additional controls are not considered necessary. These can be adequately controlled by the Borough Council using powers under Environmental Health legislation.

Odour and Air Quality

96. The assessment of air quality, including odour, focusses on the effects on the closest residential properties to the proposal (i.e. Manor Farm Cottages). Local residents from a wide area have expressed concerns about odour control and impacts. The supporting information submitted by the applicant confirms that odour would only be noticed in close proximity to the site. There may be some minor odour noticed from the road or from the nearby Manor Farm Cottages. Beyond this, the assessment demonstrates that any odour created would be far too dispersed to be noticeable any further than this.
97. Charnwood's Environmental Health Officer (EHO) is of the view that with an appropriate odour management plan and all reasonable precautions to mitigate the operation of the poultry sheds, the facility and community may co-exist. Public Health England observe that the impacts on the nearest sensitive receptors – 1-3 Manor Farm cottages would be less than 3.0 ouE/m³ and therefore must be considered acceptable in accordance with current guidance. This is a 'peak' figure and readings for Manor Farm Cottages suggest this figure would generally be lower.
98. Updated information from the applicant confirms that PM10s and other air quality issues are all within acceptable limits.

Hydrology and Hydrogeology

99. The proposal is located within land with the lowest potential for flooding. The applicant's modelling shows greenfield rates of water shedding off the land will not change as a result of the development, thereby, not exacerbating flooding elsewhere. Neither the Lead Local Flood Authority nor the Environment Agency raise objection to the proposal and the requirement for a detailed surface drainage scheme would make the development acceptable. Conditions are proposed to require confirmation of drainage details to be provided.

Contamination

100. The site is not previously developed land and there are no contamination concerns arising from the development.

General Neighbour Amenity Impact

101. In general, the main properties impacted by the development will be the occupants of Manor Farm Cottages. All other residences are too distant to be impacted by the scheme in terms of air quality, odour or noise from operations on site, this includes the new homes proposed within the Scraftoft SDA which would be a greater distance away than existing nearby villages.
102. This is however, not taking into account the impact of vehicle movements. These are likely to be relatively minor for the most part. Occurring at a rate above that which could be expected from a normal agricultural operation only during the 7 weekly boiler replacement cycle. Nevertheless, these movements remain relatively low in the context of the highway network in the locality as a whole, even accounting for the narrow rural nature of the road network in the vicinity. The proposed routeing (to be secured through S106 agreement) avoids all neighbouring villages, with the exception of part of Keyham at the junction of Ingarsby Road and Hungarton Lane. Given that HGVs would be traversing a public highway at relatively low levels in an otherwise working rural area, this is considered a minimal amenity impact.

Other Material Considerations

103. The application has been assessed and no other material considerations have been identified.

Legal Agreement

104. As discussed above, the application includes controls on the routeing of HGVs to be via a certain route to avoid villages only. This can only be secured by way of S106 legal agreement.
105. Any grant of planning permission for the proposed development would be subject to the prior completion of a legal agreement to secure this routeing. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

Conclusion

106. The proposed development has been assessed having regard to material considerations and the development. The scheme and associated impacts are largely the same as for the planning application which was approved in 2016 particularly having regard to environmental and neighbour impacts. Although the concerns of the local parishes and neighbours are noted, with appropriate mitigation, the proposal would not have a detrimental impact upon the amenity of neighbours or create environmental concerns. The scheme offers the opportunity to enhance an agricultural farm diversification project in order to also deliver renewable energy benefits. Accordingly, the application is recommended for approval subject to conditions and the completion of a S106 agreement to secure HGV routeing.
107. In making this recommendation, the planning authority has considered the relevant provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, including all representations made by consultees and third parties, the impact of the development on the environment and any mitigation measures required to render the development acceptable.

Statement of Positive and Proactive Engagement

108. In determining this application, the County Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework. The County Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise/traffic and have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 25 submission. The applicant has been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the preparation of the draft s106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

PERMIT subject to the conditions set out in Appendix A and the prior completion of a S106 legal agreement covering HGV routeing.

Officer to Contact

Nick Bowden (Tel: 0116 3054701)
E-Mail planningcontrol@leics.gov.uk

Conditions

1. The development hereby permitted shall commence within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
 - a. SA18701 02 Rev A titled 'Proposed Site Layout' – dated May 2015
 - b. SA18701 03 Rev A titled 'South West Site Sections' – dated June 2015
 - c. SA18701 04 Rev A titled 'North East Site Sections' – dated June 2015
 - d. SA18701 05 Rev A titled 'South East Site Sections' – dated June 2015
 - e. SA18701 06 Rev A titled 'North West Site Sections' – dated June 2015
 - f. SA18701 07 titled 'Poultry Unit Floor Plans and Elevations' – dated June 2015
 - g. SA18701 08 Rev D titled 'Proposed Site Layout showing Proposed Landscaping' – dated June 2015
 - h. SA35256 PL01 titled 'Location Plan' – dated March 2020
 - i. Environmental Statement and accompanying amended appendices

Reason: For the avoidance of doubt as to the development that is permitted.

3. No site preparation or construction of the new poultry sheds or anaerobic digester as shown on drawing number SA18701/02 Revision A dated May 15 shall take place unless and until the scheme of road improvements shown on plans HL-LP-100A, HL-LP-101A, HL-LP-102A, HL-LP-103A, HL-LP-104A, HL-LP-105, have been implemented in full, unless, the County Planning Authority agrees in writing, to any variation.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

4. No site preparation or construction of the new poultry sheds or anaerobic digester as shown on drawing number SA18701/02 Revision A dated May 15 shall take place unless and until the visibility splays shown on drawing number MF-AP-200 dated November 2015 have been provided in full and cleared of any obstruction that exceeds a height of 0.6 metre above the level of the adjacent carriageway. Once provided these splays shall thereafter be permanently so maintained.

Reason: In the interests of highway safety and to comply with policy DM9 of the Leicestershire Minerals and Waste Local Plan.

5. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall thereafter be implemented in full for the life of the development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to prevent an increase in flood risk, maintain the existing surface water runoff quality.

6. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the County Planning Authority. Construction shall take place in accordance with the approved details.

Reason: To prevent damage to the final surface water management systems though the entire development construction phase.

7. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to, and approved in writing by, the County Planning Authority. Maintenance shall take place in accordance with the approved development for the life of the development.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

8. All site preparation, movement of materials and machinery and construction works within the site as defined by a solid red line on drawing number SA18701/09 dated August 2015 shall only take place between 0730 – 1830 hours (Monday to Friday) and 0800 – 1300 hours on Saturdays. No such activities shall take place at any time on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents and to comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

9. Hours for site preparation and construction activities should be restricted to minimise disturbance to residents. This should be 0730-1830 hours (Monday to Friday) and 0800-1300 hours (Saturdays) with no working on Sunday, Public and Bank Holidays.

Reason: To limit the impacts of the development on the public highway and to comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

10. Any lights required for the construction of the development hereby permitted shall be sited, angled and shielded such that they do not illuminate residential

properties adjacent to the development. Such lights shall only be turned on during the hours of construction as specified in condition 9.

Reason: To protect local residents from disturbance caused by glare from construction lights and to comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing MF-AP-200 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and to comply with policy DM11 of the Leicestershire Minerals and Waste Local Plan.

12. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Hungarton Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019) and to comply with policy DM11 of the Leicestershire Minerals and Waste Local Plan.

13. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 25 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to comply with policy DM11 of the Leicestershire Minerals and Waste Local Plan.

14. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the improved vehicular access, they shall be set back a minimum distance of 25 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To limit the impacts of the development on the public highway and to comply with policy DM11 of the Leicestershire Minerals and Waste Local Plan.

15. The approved landscaping scheme shown on plan SA18701/08D dated June 2015 shall be implemented in the first available planting season. All planted material (including those existing specimens shown to be retained on the approved plans) shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.

Reason: To reduce the impact of the development on the local landscape and to comply with policy DM5 of the Leicestershire Minerals and Waste Local Plan.

Informatives

1. Planning Permission does not give approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that contact is made with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
2. It will be necessary to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
3. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
4. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change.
5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and

protection. Details regarding the protection of any proposed infiltration areas should also be provided.

6. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system.

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