

## REPORT SUMMARY

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|--|---|--|
| <b>REFERENCE NO - 19/01087/FULL</b>  |   |  |
| <b>APPLICATION PROPOSAL</b><br>Demolition of two existing poultry rearing sheds and the erection of two new larger poultry rearing sheds and a small associated welfare/store building. Application includes an Environmental Statement.   |   |  |
| <b>ADDRESS</b> Tolehurst Farm Cranbrook Road Frittenden Cranbrook Kent TN17 2BP  |   |  |
| <b>RECOMMENDATION</b> GRANT subject to conditions (see section 11 of the report for full recommendations)  |   |  |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• There is no objection in principle to the proposed development as whilst the site is outside the Limits to Built Development it is an established agricultural operation;</li> <li>• The proposal would not have a significant impact on nearby Ancient Woodland or SSSIs through ammonia deposition when compared to the impact from the existing operations at Tolehurst Farm;</li> <li>• The proposal would not have a detrimental impact upon highway safety;</li> <li>• The development can accommodate sufficient parking within the existing site;</li> <li>• The scale, layout and design of the proposals respect the context of the site and preserves the visual amenities of the locality;</li> <li>• The development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance, odour, dust, flies or noise;</li> <li>• The proposal preserves the character of the countryside;</li> <li>• Other environmental impacts have been assessed and there are none that are considered potentially significant and which cannot be addressed through conditions.</li> </ul> |   |  |
| <b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b><br>The following are considered to be material to the application:<br><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A<br><b>Net increase in numbers of jobs:</b> None<br><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A<br>The following are not considered to be material to the application:<br><b>Estimated annual council tax benefit for Borough:</b> N/A<br><b>Estimated annual council tax benefit total:</b> N/A<br><b>Annual New Homes Bonus (for first year):</b> N/A<br><b>Estimated annual business rates benefits for Borough:</b> N/A as in agricultural use  |   |  |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Significant major comprising non residential floor space by means of new build of 2000 m <sup>2</sup> or more.  |   |  |
| <b>WARD</b> Frittenden & Sissinghurst  | <b>PARISH/TOWN COUNCIL</b><br>Frittenden Parish Council | <b>APPLICANT</b> Fridays LTD<br><b>AGENT</b> Mr Tim Spicer |

| DECISION DUE DATE  | PUBLICITY EXPIRY DATE   | OFFICER SITE VISIT DATE    |            |
|--|---|----------------------------|------------|
| 14/09/20 EOT   | 02/09/20  | Various                    |            |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): |   |                            |            |
| 20/00807/FULL  | Three year temporary consent for the retention of a mobile home for use as agricultural workers accommodation   | Granted                    | 05/05/2020 |
| 16/06720/FULL  | Three year temporary consent for the placement of a mobile home for use as agricultural workers accommodation   | Granted                    | 24/11/2016 |
| 15/506624/FULL   | Variation of conditions 2 (approved plans) and 9 (junction layouts) of application reference 13/01965 for the replacement of 7 existing poultry buildings with 2 new poultry buildings, together with associated landscaping and amendments to access. Proposed variation to provide for altered arrangements at junctions 3 and 4. | Granted                    | 16/10/2015 |
| 13/01965/FULMJ   | Replacement of 7 existing poultry buildings with 2 new poultry buildings, together with associated landscaping and amendments to access   | Granted                    | 20/10/2013 |
| 12/03203/FULMJ   | Replacement of 7 existing free range poultry buildings with 2 new poultry buildings   | Refused (appeal withdrawn) | 28/05/2013 |
| 11/00576/EIASCO  | EIA Scoping Opinion: Demolition of existing sheds and replace with new sheds ( <i>Officer's Note – this related to replacement of all nine poultry sheds that existed at the time</i> )   | Comments made              | 07/04/2011 |
| 89/02028/FUL   | Erection of five free range chicken houses  | Granted                    | 17/12/1990 |
| 82/00633/FUL   | Re-siting of existing chicken house.  | Granted                    | 15/07/1982 |
| 82/00658/FUL   | Re-siting of existing chicken house.  | Granted                    | 16/07/1982 |

## 1.0 DESCRIPTION OF SITE

- 1.01 Tolehurst Farm is a free-range farm containing two existing poultry houses housing up to 98,000 birds in use for the production of free-range eggs with associated paddocks and boundary fencing (pursuant to permission 13/01965/FULMJ). These existing free-range poultry houses have a ridge height of 6m and measure 136m by 20.5m and 260m by 20.5m respectively. They replaced seven of the nine old poultry sheds that stood on the site at the time.
- 1.02 In addition to the poultry houses there are two further buildings (rearing sheds) used for the rearing of day-old chicks up to 16/17 week pullets at which point they become point of lay. At point of lay the birds are moved to the free-range poultry houses at Tolehurst Farm or other laying units on Fridays other farms.

- 1.03 The two remaining older poultry rearing sheds to the north of the site are the focus of this application. They have a ridge height of 4.5m and measure 43m by 14m and 50m by 14m respectively. One of the rearing sheds has fallen into disrepair and is not currently in use. The rearing sheds are in excess of 40 years old and predominantly of wooden construction.
- 1.04 The eastern half of the farm holding contains four agricultural worker dwellings owned by Fridays Ltd and house the farm management staff. Access to the farm is via the A229 Maidstone Road. There is a mobile home which is subject to a three-year temporary permission for an agricultural worker to the immediate east of the sheds.
- 1.05 The surrounding area is rural in character, comprising predominantly of farm land in arable production or pasture, woodland blocks, and interspersed rural properties. A public footpath runs contiguously with the northern boundary of the farm, with a further footpath and a Scheduled Monument off-site beyond this. The access point is shared with a number of dwellings and a garden centre.

## **2.0 PROPOSAL**

- 2.01 The proposed development seeks to allow the demolition of the two remaining poultry rearing sheds and the construction of two new larger rearing sheds approximately 200m west of their existing location in addition to a small welfare/store building. The proposed development seeks to increase Fridays' rearing capacity both at Tolehurst Farm and for the business more widely to allow the rearing of chicks for their growing business.
- 2.02 The application sets out that the existing buildings have deteriorated to the extent that replacement is now required irrespective of the need to respond to market changes.
- 2.03 The two proposed replacement rearing sheds each measure 120m by 26.6m and 7.3m to the ridge to the west of their existing location. A smaller welfare/store building is to be located to the east of the proposed rearing sheds and measures 26.3m by 8.3m and 3.5m to the ridge.
- 2.04 The overall effect of the proposed development will be to increase the existing floor space of the rearing buildings on the farm from 9,468sqm to 14,812sqm.
- 2.05 The new rearing sheds have been located further west than the existing sheds to provide greater separation between neighbouring residences and the agricultural operations of the farm.
- 2.06 All three buildings would be clad in pressure treated timber cladding with box profile polyester coated steel sheeting roofs in either a green or grey colour contemporary with typical agricultural buildings.
- 2.07 All buildings are to be accessed from the highway via the existing vehicular access from the A229 and using existing internal farm tracks.
- 2.08 The total amount of birds which can be accommodated on the farm is controlled independently by the Environment Agency (EA) via their permitting system. The new rearing buildings can be used to rear birds for three laying systems, Colony, Barn and

RSPCA Assured Free Range. The number of birds to be housed in the sheds depends on the system used and will range from 138,864 to 322,560 birds.

### 3.0 SUMMARY INFORMATION

|   | Existing   | Proposed                                     | Change (+/-)  |
|---|--|--|---------------|
| Site Area   | 49 Hectares  | 49 Hectares                                  | No change     |
| Number of jobs                                    | No change  | No change                                    | No change     |
| Max height  | Buildings to be demolished: 3.6m                         | Sheds x 2: 7.3m<br>Amenity shed: 3.5m        | +3.6m maximum |
| Max eaves height                                  | Buildings to be demolished: 2m                           | Sheds x 2: 3m<br>Amenity shed: 2.9m          | +1m maximum   |
| Existing floorspace                               | Buildings to be demolished: 1327 sqm                     | Sheds x 2: 6384 sqm<br>Amenity shed: 218 sqm | +5275 sqm     |
| Total floorspace of rearing buildings on the farm | 9,468 sqm  | 14,812sqm                                    | +5344sqm      |
| Traffic Movements (per day)                       | Difficult to establish due to condition of the buildings | 1.5  | +1.5          |

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3 (*This information is taken from the MAFF 1998 national survey series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading. The maps show Grades 1-5, but grade 3 is not subdivided*)
- Ancient Woodland + 30M Buffer Area to the south of the proposed poultry sheds, plus several further areas of Ancient Woodland beyond this
- Boundary with Maidstone BC approximately 150m north of the sheds and 80m east of the access point
- Potential Archaeological Importance (access point with A229 only)
- Environment Agency Flood Zone 2 and 3 (access point with A229 and to the north of the proposed poultry sheds)
- Outside limits to built development (LBD)
- Public Footpath WC158 runs from the A229 to the site of the proposed poultry sheds
- Staplehurst Castle Bank - Scheduled Monument (Moot Mound earthworks) approximately 180m north of the farm boundary in Maidstone BC's area (*protected under the Ancient Monuments and Archaeological Areas Act 1979 as amended*)
- Section 106 or 52 Agreement (89/02028) – this requires that the chicken houses permitted under this reference are demolished if redundant (*this does not relate to the chicken houses subject to this application*)
- Strategic Flood Risk Area
- Grade II listed building to the south east (Tolehurst Farmhouse); *statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*

- Three nearby Sites of Special Scientific Interest (SSSIs) could potentially be affected by the development; Marden Meadows SSSI (4.7km away), The River Beult SSSI (4.4km away) and Park Wood SSSI in Sissinghurst (2km away).

## **5.0 POLICY AND OTHER CONSIDERATIONS**

In determining this application, the Local Planning Authority had regard to the following:

### **The National Planning Policy Framework (NPPF) 2019 National Planning Practice Guidance (NPPG)**

#### **Site Allocations Local Plan Adopted 2016**

- Policy AL/STR 1: Limits to Built Development

#### **Tunbridge Wells Borough Core Strategy 2010**

- Policy 3: Transport Infrastructure
- Policy 4: Environment
- Policy 5: Sustainable Design and Construction
- Policy 14: Development in the Villages and Rural Areas

#### **Tunbridge Wells Borough Local Plan 2006**

- Policy LBD1: Development outside the Limits to Built Development
- Policy EN1: Development Control Criteria
- Policy EN10: Archaeological Sites
- Policy EN13: Tree and Woodland Protection
- Policy EN16: Protection of groundwater and other watercourses
- Policy EN25: Development Control Criteria for all Development proposals affecting the rural landscape
- Policy TP4: Access to the road network

#### **Supplementary Planning Guidance – Landscape Character Area Assessment 2017**

#### **Other documents:**

- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance SPG 4:
- Kent Vehicle Parking Standards (July 2006)
- DCMS: Scheduled Monuments & nationally important but non-scheduled monuments (October 2013)
- Historic England: Scheduled Monuments: A Guide for Owners and Occupiers (2014)

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 The application was advertised by means of a newspaper advert and six site notices posted on 16/05/19. Details of the application were also sent to the Secretary of

State for Housing, Communities and Local Government ('the SoS') as required by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('The EIA Regulations').

- 6.02 A further consultation was undertaken upon receipt of the new Ancient Woodland Studies in July 2020. In accordance with the EIA Regulations a re-consultation was undertaken with new site notices, re-consultation with Historic England, Frittenden Parish Council, the Woodland Trust and Natural England was undertaken along with the new evidence being sent to the SoS. A period of 30 days must be allowed to expire after the latter, meaning the Council cannot determine the application on or before 8 September 2020.
- 6.03 Therefore this report is being published during the consultation period. As per usual practice, any consultation replies received after publication of the agenda will be verbally reported to Members at the Committee meeting.
- 6.04 Two objections have been received relating to pre-existing highway safety issues and alleged inaccuracy of plans.

## **7.0 CONSULTATIONS**

### **Frittenden Parish Council**

- 7.01 **(20/08/20)** – recommend approval (no reply received to first consultation)

### **Cranbrook and Sissinghurst Parish Council**

- 7.02 **(12/06/19)** – decline to comment as outside the Parish

### **Historic England**

- 7.03 **(28/08/20)** - inter-visibility between the scheduled monument and the new build is going to be limited to nil; and even if were one to glimpse views of the site from the monument, the roof (so long as it is a subtle colour) would not look out of place in this context nor be intrusive into the monument's setting.
- 7.04 Following the submission of the plan and photographs taken around the Scheduled Monument, Historic England no longer have any concerns about the proposal's impact upon the monument's setting. Therefore have no objection to the application, although HE would indeed prefer a roof colour which blends in with the surrounding landscape (i.e. green or grey) – so would support a condition being added to any permission granted which ensures this.
- 7.05 Would also again reiterate that HE defer to and agree with the advice of the KCC Heritage Conservation Team regarding the need for archaeological works to mitigate harm to undesignated archaeological remains.
- 7.06 **(25/08/2020)**  
Heritage Significance
- 7.07 The development site lies approximately 180m south of a scheduled monument: 'Moot Mound' (List Entry Ref: 1013147). This site acted as an open-air meeting place and was set aside for use by courts and other bodies who were responsible for the administration and organisation of the countryside in Anglo-Saxon and medieval England.
- 7.08 Such early medieval meeting places are a comparatively rare and long-lived type of monument, and this example in particular is very well preserved. This monument is also notable as one of a very small range of sites predating the Norman Conquest

which survive as monumental earthworks and are still readily appreciable as landscape features today.

- 7.09 Such early medieval meeting points were located at convenient, conspicuous or well-known sites, their conspicuous nature clearly being integral to their function and effective use. As such, the open space around them - as well as the fact that they were often visually dominant within their surrounding landscape - is an important consideration and contributes to their significance.

#### Impact

##### The Scheduled Monument

- 7.10 The proposal is for the demolition of two poultry rearing sheds, and their replacement with two new larger rearing sheds to the west and an associated welfare/store building.
- 7.11 The new rearing sheds would be constructed closer to the scheduled monument, and be considerably larger than those which already exist. HE therefore think that there is potential for at least some inter-visibility between the new buildings and the monument, and thus potential for the new builds to intrude into and impact detrimentally upon the monument's setting. In particular, HE think there could be potential for the buildings to detract from the sense of open space around the monument, and also compete with its perceived visual dominance.
- 7.12 HE acknowledge that the Design & Access Statement states that the development site is "*well screened on the north elevation by mature tree belts and remains largely inconspicuous.*" Viewpoints included within the Landscape Assessment do indeed also indicate that vegetation will to some extent screen the new building in views from the scheduled monument. However, these viewpoints also show that this vegetation is not continuous and that gaps exist within it which may allow at least some inter-visibility with the monument itself.
- 7.13 HE are also concerned that - despite the intervening vegetation which does exist - the considerably greater massing and height of the proposed buildings may nevertheless mean they are quite intrusive between and above the existing tree belt. However, this has not yet been specifically assessed or demonstrated within the application.
- 7.14 In short, because a detailed setting impact assessment has not been carried out for the scheduled monument specifically, it is difficult to properly understand the degree of inter-visibility that may exist between the site and the monument, or the proposal's impact upon the monument specifically (as separate from its impact upon landscape character). Whilst HE would usually conduct a site visit to assess this matter for ourselves, this has not proved possible at this time owing to restrictions associated with Covid-19.
- 7.15 HE do not necessarily disagree with the conclusions of the application - i.e. that the proposal will not impact adversely upon the monument's setting - however do note that this has not yet been properly evaluated or demonstrated within the application, and that this is required by paragraph 189 of the NPPF.

#### Impact

##### Undesignated Archaeology

- 7.16 The development site also holds potential to contain undesignated archaeology, as highlighted within the submitted Desk-Based Assessment and the response from the KCC Heritage Conservation Team. Specifically, the application site is known to lie

adjacent to the projected alignment of a Roman road that connects Rochester, Maidstone and Hastings. There is thus potential for archaeological deposits relating to the construction and use of this Roman road to be exposed by the proposed development.

- 7.17 The KCC Heritage Conservation Team has recommended that harm to this asset could be adequately mitigated through the implementation of an archaeological watching brief during works, and HE agree with this advice.

#### Policy

- 7.18 Paragraph 189 of the NPPF states that, when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Heritage assets should be assessed using appropriate expertise where necessary.

#### Position

- 7.19 HE think that there is potential for the proposed development to detrimentally impact the heritage significance of the scheduled monument (Moot Mound) through impact upon its setting.
- 7.20 Unfortunately HE are currently unable to determine the precise level of impact (if any) that the development poses in this respect, as the application includes no detailed assessment of the monument's setting or the development's impact upon it. This is required by paragraph 189 of the NPPF and as such the application currently fails to comply with the National Planning Policy Framework.
- 7.21 HE therefore think that the application should not be determined until an assessment of the proposal's impact upon the monument's setting has been submitted. The proposal also poses some potential harm to undesignated buried remains. HE would defer to the advice and recommendations of the KCC Heritage Conservation Team in this regard.

#### Recommendation

- 7.22 We recommend that TWBC request the applicant commissions a Heritage Impact Assessment from an experienced and qualified heritage professional, which specifically assesses the impact of the proposal upon the setting of the scheduled Moot Mound.
- 7.23 HE think that this assessment should ideally demonstrate its conclusions through the inclusion of photomontages (using rendered images) - which show how visible the development would be, and how it might appear, from and in relation to the monument.
- 7.24 HE recommend that TWBC do not determine the application until such an assessment has been submitted. HE would be pleased to provide further advice on submission of this assessment.
- 7.25 HE would defer to the advice and recommendations of the KCC Heritage Conservation Team with regard to undesignated archaeology and its impact by the development.

#### **Forestry Commission**



7.26 **(30/05/19)** - Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS)

7.27 It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, ancient trees or veteran trees, unless *“there are wholly exceptional reasons and a suitable compensation strategy exists”* (National Planning Policy Framework paragraph 175c).

7.28 Directed to Natural England and Forestry Commission standing advice

#### **Woodland Trust**

7.29 **(18/08/20)** – comments in response to Woodlands Survey for nearby ancient woods).

7.30 While WT acknowledge that the applicants have sought to address concerns around nitrogen deposition and ammonia pollution, do not consider that WT concerns have been appropriately addressed and maintain stance that the increased contributions of nitrogen and ammonia would be detrimental to surrounding areas of ancient woodland.

7.31 Also acknowledge that the Council’s Landscape & Biodiversity Officer and the applicant’s consultants, AECOM, have agreed with WT position that a threshold of 1% of the Critical Level/Load is a more robust and appropriate threshold than the 100% figure applied by the Environment Agency. However, disagree with the assessment that the current condition of the woods and existing background levels for ammonia concentrations and nitrogen deposition are negligible.

7.32 The Woodlands Survey relates to four woods around the site, however WT assessment concluded that at least seven areas of ancient woodland would face increased contributions of ammonia and nitrogen, including one SSSI ancient woodland, Sissinghurst Park Wood. The impacts on these woods, and in particular the SSSI ancient woodland are key and must not be considered negligible.

7.33 The Council should note that Natural England’s standing advice for ancient woodland states the following in relation to the existing condition of ancient woodland: *“A woodland in poor condition can be improved with good management and development proposals should enhance the condition of existing ancient woodland, where appropriate. Where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development.”*

7.34 It is apparent that the applicant is seeking to diminish the potential impacts of the development by questioning the condition of the existing woods, which goes against government guidance. As any increased contributions have the potential to adversely impact the condition, flora and other features of these ancient woods, WT consider the application in question contravenes national planning policy.

7.35 In summary, WT will maintain our objection to the application in question unless the applicants are able to implement mitigation measures that would reduce the ammonia and nitrogen contributions to below 1% of the Critical Level and Critical Load.

- 7.36 **(17/12/19)** - The Trust has reviewed the new documentation submitted for this development, and would like to maintain the objection on account of impact to several areas of ancient woodland from proposed significant increases in ammonia concentration and nitrogen deposition.
- 7.37 In order to satisfy the Trust's concerns, the applicant should demonstrate via modelling that the process contribution will be insignificant (<1%) at all ancient woodland sites.
- 7.38 **(05/06/19)** - The Woodland Trust objects to the above planning applications on the basis of damage and deterioration to a number of ancient woodlands designated on Natural England's Ancient Woodland Inventory.

#### Impacts to ancient woodland from nitrogen air pollution

- 7.39 Nitrogen pollution is one of the most significant and immediate threats to ancient woodlands and other semi-natural ecosystems in the UK. In the UK, rates of atmospheric nitrogen deposition have increased substantially leading to eutrophication and acidification of ancient woodland habitats. Accumulations of extra nutrients, as well as reduction in soil pH, are negatively affecting habitats whose important biodiversity developed in direct response to low atmospheric levels of reactive nitrogen. This is leading to direct loss of species, but there is also a growing evidence-base that is revealing wider impacts on ecosystem functionality and resilience, such as the loss of the soil fungi that trees rely on, resulting in more susceptibility to stress from climate and trees diseases (i.e. acute oak decline).

#### Ammonia modelling report – thresholds and significance

- 7.40 The Environment Agency's guidance on ammonia pollution is not sufficient to meet the requirements of current policy on planning in terms of avoiding the deterioration of irreplaceable habitats. The critical levels and loads for habitats have been set at figures where evidence indicates that adverse impacts are expected to occur. A contribution of 100% towards the critical level or critical load represents a clear acceptance that an individual development can result in the deterioration of an ancient woodland ecosystem. Therefore, a 100% process contribution threshold for ancient woodland is wholly unacceptable.
- 7.41 The Woodland Trust considers that an application must be able to demonstrate that any resulting increase in the levels of ammonia and nitrogen deposition will be insignificant (<1% of the critical level and load) at all ancient woodland sites. The applicant has provided an ammonia modelling report outlining the process contribution of the current development over recent years, and considers that the development will not further contribute to the ammonia levels in the surrounding area. However, this has not been modelled or demonstrated accordingly. Considering that the process contribution of the original development exceeds a 1% process contribution, any additional development will only serve to exacerbate the impacts of ammonia pollution on nearby ancient woodland.
- 7.42 There are over 100 areas of ancient woodland within 5km of the application site, and the critical levels and loads for the closest 10 ancient woodlands of concern can be found in the annex at the end of the document, along with the current background levels of ammonia and nitrogen deposition. They show that the critical load for nitrogen deposition is already in exceedance for all ancient woodland sites in this area. Further significant increases in the levels of ammonia and nitrogen will lead to continued deterioration of ancient woodland habitat, and its ecological integrity.

#### Mitigation

- 7.43 The Woodland Trust has produced guidance on assessing ammonia air pollution impacts on ancient woodlands, which is attached within footnote 2. In this situation, further control measures or other amendments would be necessary in order to reduce the process contribution. Any amendments and measures would need to be clearly stated and supported by further modelling to demonstrate the subsequent reductions in emissions and deposition.

#### Conclusion

- 7.44 The Woodland Trust objects to this planning application unless the applicant is able to demonstrate through atmospheric modelling of dispersal and deposition that any resulting increase to the levels of ammonia and nitrogen deposition will be insignificant (<1% of the critical level or load) at all ancient woodland sites.

#### **Natural England**

- 7.45 **(20/08/20)** - Natural England has previously commented on this proposal and made comments to the authority in letter dated 17 January 2020. The advice provided in NE's previous response applies equally to this amendment although NE made no objection to the original proposal.
- 7.46 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.
- 7.47 **(17/01/20)** - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Further general advice on the consideration of protected species and other natural environment issues is provided.
- 7.48 **(25/07/19)** - Additional Information required (Air Quality). No assessment has been provided of the potential impacts the proposal will have on Marden Meadows SSSI and The River Beult SSSI. The screening distance for the assessment of potential air quality impacts of poultry units, on designated sites is 5km for SSSI sites. Therefore as Marden Meadows SSSI is 4.7km away and The River Beult SSSI is 4.4km away, they occur within 5km of the proposal site and should be screened in and included in the assessment.
- 7.49 Although Sissinghurst Park Wood SSSI was screened into the assessment, the potential impacts of the proposal is unclear from the modelling ammonia emissions report. Table 3.1 show the modelling results for years 2007 -2011. To ascertain whether there may be impacts on the designated sites, the modelling report should show modelling results for the PC as % of Cle of 3 µg m<sup>-3</sup> and PC as % of CLO of 10kg N Ha<sup>-1</sup> Y<sup>-1</sup> for years after the proposal has been completed.
- 7.50 As a reminder, critical load values for nutrient nitrogen deposition are provided by the UNECE as a range, however as per APIS guidelines the minimum of the range should always be used for initial screening. In addition, when using a deposition velocity factor to calculate ammonia dry deposition, the deposition velocity factor needs to be relevant to the receptor i.e. for woodland receptors the deposition velocity for tall vegetation should be used.

#### **Environment Agency**

- 7.51 **(29/05/19)** - Have reviewed the Environmental Statement by Acorus (dated February 2019) submitted in favour of the above planning application. Do not object to the

proposed development but feel that the following planning condition is included in any planning permission granted by the LPA. The previous land use of this site as a poultry farm presents a risk of contamination being present. Contamination may be encountered during construction which could be mobilised and migrate to pollute controlled waters. Recommend a planning condition.

7.52 Surface Water - No discharge to ground has been proposed therefore have no issues from a groundwater protection point of view.

7.53 Foul Water - Section 6.3.1 of the Environmental Statement by Acorus (dated February 2019) indicates that foul water from the poultry sheds will be discharged to 2 tanks, of at least 20m<sup>3</sup> in volume, which will be emptied daily. Request further information as to where this foul water will be disposed of after being removed from the tanks (*Officer's note – this is to be addressed by condition*)

#### **Southern Water**

7.54 **(30/05/19)** - The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.

7.55 The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

#### **KCC Highways**

7.56 **(24/05/19)** - The proposed trip generation associated with the redevelopment of the sheds should be placed in context of existing movements associated with the existing sheds and with the farm as a whole. This data should be presented in terms of typical daily, weekly and monthly movements by size of vehicle so that the impact development can be quantified.

7.57 **(02/07/19)** - As expected there will some increase in HGV movement at the site in connection with the development. However as a result of the nature of the business, this will result in only a small increase in average daily movements . The site is well located with respect to access to the strategic road network and the highway authority would not seek to raise objections.

#### **KCC Heritage**

7.58 **(29/05/19)** - The application site lies adjacent to the projected alignment of a Roman road that connects Rochester, Maidstone and Hastings. There is potential for archaeological deposits relating to the construction and use of the Roman road to be exposed during the above proposed development. Condition recommended.

#### **KCC Flood and Water Management**

7.59 **(03/06/19)** - Have reviewed the application and have no objections to the principles of development. The supporting Flood Risk Assessment provided does not contain a proposed drainage layout or details of the ditch receiving surface water. Although these details are usually required as part of the full planning submission, KCC would accept for these details to be secured via a condition attached to any grant of planning permission.

7.60 It is essential that further details of the drainage scheme are provided before any development should commence to ensure suitable arrangements for surface water controls are incorporated.

7.61 Two conditions sought.

**KCC Public Rights of Way & Access Service**

7.62 **(04/06/19)** - Public Footpath WC158 crosses the site, north of the proposed rearing sheds. The footpath is separated from the site by existing fencing/hedging and not adversely affected by the proposals.

7.63 The public right of way should remain open and available at all times. No materials or waste arising from the development should be stored on the public right of way.

**Mid Kent Environmental Protection**

7.64 **(24/05/19)** - have reviewed the application and have the following comments. As this is a permitted site the views of the Environment Agency should be sought particularly in relation to flood risk and ammonia assessment before any permission is granted.

7.65 Noise: The application includes the use of fixed plant which according to the application should be quieter than the existing. However there remains a risk of disturbance which can be controlled by condition. The construction phase of the project also has potential to cause noise nuisance to nearby residences.

7.66 Dust: The ongoing operation of the site itself and the construction phase there is potential for dust generation. Good management of both elements will reduce this as far as practicable. The ongoing management of the site should be covered by the Environment Agency permit while the construction phase can be covered by conditions.

7.67 Odour: The application includes an odour impact assessment which concludes that while odour may be increased they will not exceed the Environment Agency Guidelines for odours from this type of site. Have no reason to disagree with the assessment. Light; the application does not indicate if external flood lighting will be attached to the new buildings. If this is the case there is the potential for disturbance to residents. This can be controlled by condition.

7.68 The modern poultry units such as this carry a much lower risk of fly infestation due to manure being taken from site at intervals shorter than the fly breeding cycle.

7.69 Conditions sought.

**Maidstone Borough Council**

7.70 No reply

**TWBC Conservation Officer**

7.71 **(24/05/19)** - The proposed large poultry sheds will be located some distance from the historic Tolehurst farmstead, with its central listed farmhouse. The agricultural use is otherwise appropriate to the setting of an historic farmstead, in terms of the character of the farmstead's surroundings; the visual setting will not be changed due to the lack of proximity. It appears as though the main considerations will be impact on the landscape and archaeology, and defer to the comments of the Landscape and Biodiversity Officer and the County Archaeologist. Can support the application as having no impact on the significance of the non-designated heritage asset of the farmstead, and the listed farmhouse.

7.72 *(Officers' Note: no comments made regarding impact on the Moot Mound).*

**TWBC Planning Environmental Officer**

7.73 **(07/01/20)** - It is not clear from this application whether the new poultry rearing sheds would require light, heat or the use any appliances that require an energy supply.

7.74 If an energy supply is needed, would remind the applicant that the size of the development triggers the energy reduction target detailed in the Renewable Energy SPD whereby development with a site area greater than 1000m<sup>2</sup> must reduce their site-wide carbon emissions by 10%. With such a large roof surface area, this should be easy to achieve by installing sensitively designed solar PV. However, alternative forms of Low and Zero Carbon technology would also be acceptable. In addition to this, developers are expected to firstly reduce carbon emissions using fabric first methods in accordance with the energy hierarchy.

7.75 If applicable, recommend conditions are added to this effect. If no energy source is required, then these recommendations can be disregarded.

**Rural Planning Ltd**

7.76 **(16/05/19)** - Fridays Ltd. are well-established, large scale egg producers and packers, based in Kent, with some 11 local farms at Chequer Tree Farm Cranbrook (which is the main base), Knoxbridge, Frittenden, Boughton Monchelsea, Sissinghurst, Woodchurch, Goudhurst (Flimwell), Chart Sutton, Headcorn, and Biddenden. Its publicly available accounts show the Company to have a turnover of some £50m a year, and net assets in the order of £45m. Fridays Ltd. is understood to be one of the largest egg producers and packers in the country.

7.77 Tolehurst Farm itself extends to some 49 ha (121 acres) and as well as the sheds used for rearing hens to point of lay (16 to 17 weeks age), the farm has its own established free range hen unit which has recently been expanded from some 43,000 to 98,000 laying hens, following the replacement of 7 free-range poultry sheds with 2 new larger poultry sheds, under planning consent 13/01965/FULMJ.

7.78 The two existing timber clad rearing sheds here (43m x 14m and 50m x 14m) are over 40 years old and are now in need of replacement. The two new buildings would be much larger, (120m x 26.6m and 7.3m to ridge) and would be used to significantly increase the rearing capacity at Tolehurst Farm, to over 300,000 birds at a time (depending on the type of rearing system used internally).

7.79 The Company's other main rearing site is at Pond Farm, Woodchurch, where the updating and expansion of rearing space has also been taking place, following the approval of planning application 17/00434/AS for the replacement of three sheds with three larger ones, along with the retention of three more sheds, with the aim of rearing some 400,000 chicks at a time (normally 2.5 batches per year).

7.80 Ashford Borough Council also permitted a new rearing shed (70m x 23m) at Bowlands Farm, Biddenden, under 15/00814/AS.

7.81 These improvements to, and expansion of, the Company's chick rearing potential follows various other recent developments on other Company farms to improve and expand their overall poultry accommodation and egg production.

7.82 The proposals at Tolehurst Farm relate to purpose-designed agricultural buildings, the use of which is inherently linked to the expansion and improvement of this aspect

of the Company's farming business, assisting it to remain competitive as a major UK rearer of pullets and egg producer/packer.

**TWBC Landscape & Biodiversity Officer**

- 7.83 (07/08/20) - Regarding the comments of AECOM in the email below. LBO has considered the comments and they suggest that the matter has been thoroughly investigated and whilst LBO can agree with the Woodland Trust on contributions to the critical load the material affect of the proposal on woodland flora, taking account of the site context and existing high rates of ammonia concentrations and nitrogen deposition is likely to be negligible. It remains however important in the long term to ensure pollution rates are kept to a minimum that the proposed on site mitigation measures are properly secured by condition.

*"I have been through the report. I note that while ancient woodland groundflora indicator species were found in all cases they were relatively few in number and fairly sparsely distributed, and that the lower plant flora was species poor. While I am not convinced that only the edges of these woodlands will be affected by increased ammonia and nitrogen deposition (the isopleths suggest otherwise) I am satisfied that most of the harm to these woods has already been done, in that the lower plant flora is already dominated by nitrogen-loving species and the woodlands appear botanically poor despite their status. That may not be entirely attributable to local sources of ammonia of course, for example there is mention of tree felling and replanting, but it is suggestive. I am also mindful that Natural England do not believe there will be a significant effect on the SSSIs.*

*I do recall The Woodland Trust objected on the basis that they consider a '1% of the critical level' threshold is more appropriate and robust for the ancient woodland sites than the '100% of the critical level' threshold currently used by the Environment Agency in their permitting decisions and I agree with them entirely. There is no doubt that the forecast ammonia and nitrogen doses are large to very large (e.g. nitrogen doses of c. 1kgN/ha/yr to 16 kgN/ha/yr) and one could argue that by making the air quality situation significantly worse the applicant would be impeding any possible future recovery of the lower plant flora. However, the existing ammonia concentrations and nitrogen deposition rates, plus the influence of surrounding farmland, are probably already so high that it would be very difficult indeed to ever achieve the necessary lowering of existing exposure to below the critical loads and levels. I would tend to agree with the reports authors that, if we just focus on existing value rather than restoration potential the increase in pollution, while large, would probably not materially change the botanical composition of the woodland flora."*

- 7.84 (31/01/20) - As discussed LBO has been through the SAC Consulting report (dated November 2019). Note that Natural England do not believe there will be a significant effect on SSSIs and that The Woodland Trust maintain their objection on the basis that they consider a '1% of the critical level' threshold is more appropriate and robust for the ancient woodland sites than the '100% of the critical level' threshold currently used in the report and by the Environment Agency in their permitting decisions. It appears that the SAC report relies upon a number of assumptions that may not be appropriate in respect of any likely harm to ancient woodland. Noting the level of emissions and the proximity of the woodland, LBO would have expected some form of ecological interpretation of the results. Notwithstanding that LBO is not an air quality consultant, it is then difficult from the information provided for me to be able to advise on the likely impact on ancient woodland. LBO then discussed the matter and shared the information with Dr James Riley of AECOM who is a specialist in this area and who is willing to be appointed by the Council if required to review further information and/or advise on additional studies. As a result of the discussion Dr Riley

considers that the following information would be necessary before a conclusion can be reached:

- 1) The report references advice from the Environment Agency that 3 micrograms per cubic metre is the most appropriate critical level for the sites assessed. It would be helpful if the correspondence with the EA could be provided.
- 2) To place the results in context, it would be useful if the applicant provided the PEC (Predicted Environmental Concentration) rather than just the PC (Process Contribution). The PEC adds the PC to the baseline deposition/concentrations and factors in any other relevant projects that may affect the assessed sites, so one can see the total forecast future deposition rates/concentrations.
- 3) With regard to the '100% of the critical level/load' criterion, am in agreement with The Woodland Trust that there is no scientific basis for applying such a large threshold for non statutory sites compared to statutory sites.
- 4) With (3) in mind, note that the PC for ammonia and nitrogen deposition at many of the ancient woodland sites (Tolehurst Wood, Grandshore Wood, Duck Pit Wood, Grand Shore Wood 2, Reeves Wood, Saunders Wood and Brewers Wood) is large to very large (e.g. nitrogen doses of c. 1kgN/ha/yr to 16 kgN/ha/yr). Based on the numbers alone, do not think one can robustly conclude that an adverse effect will not occur on these ancient woodland sites. However, further information may assist. In particular, clear isopleth drawings will help to understand the area of each site exposed to a given change in deposition rate and the applicants ecologist can then map the habitats within those sites to determine whether sensitive features are present.

- 7.85 As an example, some woodlands are highly sensitive to changes in nitrogen deposition but others (such as NVC community W7) are relatively insensitive according to APIS.
- 7.86 Support these requests for additional information. Ancient woodland is a priority habitat and the species associated with it in the High Weald (Bryophytes) can be particularly susceptible to atmospheric pollution. The standing advice of Natural England and the NPPF are clear that *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* (para 175c).
- 7.87 **(05/07/19)** - As mentioned the Woodland Trust raise a legitimate concern that there is a possibility of adverse effects on Ancient Woodland including a SSSI. In the absence of any comments from Natural England at the present time LBO has discussed the matter with air quality specialists. Based on that conversation LBO would make the following comments:
- 7.88 While the Trust's statement, that total nitrogen deposition is increasing, is not generally correct (in general it is coming down due to a big fall in NOx emissions), ammonia concentrations and that element of nitrogen deposition that derives from ammonia (reduced nitrogen) is generally static or increasing due to agriculture and ammonia is not only a source of nitrogen but a toxic chemical in low concentrations to lichens and bryophytes, which are often found in ancient woodland and are characteristic of the ancient woodlands in the high weald.
- 7.89 Agree with Woodland Trust in that the EAs standard '100% of the critical level' threshold for deeming acceptable ammonia/nitrogen impacts on local designations and ancient woodland from a single scheme is wholly inadequate to protect those sites and there is no scientific basis for applying this standard in relation to local



rather than national designations especially with regards ancient woodland although the interpretation of whether the resulting effect is ecologically important may differ between different tiers of designation. In this case there are SSSIs and locally important habitats in the area.

- 7.90 It is important to note that the 1% threshold only denotes a proposal might have an adverse effect (it is not a damage threshold), but the exceedances the Trust reference in Appendix 1 of their letter are so far above 1% that unless the applicant can demonstrate the most ecologically sensitive features (e.g. significant lower order plants and a diverse ground flora) are not present in the affected area then it looks as if mitigation to reduce emissions may be appropriate.
- 7.91 In any event some further assessment taking note of these issues is required before determination otherwise not all material matters may not have been considered. Would add that LBO is not an air quality specialist but have had some recent in depth experience of these issues with regards to Ashdown Forest however a requirement of the EIA regulations is that submitted material is reviewed by suitable professionals and it may be that outside expertise will be required in order for the Council to fully discharge its duty in this matter.

## **8.0 APPLICANT'S SUPPORTING COMMENTS (Summary at section 15 of Planning Statement)**

- 8.01 The proposed development is supported in principle by policy CP4 of the development plan and by the NPPF, which provide support to the rural economy. The proposed new buildings will allow the farm to replace the existing sheds which have reached the end of their viable life and facilitate the continued growth of the Fridays business.
- 8.02 The proposal is considered to be in accordance with the Development Plan policies, appropriate in terms of its design and access arrangements and there are no other material considerations that indicate the proposal should be restricted. It is therefore requested that full planning permission be granted subject to appropriate conditions.

## **9.0 BACKGROUND PAPERS AND PLANS**

Application form  
Planning Design & Access Statement April 2019  
DHA\_13628\_02  
DHA\_13628\_03  
Environmental Statement (Non Technical Summary) February 2019  
Environmental Statement February 2019 and all attached appendices  
E-mail from agent 28/05/19 and attached details regarding transport movements  
E-mail from agent 28/06/19 regarding transport movements  
E-mail from agent 28/11/19 to Natural England regarding Ammonia Emissions Report  
*Modelling ammonia emissions at Tolehurst poultry farm* reports November 2019 and February 2020  
Letter dated 09/03/20 regarding Air Quality Impact Assessment  
E-mail from EA dated November 2012  
E-mail from agent 25/03/20 and 4 x attached reports  
E-mail from agent 28/0720 and attached *Tolehurst Woodland Survey* dated July 2020.  
E-mail from agent 28/08/20 regarding Scheduled Monument and attached viewpoints schedule

## **10.0 APPRAISAL**

10.01 The site is outside the Limits to Built Development (LBD) and within the countryside. The main issues are therefore considered to be the principle of the development at this site; landscape, design issues, residential amenity, highways/parking, ecology, impact on heritage assets, drainage and other relevant matters.

**Principle of development including rural economic benefits**

10.02 The site is outside any of the defined LBD where planning policy seeks to promote sustainable and adaptable agricultural sectors while ensuring that new development protects and enhances the environment.

10.03 Core Policies 7 and 14 seek to strengthen the rural economy. Para 83 of the NPPF sets out that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also encourages the development of rural businesses. Agricultural businesses such as this support the rural economy through direct and indirect employment opportunities, enhancement to the existing business and associated rural economic benefits to sellers and suppliers. In addition to this there are the benefits of increased domestic food production.

10.04 This proposal is being put forward both in response to changing market needs and as a way of replacing aged buildings and in so doing adapting working practices particularly in respect to the issue of collecting and disposing of manure. The site as a whole is already in use for this purpose with all the necessary infrastructure in place, but it is acknowledged that there is a 79% increase in floorspace being proposed. The two new buildings are comparable in size to those permitted in 2013 and subsequently constructed.

10.05 The Rural Advisor considers that the improvements to, and expansion of, the Company's chick rearing (allied to other similar developments elsewhere on other Fridays sites in Ashford BC's area) would improve and expand their overall poultry accommodation and egg production. The purpose-designed agricultural buildings, the use of which is inherently linked to the expansion and improvement of this aspect of the Company's farming business, would assist it to remain competitive as a major UK rearer of pullets and egg producer/packer.

10.06 However, it is considered that as this is a proposal that replaces existing facilities the overall principle is acceptable. Any use for outdoor foraging falls within the definition of agriculture at S.336 of the Act and does not amount to a material change of use requiring planning permission.

**Siting and impact on the countryside**

10.07 It is evident that the two proposed buildings are much larger than those currently on site, both in terms of their overall size and their heights. This greater overall size will make them more prominent in their immediate setting. They will be closely visible in views through the hedgerow from public footpath WC158, which runs around the access road forming two sides of the triangular piece of land on which the two sheds will be sited. The hedgerow is however very well established and will largely screen the buildings from view along the majority of the footpath, albeit less so in winter. They will also be visible from the houses in the Tolehurst Farm complex to the immediate east of the two existing sheds; they will be further away than the existing structures, but much larger.

10.08 From longer distances the site is screened by existing woodland to the south; from the north and north west the flatter nature of the landscape gives the site a surprising

amount of seclusion. Hedgerow and trees forming field boundaries, particularly to the east, also provides screening. The proposal also includes the removal of the existing poultry houses, which weighs in its favour.

- 10.09 The removal of the two derelict buildings and their replacement with two much larger structures would thus have material impact on the wider landscape, albeit very much localised to views from the PROW/internal roadway and the nearest houses to the east. These can be addressed to a degree through new landscaping. It is therefore considered that although there would be some increase in prominence this is only localised, and the buildings are of a design typical of modern agricultural/poultry structures. They would ultimately not have an appearance which is out of context with this site or the wider landscape.

#### **Highway safety and parking**

- 10.10 The proposals are considered, based on the numbers submitted by the applicant, considered to result in a negligible number of additional vehicle movements on the road network (1.5 daily on average). The access point on to the highway serves a number of dwellings, a garden centre and the other existing farm buildings. The 2013 permission also provided a new network of internal roadways which have been constructed. It is not anticipated that the rise in activity and changes to vehicle movements and pattern of movement would result in a significantly worsened situation to the one that exists in terms of the movement of traffic on the access roads, nor on the A229 junction. KCC Highways raise no objections.

- 10.11 Employment numbers associated with this type of agricultural use are very limited and there is a hard surfaced area next to the building which is available for ad-hoc parking.

#### **Environmental issues**

- 10.12 One concern that is often raised regarding this type of application is the prevalence of flies and odours originating from the existing buildings. As mentioned previously, the group of dwellings at Tolehurst Farm and along the access road are generally to the east of the existing and proposed poultry buildings.
- 10.13 Fly problems are generally a result of the design of the existing buildings which use a deep pit manure storage system whereby the manure builds up on the floor of the sheds beneath the perches. This only allows for the removal of manure when the hens are removed from the sheds at the end of the cycle, approximately once per year. Most fly nuisance is associated with manure movement, storage and spreading. In respect to odours these currently tend to reach a peak when the buildings are cleared of hens and the built up levels of manure are removed. In addition the design of the existing sheds is considered to contribute to the problem through poor ventilation.
- 10.14 The new rearing sheds will be fitted with belt clean manure removal systems, which essentially acts to dry out any bird droppings and minimise odour (in contrast to the deep pit manure system of the existing rearing sheds). Manure will be subsequently removed from the site twice weekly and disposed of in accordance with the terms of an Environment Agency permit. After the removal of all the birds from the shed (at the end of each 16/17-week cycle), any remaining litter will be loaded into trailers, covered and removed from the site. This is the same system approved for the new poultry houses approved in 2013 on this site. It will be disposed of by means of transfer to the Fridays Anaerobic Digester facility being constructed at nearby Knoxbridge Farm where it is converted into an odourless agricultural fertiliser. The new buildings will also be fitted with an air re-circulatory system and grey CL 600

exhaust chimneys or equivalent to reduce further the possibility of odour escaping from the buildings by controlling emissions.

- 10.15 A formal odour modelling exercise has been undertaken and presented in Appendix 6 of the ES. The modelling predicts that, even at the highest stocking densities at all of the discrete receptors considered, the odour exposure would remain below the Environment Agency's benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. Modern rearing and laying houses generate significantly less odour than older deep pit house systems. The ES goes on to list best management practices based on the Defra Code of Good Agricultural Practice (July 2018)
- 10.16 The Environment Agency has raised no objections in respect to the application. Mid Kent EP advise that the ongoing management of the site should be covered by the Environment Agency permit, that modern poultry houses carry a much lower risk of fly infestation due to manure being taken from site at intervals shorter than the fly breeding cycle and that they have no reason to disagree with the assessment. EP recommend various conditions, which are included below.

#### **Impact on residential amenity**

- 10.17 As discussed previously in this report this application proposes modern larger buildings on this site which will have some impact on the views, but not outlook from the nearest of the adjoining dwellings. The distances between buildings and houses are considered to be significant (the closest being over 180m away, excluding the employee-occupied mobile home 50m away) and the overall height of the new buildings is limited. There would be a greater impact on the occupier of the nearby mobile home, however they are an employee of the farm and that permission is only a temporary one until 2023.
- 10.18 Two outdated buildings would be removed from the site and two new buildings with accompanying improvements in the management of waste are proposed which, in turn improves the performance in respect to odour control and the problem of flies. Traffic accessing the proposed development is not considered to rise to a level whereby an objection could be maintained.

#### **Impact on Ancient Woodland and ecology**

- 10.19 The impact from the proposed development upon ecology is complex and potentially affects multiple ecological interests. As set out in the ES Poultry units can have an impact on ecology in three ways, namely:-
- a) The site of the new buildings removing habitat, especially any elements constructed on previously undeveloped land.
  - b) The impact on species that might use the site temporarily or immediate surrounding area.
  - c) The impact of emission on sites of ecological interest further afield, principally ammonia.
- 10.20 In terms of a) and b) a Phase 1 Habitat Survey and assessment has been undertaken. The Phase 1 survey summarises that the site comprises a mosaic of habitats including broadleaved woodland, bare ground, buildings, tall ruderal, improved and semi-improved grassland and intact species poor hedging and trees. The ecological value of the footprint of the demolition and construction areas was judged to be low whilst the boundary habitats are of moderate to high ecological value.

- 10.21 Based on the habitat types present, the survey considers that the site has potential to support the following protected species or groups of species: invertebrates (common and widespread species), breeding birds, terrestrial mammals, foraging/commuting bats, roosting bats and reptiles.
- 10.22 The survey found little potential for Great Crested Newts; bat potential was limited to the woodlands, as opposed to the buildings; no evidence of badgers; limited impact on birds relating to loss of nesting habitat, which could be mitigated by additional native planting and bird boxes to provide nesting opportunities (plus avoiding the bird nesting season 1st March to 15th September). No impact on aquatic life or dormice was judged to be likely with limited reptile habitat proposed to be lost. In respect of all matters except those directly linked to ammonia/nitrogen deposition, a standard ecological mitigation and enhancement condition (requiring net gain) can be used. Insofar as it relates to the above matters, net gain can be derived largely from additional native species planting.

*Ammonia and nitrogen deposition*

- 10.23 The main concern that has arisen during the course of this application falls mainly within c) - the impact of emission on sites of ecological interest, principally ammonia. This includes the impact on the area of Ancient Semi Natural Woodland (ASNW) to the immediate south and SSSIs beyond the site.
- 10.24 Broadly, ammonia concentrations and that element of nitrogen deposition that derives from ammonia (reduced nitrogen) is generally static or increasing due to agriculture. Ammonia is not only a source of nitrogen but a toxic chemical in low concentrations to lichens and bryophytes, which are often found in ASNW and are characteristic of the ancient woodlands in the high weald.
- 10.25 Fridays have provided a report which is at Appendix 7 of the ES. This was prepared for the variation to their IPPC permit, which is a separate regulatory process operated by the Environment Agency pursuant to the Environmental Permit 2010 Regulations (as amended in 2013, 2014 and 2015). As made clear by the Woodland Trust and supported by the Council's Landscape & Biodiversity Officer, that process and the thresholds it uses do not provide a suitable basis to allow the Council to fully consider the impact on ASNW. There is limited guidance on how to address these complex matters for such situations and this has led to significant delays in the determination of the application.

*Sites of Special Scientific Interest (SSSIs)*

- 10.26 There are three SSSIs that could potentially be affected by the development; Marden Meadows SSSI (4.7km away), The River Beult SSSI (4.4km away) and Park Wood SSSI in Sissinghurst (2km away). The specific issue of SSSI impact has been commented upon by both Natural England and the Council's Landscape and Biodiversity Officer.
- 10.27 Natural England initially objected (25/07/19) to the application on the basis that impacts towards the two furthest SSSIs were not evaluated by the applicant. Concerns were also raised regarding the methodology behind the modelling work in the report *Modelling ammonia emissions at Tolehurst poultry farm* (November 2018) submitted as Appendix 7 of the ES. An updated report dated November 2019 was then submitted and reviewed by Natural England, who commented in January 2020 that they consider the proposed development will not damage or destroy the interest features for which the site has been notified and have withdrawn their objection.

*Ancient Semi-Natural Woodland (ASNW)*

- 10.28 Comments have also been received from the Woodland Trust who have maintained their objection to the application. Their comments are targeted towards wider ASNW impact rather than the narrower scope of Natural England towards ASNW SSSIs.
- 10.29 The Woodland Trust considers that an application must be able to demonstrate that any resulting increase in the levels of ammonia and nitrogen deposition will be insignificant (<1% of what is termed the 'critical levels and load') at all ancient woodland sites. It is important to distinguish between a critical load and a critical level. The critical load relates to the quantity of pollutant deposited from air to the ground, whereas the critical level is the gaseous concentration of a pollutant in the air. When such pollution exceeds certain levels ('critical levels and load'), it is damaging to biodiversity. The contribution of the proposed development exceeds 1%. The latest modelling results in the report *Modelling ammonia emissions at Tolehurst poultry farm* (November 2019) show significantly higher loads.
- 10.30 The Woodland Trust argue that there are over 100 areas of ASNW within 5km of the application site, and the critical levels and loads for the closest 10 ASNW of concern show that the critical load for nitrogen deposition is already in exceedance for all ASNW sites in this area. They consider that further significant increases in the levels of ammonia and nitrogen will lead to continued deterioration of ASNW habitat, along with its ecological integrity. This objection was maintained following the submission of the revised November 2019 report based on the 1% exceedance.
- 10.31 The LBO made it clear in earlier comments that the 1% threshold only denotes a proposal might have an adverse effect (it is not a damage threshold). Some ASNW are highly sensitive to changes in nitrogen deposition but others are relatively insensitive. However the exceedances involved here are so far above 1% that unless the applicant can demonstrate the most ecologically sensitive features (e.g. significant lower order plants and a diverse ground flora) are absent from the affected area then mitigation to reduce emissions should then be considered.
- 10.32 In response to this, the applicants commissioned a further Woodlands Survey in July 2020. The four ASNW surveyed were Tolehurst Wood (the closest, to the immediate south), Reeves Wood, Saunders Wood and Brewers Wood, all of which border Tolehurst Farm. The main purposes of the survey were twofold: (1) to establish the current botanical quality of the woodlands in terms of vegetation community, species composition and any obvious signs of degradation and (2) to assess the implications of aerial emissions from the proposed poultry farm buildings with respect to the vegetation recorded. Woodland Trust object to the 'scoping out' of woodland beyond this however the applicant has only included those on which there would reasonably be considered to be the greatest impact.
- 10.33 All four ASNW were found to be entirely typical of the area and consisted of characteristic canopy and field layers. The lower plant assemblage was also found to be entirely typical and characteristic of southern and eastern England. It was species-poor and comprised a suite of nitrogen-loving species. No sensitive species of lower plant were recorded. The report summarises that the proposed development will not have any material adverse effect on either the woodland vegetation or the lower plant assemblage.
- 10.34 The Council then sought specialist external advice on the survey, which is repeated in the comments of the LBO dated 7 August 2020. The consultant concluded that while they were not convinced that only the edges of the four woodlands will be affected by increased ammonia and nitrogen deposition, most of the harm to these woods has already occurred (i.e. domination of botanically poor woodlands by

nitrogen-loving species). That may not be entirely attributable to local sources of ammonia, for example where tree felling and replanting have occurred.

- 10.35 The consultant advises that forecast ammonia and nitrogen doses are large to very large (e.g. nitrogen doses of c. 1kgN/ha/yr to 16 kgN/ha/yr). Making the air quality situation significantly worse the applicant could be argued to be impeding any possible future recovery of the lower plant flora. However, the existing ammonia concentrations and nitrogen deposition rates, plus the influence of surrounding farmland, are probably already so high that it would be very difficult to ever achieve the necessary lowering of existing exposure to below the critical loads and levels. In terms of impacts upon existing value rather than restoration potential the increase in pollution, while large, would probably not materially change the botanical composition of the woodland flora.
- 10.36 In their most recent comments the Woodland Trust continues to object to the scheme. However, they do not explain why they disagree with the applicant's commissioned survey's findings or methodology and the independent professional opinions of the consultant commissioned by the Council (who is one of the UK's leading specialists in this area). In the absence of any such evidence and the advice of the specialist consultant examining the proposal on behalf of the Council it is considered that there is insufficient evidence to justify a reason for refusal on this ground. The reference to Natural England guidance is noted however NE have not objected in regards to the SSSIs, nor have they invoked their own standing advice in defence of the SSSIs. As previously stated the surveying gives the worst case results and a line needs to be drawn somewhere with regards to what ASNW areas can reasonably be studied. In addition, Fridays do not own the ASNW beyond the four referred to in their report and thus cannot manage it. Ultimately (and largely because of the condition of the four surveyed woodlands) the effect is negligible, regardless of the percentages involved.
- 10.37 On this basis, and giving significant weight to the professional views of the external consultant and the Council's Landscape & Biodiversity Officer, the matter has been thoroughly investigated and the material affect of the proposal on woodland flora, taking account of the site context and existing high rates of ammonia concentrations and nitrogen deposition is likely to be negligible (and not cause a significant adverse impact). To ensure pollution rates are kept to a minimum the proposed on site mitigation measures (namely details of the collection of manure which in turn mitigate odour/fly etc. impacts) are proposed to be secured by condition.
- 10.38 As stated earlier, consultations have been undertaken on the final July 2020 Woodlands Survey and the overall consultation period expires on 2 September 2020, with the Council free to determine the application (i.e. issue the decision notice) on 9 September 2020. Any consultation replies received after publication will be verbally reported to Members at the Committee meeting.

## **Heritage**

### *Listed building*

- 10.39 Para 192 of the NPPF states that Local Planning Authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality is highlighted, as is the desirability of new development making a positive contribution to local character and distinctiveness.

- 10.40 Paras 195 and 196 require a balance of public benefits to be applied should new development be considered substantive in harm, or less-than-substantive, to the significance of a heritage asset. Impact on listed buildings falls to be considered more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's rural environments.
- 10.41 The Conservation Officer considers the proposal would have no impact on the significance of the non-designated heritage asset of the farmstead, nor the setting of the listed farmhouse to the SE.

*Archaeology*

- 10.42 KCC Heritage does not raise objections and the recommended archaeological condition is proposed to be added.

*Scheduled monument*

- 10.43 With regards to the Scheduled Monument to the north in Maidstone BC's area, this is an example of a Moot feature. These were open-air meeting places in Anglo-Saxon and medieval England set aside for use by courts and other bodies who were responsible for the administration and organisation of the countryside. They were located at convenient, conspicuous or well-known sites, so the open space around them is an important consideration and can contribute to their significance. They are a comparatively rare and long-lived type of monument and the earliest examples will be amongst a very small range of sites predating the Norman Conquest which survive as monumental earthworks and readily appreciable landscape features. On this basis, all well preserved or historically well documented moot mounds are identified as nationally important (as are all listed buildings).
- 10.44 The application does not give rise to a need for Scheduled Monument Consent from Historic England as 'Works' (defined by legislation as demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or tipping material onto the monument) to the Moot are not required.
- 10.45 Aside from potential archaeological impacts (already addressed above), there is a need to consider whether the proposed development has any impact on the elements that particularly contribute to the significance of the monument. It is noted that the applicant has not undertaken a formal heritage assessment regarding the impact of the development upon the Moot as referred to in NPPF Para 189. However this in itself is not a reason to refuse an application and series of views around the Moot have been provided.
- 10.46 NPPF Para 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. NPPF Para 190 states LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.47 Historic England initially raised concerns at the proposal's impact on the setting of the Moot, specifically the potential for inter-visibility and the lack of a Heritage Statement. They have not however undertaken a site visit. The Moot is entirely overgrown with well-established trees, leaving the earthworks virtually unseen from outside. Both the case officer and the agent have extensively walked and viewed the site from both public footpaths (WC158, which runs around the northern edge of the



land for the proposed poultry houses; plus WC137, which runs east-west to the immediate south of the Moot) and other surrounding fields to the north of the application site. The agent submitted a series of photographs from various viewpoints between the Moot and the application site

- 10.48 The demolition of the existing poultry houses would offset the volume of built form near the Moot. The land would also continue to be used for agriculture, as opposed to residential or commercial uses which would have a greater impact on the setting of the wider landscape and Moot. The land on which the proposed poultry houses are sited is also somewhat divorced from the landscape to the north by the internal bound tarmac roadway and hedgerow. There is also high modern fencing to the south side of the application site.
- 10.49 To the immediate north of the proposed poultry houses is tall, well established native species hedgerow and trees on both sides of PROW WC158. There is a further thick, well established belt of trees and hedgerow alongside the stream to the south of the Moot, plus other intervening field trees between the two PROWS. The landscape is quite flat at this point; nevertheless, as highlighted earlier in this report the effect of the intervening vegetation is to place the site of the proposed poultry houses in a secluded location and limits views of them to the extent they would be virtually unseen from anywhere near the Moot, or in views towards the Moot from the east/west. There are gaps in the existing hedgerow which can be infilled with new hedgerow/tree planting; this can be secured by condition as well as the retention of existing vegetation to maintain the visual break and separation between the development and the Asset. Historic England consider some views of the roofs may be possible but this can be mitigated through appropriate materials. Owing to these extensively planted field boundaries, inter-visibility between the Moot and the proposed poultry houses is not considered to be a significant issue and HE confirmed this in their last consultee reply.
- 10.50 At its worst, in winter when there are less leaves on the intervening trees/hedging, there may be a small level of inter-visibility which would result in a very low level of less than substantial harm. However, as per NPPF Para 196, the public benefits of the proposal are considered to outweigh this. These are the development of the existing agricultural enterprise and the associated direct and indirect rural economic benefits plus the contribution to domestic food production and wider commercial food supply benefits as set out earlier in this report.

#### **Reasonable alternatives to the proposed development**

- 10.51 The EIA Regulations require an ES to include a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.
- 10.52 In this context the main alternatives are different sites for the proposed buildings. Fridays own a number of sites across south-east England, including Knoxbridge Farm which is 1km to the north east. The planning constraints upon Knoxbridge Farm are similar to those at Tolehurst Farm, except the site is further from the Scheduled Monument and not directly adjacent to an area of Ancient Semi Natural Woodland. That site has also been comprehensively re-developed in the last 10 years.
- 10.53 The development also takes advantage of the existing infrastructure at Tolehurst Farm such as internal roadways etc., along with proximity to the anaerobic digester at Knoxbridge Farm. It is therefore logical to site the development here, where

comparable development was permitted in 2013. The applicant also considers that it is necessary to keep them separate and away from the laying sheds and associated grazing areas.

- 10.54 It is not considered, given the scale of the proposed buildings, there are sites any better than those proposed. The assessed impacts upon heritage impacts and ASNW above are very limited in any event.

**Other matters**

- 10.55 The KCC Public Rights of Way Officer considers there would be no adverse impact on the PROW running adjacent to the site.
- 10.56 A condition has been added to require the removal of the buildings in the event they become redundant. These are very large structures which are only acceptable largely due to the agricultural and rural economic justifications cited by the applicant. This will avoid the risk of two large buildings which are comparable to warehouses in size and scale being left unused in the countryside. A similar condition was used on the 2013 permission.
- 10.57 Southern Water raise no objections. KCC Flood and Water Management recommend conditions; the Environment Agency has not objected on flood risk grounds.
- 10.58 Pre-commencement conditions 9 and 18 listed below have been agreed by the agent in accordance with section 100ZA (8) of the Town and Country Planning Act 1990.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

*Three year implementation*

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

*Approved plans*

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

DHA/13628/01, DHA/13628/04, DHA/13628/05

Reason: To clarify which plans are approved.

*Demolition of existing buildings*

- 3) Prior to the first use of the development hereby approved (or in accordance with a timetable submitted to and approved in writing by the Local Planning Authority prior to the first use of the development);

- The existing poultry sheds shown for removal on approved drawing DHA/13628/04 shall be completely demolished, and;
- Details of a restoration scheme (including details of hard surfacing removal, restoration of ground levels and re-seeding along with a timetable for implementation) shall be submitted to and approved in writing by the Local

Planning Authority. The area shall then be restored in accordance with the approved scheme.

Reason: To mitigate the impact of the development upon the character of the countryside

*External materials*

- 4) Notwithstanding the submitted plans and documents, written details including source/manufacturer, and photographic samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

*Noise*

- 5) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity and the wider amenity of the area

*Dust, odours and vapours*

- 6) Notwithstanding the submitted plans and documents, full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity, the wider amenity of the area and ecology/biodiversity

*Removal of manure*

- 7) Notwithstanding the submitted plans and documents, prior to the first use of the premises a management scheme for the removal and disposal of chicken manure shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should be based on the recommendations as set out in the document '*A Dispersion Modelling Study of the Impact of Odour from the Existing Free Range Egg-Laying Chicken Houses and the Existing and Proposed Pullet Rearing Houses at Tolehurst Farm, near to Cranbrook in Kent*' dated 3rd December 2018 (Appendix 6 to the submitted Environmental Statement dated February 2019). The approved scheme shall be implemented on first use of the buildings hereby approved and shall thereafter be retained.

Should the approved scheme subsequently

Reason: In the interests of residential amenity, the wider amenity of the area and ecology/biodiversity

*Lighting*

- 8) Notwithstanding the submitted plans and documents, no external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the first use of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential amenity and to mitigate light pollution in a rural area

*Construction Management Plan*

- 9) Notwithstanding the submitted plans and documents, prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of residential amenity. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

*Contamination*

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

*Archaeology*

- 11) Notwithstanding the submitted plans and documents, no development (excluding demolition of the existing poultry houses down to ground level, but excluding removal of the concrete base or surrounding hard surfacing) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

*SUDS scheme*

- 12) Notwithstanding the submitted plans and documents, no development (excluding demolition of the existing poultry houses) shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

*SUDS maintenance*

- 13) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional,

has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

*Foul water disposal*

- 14) Notwithstanding the submitted plans and documents, prior to the commencement of development (excluding demolition of the existing poultry houses), means of foul water and sewerage disposal (which have been designed in consultation with Southern Water and the Environment Agency where necessary) shall be submitted to and approved in writing by the Local Planning Authority.

These details should include the size of any individual cesspools and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority. The development shall only then be carried out in accordance with the approved details.

Reason: To provide adequate disposal methods for foul water and to prevent pollution

*Renewable energy*

- 15) Notwithstanding the submitted plans and documents, prior to any above ground construction works of the buildings hereby approved, written and illustrative details for renewable energy technologies associated with the development shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure the development incorporates renewable energy technologies and therefore assists in meeting energy needs for future generations

*Removal of redundant buildings*

- 16) Should the agricultural use of the buildings hereby approved permanently cease, then unless agreed otherwise in writing by the Local Planning Authority, the buildings shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 6 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside

*Landscaping*

- 17) Notwithstanding the submitted plans and documents, prior to first use of the development hereby approved, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation programme.

All new planting comprised in the approved details of landscaping shall be carried out in accordance with the planting programme, and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

*Biodiversity mitigation and enhancement*

- 18) Notwithstanding the submitted plans and documents, prior to development commencing, a scheme for the mitigation and enhancement of ecology and biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally in accordance with Paragraph 170 of the NPPF which requires a net gain from development. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future.

**INFORMATIVES**

N/A

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.