

From: Rosalind Bradbury [REDACTED]
Sent: 11 October 2021 10:57
To: Smart, Chloe <Chloe.Smart@herefordshire.gov.uk>
Subject: Application 213042 Green Farm Lyonshall

[REDACTED]

Dear Ms Smart

Attached are comments on **Planning Application 213042**; these are submitted on behalf of the Executive Committee of Herefordshire CPRE

We trust that our comments will be taken into account when you assess the application

Yours sincerely

Ros Bradbury

Planning Application 213042

Hybrid planning application: Full planning application for the erection of a new poultry site with solar panels, associated buildings & development and connection to the A480. Outline planning application for a poultry managers' dwelling including Access and Layout with matters of appearance, landscaping and scale reserved.

Land forming Green Farm, Lyonshall, Kington HR5 3JY

Dear Ms Smart,

The comments that follow are submitted on behalf of the Executive Committee of Herefordshire CPRE and are to support a **strong objection** to the proposed development.

General

The Application Form submitted and signed by the applicant Mr. K. Hern, dated 02.07 2021, and information given on documents submitted by Berrys are discrepant.

- a) Mr. Hern has stated in two places on the Form that one of the buildings to be constructed on the site is a *biomass boiler and service building* yet Berry's Design & Access Statement reports that there will be no biomass boilers, and that this is a change from the previous application, **182726/F**, that was refused in 2020.
- b) On the Form it is also stated that the buildings and their roofs will all be coloured *juniper green*, yet the recommendation in App 3, Colour Assessment, is to use *olive green* as being less obtrusive.
- c) On the Application Form, no Agent is identified, yet Berrys in several documents, state that they are acting as Agents for Mr. Hern.

There needs to be a clarification of what is being applied for to enable comments to be addressed to a correct version. Since most of the documents appear to have been submitted by Berrys my comments will address those.

The proposal is to erect 6 broiler houses with solar panels on the south facing roofs, 18 feed bins, a covered yard area, a weigh bridge and shed, space for 2 groups of gas tanks, a generator cabin, 3 underground dirty water tanks, one above ground water tank, a dead bird shed and an attenuation pond. In addition, 4 hard-surfaced access roads and a manager's dwelling are proposed. The broiler houses will contain a total of 312,000 birds in each of 7.7 cycles per year; the output therefore could be 2,402,000 broilers per year, although some mortality is to be expected and so reduce the final numbers in each flock.

The applicant already has 6 further broiler units approximately 1.5 km north of the Green Farm site; they hold 275,000 with 7.5 flocks per year, yielding a total of 2,062,500 before in-shed mortality.

If the proposed new units were to become operational the total output from the 2 sites would be over 4 million broilers per year.

Pre-application advice?

The applicant indicates that this had been obtained; I understand that there is no requirement for it to be made public. However, the wisdom of not doing so is questionable since a very similar application was submitted and refused last year. The present application has more supporting documents claiming that the proposed development is acceptable in all respects, but such claims can be shown to be unjustified.

Location.

The development site is a small area of land on the western edge of *Crump Oak Wood*, owned by the applicant who does not farm the adjacent land. It is a discrete site, unrelated to any other built forms or to any of the applicant's other operations. It appears to have been purchased for the sole purpose of installing another large intensive poultry complex.

It cannot be deemed to be an instance of farm diversification.

The Environmental Statement (ES) suggests that it is an advantage that the site is isolated "*based on the lack of nearby environmental designations and that residential occupiers are over 400m..*" distant. That statement can be challenged; other documents show that there are designated sites within the orbit of predicted

emissions and there are conflicting statements about the proximity of residents. The nearest buildings are those of a small farm unit, less than 400m (approximately 340m when measured on Google maps), although claimed in Berry's Planning Statement to be "over 400m"; other documents give a variety of distances : 400m,450m,and 320m, this latter in the Landscape Report. The Environment Agency's advice is that receptors at any distance less than 400m is presumed to be jeopardized by emissions.

The implication that it is desirable to place large industrial type complexes in a hitherto relatively unpopulated area of open countryside, devoid of other similar structures, can be countered by the argument that the development would be an undesirable visual intrusion in the landscape, and once operational would have deleterious effects on its environment.

Core Strategy (CS) Policy LD1 intends that "*Development proposals should demonstrate that character of the landscape...has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting..*". It appears that no attempt has been made by the applicant to comply with this policy.

Crump Oak Wood

This is a designated Replanted Ancient Woodland and thus, legally, afforded the same protection as designated Ancient Woodland.

In 2016 the applicant felled two broad lines of trees in the woodland in order to construct a new road comprised of hard core and compressed stone chippings; he also removed trees, shrubs and plants on the eastern edge of the woodland where it bordered the A480. The purpose of the road was to provide access from the A480 to the proposed development site. All the work was done without Planning Permission.

It was subsequently Allowed retrospectively but with conditions (**Application P161814/F**).

Condition 5 set out a requirement, a detailed list of new, 'substitute' "*planting of whip oak trees, woodland grass and wild flowers;*"

Condition 6 required "*a habitat enhancement scheme prepared by an experienced woodland ecologist....to enhance the habitat on site for wildlife and biodiversity*".

All the proposed actions to be approved in writing by the LPA.

I have been unable to find any information as to whether or not these conditions have been met. Why are no references made to them in the application documents?

The present application indicates that at least part of the existing road will need to be widened further to allow two HGVs to pass each other and, together with the entry, will be covered in concrete or tarmac.

Two further hard -core based roads are proposed to access the broiler units , plus parking spaces. Together with the hard-standing area surrounding the units and the total floor space of all the proposed buildings a considerable area of ground will be unable to absorb water as at present. What water will flow from the roads and hard-standing will not be completely uncontaminated.

An additional road is proposed to run behind the poultry houses to enable access by HGVs when the rear doors are used.

Vehicles using all four access roads will inevitably raise dust in dry weather, and in every type of weather will emit exhaust fumes from their fuel; nitrous oxides, carbon dioxide and particulates are well-known pollutants and harmful to many life-forms. All vehicles visiting the development will pass through the wood and result in a reduction in air quality. There are some controversial statements about this in the application documents.

For example, "*The track that will serve the proposed poultry site is already in place and runs through the woodland. Consequently no trees or soils is affected by the access*". **E.S. 5.2.9**

I suggest this demonstrates either a belittling of widespread available data or a profound lack of understanding of vehicular pollution, for example verge plants are common habitats for small insects, and the effects of vehicle emissions on many life-forms are well-known.

Biodiversity

The Ecology Report was compiled after a site visit in October last year.

The Ecologist's review of any likely impact on the ecology surrounding the site encompassed a very limited area of land, the area immediately surrounding where the buildings will be erected and the section of Crump Oak Wood on the western side of the A480. It seems that no survey was undertaken of the nearby ponds.

To the east of the site is Broxwood Court, a registered Park and Garden hosting a number of protected species of trees and unimproved grassland. Given its situation in the line of the prevailing wind it has the potential to be harmed by emissions from the development; the report also fails to consider any cumulative impact on Broxwood Court by not recognizing the impacts from the Yeld Farm poultry units situated on the north-western edge of the Broxwood estate.

The Ecologist's report is narrowly focused, the only detailed work appears to have been concerned with bryophytes and lichens in Crump Oak Wood. The conclusion reported that there is an absence of any species with protected status and that the only plant life that might be impacted are *"a small number of common bryophytes and lichens that are of low conservation value"*. Statistically, protected species are less common than all unprotected ones, but if such an unacceptable attitude were to prevail the majority of plant life could disappear. No explanation is offered for failing to consider the effects of emissions, including dust and noise from HGVs and other large vehicles being driven daily on the newly constructed road through the woodland.

CS LD2 intends that *"Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire..."* There is no attempt in the application documents to comply with this policy.

Destination of mature broilers.

No evidence is presented that any contract with any processing company for more than 2 million broilers each year is assured. References are made to Cargill/Avara in Hereford but no documentation is published. It is important to know a destination since it determines the traffic routes of HGVs. If these pass close to dwellings during the night here is a likelihood that people's sleep will be disturbed with consequential effects on their health. The mileage travelled has implications for the consumption of fossil fuel and the quantity of noxious emissions.

The operation of the proposed development and the effect of the traffic generated appear to be contrary to the intention of **CS RA6** which is concerned with protecting the amenity and health of local residents that could be jeopardised by developments in rural areas.

Emissions

Reports of predicted effects from Odour and Ammonia emissions from the site once operating are given in Appendices 6 and 7 respectively, and the conclusions from each are referred to in other documents. The conclusions in both Reports are that the emissions will have no significant harmful effects on any of the sensitive receptors, i.e. dwellings, SSSIs, Ancient Woodlands, LWSites. The Ammonia Report also considers the predicted impacts of the applicant's existing operating poultry site at Yew Tree Farm situated to the north of the present application site and on the western outskirts of Lyonshall village; the authors conclude that four receptors are impacted by the ammonia. One of the four is Lynhales Hall which is a long-standing registered Nursing Home.

It is stated in the Report that all receptors will experience an increase in exposure and effects of the emissions if the present application becomes operational.

It is, in my view, crucial to recognise that both the Reports of the Odour and Ammonia emissions are employing theoretical predictions only on which to base their conclusions. There is a total absence of any objectively obtained empirical data referenced that would validate the predictions.

HCPRE objects to predictions from theoretical models being the **sole bases** for the applicant's assertions on the impacts of ammonia and odour; without validation neither the predictions, nor indeed the soundness of the models can be deemed to be reliable. It is a fundamental principle of a scientific approach that models/theories must be tested against objective data that will support or raise questions about the sufficiency of the models. Without that evidence-based information for the models used the claims made by the authors of the Reports are little better than speculations. It follows therefore that the applicant has not presented any reliably based evidence about the impacts of ammonia and odour on the environment. The Reports fail to provide the necessary evidence to enable Herefordshire Council to allow the proposed development without harming the environment.

Even if we take the conclusions of the Reports at face value there are some major flaws in the material presented. The following are examples;

From page 6 of the applicant's Covering Letter:

"The modelling predicts that contribution to annual ammonia concentration and nitrogen deposition rate would be below the Environment Agency lower threshold percentage of Critical Level/Load which is 4% for a SAC, 20% for SSSI and 100% for an AW/IWS at all the affected wildlife sites. It also confirms that process contribution to annual ammonia concentration and nitrogen deposition rate would be below 1% of the Critical Level and/or Load at all affected statutory wildlife sites".

A 2km radius defined "the area" referred to. No mention is made of other large poultry installation in the neighbourhood.

The sources of the ammonia emissions taken into account in the modelling process are the proposed poultry housing, from the several different types of roof fans including the gable end fans, and the scrubbers on three of the units. No other sources of ammonia emissions feature in the modelling. The emissions at the ends of each cycle when the units are emptied of birds, manure and litter between 7 and 8 times a year are not represented in the modelling; and yet these are the periods when the odour caused by the ammonia is at its strongest and most complained about by people living near similar installations. Nor are any emissions considered from the vehicles removing and transporting the manure from the site to other, unspecified, destinations, nor the emissions when manure is spread on fields, or stored prior to spreading.

It is noted that the baseline ammonia levels used in the modelling are sourced from 2021 APIS data. This can lead to misleading levels as the APIS data are the averages from a three year period preceding 2021, or even earlier. In using average figures without any indication of the variability that they encompass is fairly meaningless and would be unacceptable to competent statisticians; this is one of the fundamental problems in assuming the predictions offered are scientifically reliable or even credible.

No explanation is offered as to why the baseline figures for atmospheric ammonia at some of the receptor sites are not given. A receptor located at the fringe of the area used could well be exposed to emissions from other sources, particularly since Lyonshall is surrounded by five or more other large poultry developments, each with 4 or more units

Odour

The comments made about the modelling of ammonia emissions can be applied to the modelling of odour. While odour *per se* does not have the same deleterious and toxic effects as ammonia most residents living near large poultry units find their amenity badly affected; they cannot enjoy their gardens or open their windows without being assailed by a pervasive stench. Residents of Holme Marsh on the southern end of Lyonshall experience the odour from the applicant's other poultry units in Spond Lane to their north; it is unacceptable that they should be subjected to further waves of odour from this proposed site situated to the south of the village.

Manure.

It is noted that the **ES** fails to mention the production and disposal of the large amounts of manure that will be generated by 7.7 flocks of 312,000 broilers every year.

Appendix 11 Impact Assessment of Spreading Poultry Manure addresses some aspects, but, in my view, hardly warrants being described as an assessment.

The document contains some questionable statements, and there is no review of the content of what is extracted from the units. For example wood chippings are to be used in the housing, but no indication is given of its contribution to the ultimate tonnage of waste that will be exported from the site.

The estimated quantity of manure produced is based on some unattested information from six broiler units near Tewkesbury, (**App 11, 3.2**) without any explanation for not using the guide figures published by DEFRA and others (1,000 emit 1.5 tonnes of manure per month). It is important to have reasonably accurate predictions of the amounts as it will not only affect the quantity of emissions but also the number of HGV loads that will be needed to transport it elsewhere, which will have consequential impacts on traffic density on the routes used.

It is stated that all manure will be transported off the site; it appears that some unspecified amount will be taken by a contractor to farms already receiving poultry manure, although where is unspecified. Are those

farms spreading the manure year on year on the same land, thereby building up layer upon layer of phosphates that can pollute local water courses.?

It is also stated (**App11 3.6**) that local farms, already importing it, will take additional tonnage, when, how much and where are not specified. This is described as being “*no material change*”. How can that be? No satisfactory assessment is given of the effects of the constituents of the manure, other than some references to nitrate leaching.

A glaring omission in all the reports is any account of the amounts of phosphates that will be contained in the manure. Almost every-one in Herefordshire must now be aware of the widely reported current pollution levels in the Wye, and the Lugg, much of it caused by the loss of phosphates from agricultural land. The rivers in the north of the county, the Arrow, the Curl Brook and others whose waters all flow into the Lugg are all polluted. If local farms are going to receive manure from this proposed development how much more phosphates will be end up in neighbouring water courses, all of which ultimately contribute to the disastrous states of the Lugg and the Wye?

There are no indications in the application documents that proof has been obtained that no further adverse effects on the SAC, the Wye, will result either directly or indirectly from this proposed development.

The proposal does not comply with **CS SD4**.

It is also unclear how the Council can be confident that the proposed development can satisfy the **Habitats Regulations**.

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Cumulative Impacts.

The application documents deal with the pollutants that will be generated by the proposed intensive poultry unit(IPU) installation in isolation from each other. So the likely impacts of dust, aerosol emissions, ammonia, odour, vehicle exhausts, noise, manure and dirty water are considered separately. However, they do not occur separately so their combined effects worsen the situation; even if they occurred in some sequential way there could still be overlap.

There will be cumulative impacts within the development site and outside it. Outside the site there will be cumulative impact with other nearby poultry units and some other types of activity.

There has been a very large increase in the number of IPUs, both broilers and egg-layers operating in Herefordshire during the last few years; it is estimated that there are about 16 million chickens at any one time in the county. Some areas have a higher density of units than others; Lyonshall village is in the centre of a cluster, with IPUs to the north, west and east of the village and, if the current application is allowed, from the south also. Each new IPU adds to the impact on the amenity of local residents; this particular IPU will also impact directly on residents in Woonton and Almeley. Amenity is not degraded solely by unpleasant smells, but also by dust and noise from heavy vehicles negotiating often narrow lanes.

The proposed development does not comply with **CS Policy SD1** “*Development proposals should create safe, sustainable , well-integrated environments for all members of the community*”

Lyonshall Neighbourhood Development Plan (2019) illustrates the experience and feelings of local people about the IPUs. “*The Parish contains several large broiler units whose environmental effects are felt by many residents.....there is a growing opinion in the parish that saturation point has been reached*” **3.2.11**

There is no compensation since an IPU has a minimal workforce. IPUs are industrial installations and the location of this proposed one is going to exacerbate the problems of an area already over-exposed to the undesirable consequences of IPUs.

The proposal does not allow the Council to comply with the requirement of the **NPPF (2021)** in particular, Section 15 Conserving and enhancing the natural environment:

“*Planning decisions should contribute to and enhance the natural and local environment*”

And “ *Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...*” **185**

Climate change

In 2019 Herefordshire Council declared a Climate and Ecological Emergency in which, *inter alia*, everyone is encouraged to consider how their current and future activities can be modified or ceased so as to reduce the

level of global warming. There is no indication in the application documents that this injunction has been addressed.

Summary

The application does not meet either the principles or requirements of CS and NPPF Policies: CS Policy SS6 Environmental quality and local distinctiveness

CS Policy SS7 Meeting the challenge of climate change

CS Policy LD2 Biodiversity and geodiversity

CS Policy SD1 Sustainable design

CS Policy RA6 Rural economy

NPPF Section 15

Failure to comply with Planning Policies suggests that the application should be refused.

(Mrs) R. Bradbury on behalf of Herefordshire CPRE

Rose Cottage, Bradnor Green, Kington HR5 3RE